

ANCORA IMPARO: THE HISTORICAL ROLE OF THE LAW REVIEW IN UNIVERSITY SCHOLARSHIP

MARILYN PITTARD AND PETER HEFFEY*

The Monash University Law Review celebrates its 30th anniversary in 2004. This article traces the historical development and scholarly contribution of the Law Review since its inception in 1974 and where appropriate places this in the wider context of developments concerning issues facing university law reviews today. It examines the governance of the Review, in comparison with the diverse models of other Australian university reviews, the categories of its authors and the topics they have explored in illuminating legal debate, the evolution of its cover design, its sources of support and sponsorship, its annual celebratory dinner speech, and its future. Following surveys of data, and research, relevant data, set out in tabular form, is provided in respect of various matters including the following comparative matters: the chronological order for commencement of Australian mainstream university law reviews; comparative governance models of Australian law reviews; and online accessibility of law reviews in Australia.

University law reviews have become an entrenched and valued part of the scholarly, academic and collegiate life of law schools in Australia. The Monash University Law Review,¹ celebrating its 30th anniversary in 2004, aims to enlighten the legal community by providing a forum for scholarly discourse. In so doing it adheres to the philosophy enshrined in its University's motto: Ancora Imparo ('I am still learning').² The Law Review also plays an educative role in the lives of our academically outstanding students by providing them with substantial editorial experience.

This article examines the role of the Law Review and considers its governance compared to that of other university reviews, the themes it has explored, the contribution made by its authors, the sponsorship and support it has received, and the future that it faces. Comparative data of law reviews, their differing models of governance and their availability online have been researched and tabulated. In drawing these comparisons, the focus of this article is on mainstream university law reviews.³ Wider issues of the burgeoning numbers of university

* Faculty Advisors to the *Monash University Law Review*, Professor of Law and Fellow of the Faculty, respectively, at the Faculty of Law, Monash University. The authors are very grateful to Emma Pelka-Caven for undertaking research for this article. The tables and appendices represent the position up to and including Volume 28, and July 2003.

¹ 'Law Review'.

² This Italian expression is attributed to Michelangelo Buonarroti (1475-1564). See Louis Matheson, *Still Learning* (1980) xi.

³ The role of law reviews generally has been considered elsewhere and this article does not address this issue.

law reviews and the impact of computer technology on the publication of Australian university law reviews are noted.

I IN THE BEGINNING

The first edition of the *Law Review* was published in 1974. This was 10 years after the foundation of the Monash University Law School itself in 1964.⁴ Seven university law reviews were in existence in Australia at that time. They emanated, for the most part, from law schools which had been founded very much earlier. A journal known as *The Summons* had been established within the University of Melbourne Law School as far back as 1891.⁵ This publication lasted until 1903. It was followed by *Res Judicatae*⁶ in 1935, and renamed *Melbourne University Law Review* in 1957. From the 1940s through the 1960s, law reviews were established by law schools at the universities of Queensland, Western Australia, Sydney, Tasmania, Adelaide and the Australian National University (ANU).

After the establishment of the *Law Review* in 1974, the University of New South Wales followed suit in the following year. Subsequently, some 15 further mainstream law reviews were established around the country. Eleven of the mainstream university reviews were established in the last decade, so that the great burgeoning of the law review as an institution took place in the last 10 years. **Table 1** sets out the chronological order for commencement of such reviews. Many universities have produced more than one journal devoted to legal matters and specialist journals have proliferated.

The establishment of the *Law Review* in the mid-seventies was a significant step in the overall development of the Monash Law School. Although the Monash Law School was only 10 years old, it had already grown to become the largest law school in the country. It needed a medium through which its staff and students could signal their pursuit of scholarly excellence. It was hoped that the establishment of the *Review* would, in the words of the first editor

offer another avenue to teachers, practitioners, administrators and students, to discuss important and current questions of law reform, and to write on subjects that will increase the knowledge and awareness of the legal profession in our climate of ever-increasing change.⁷

⁴ For a history of the early years of the Monash Law School, see Peter Balmford, 'The Foundation of the Monash Law School' (1989) 15 (Nos 3 and 4) *Monash University Law Review* 139. For a general history of Monash University, see Simon Marginson, *Monash: Remaking the University* (2000).

⁵ The Articled Law Clerks' Society of Victoria published *The Summons*.

⁶ The Law Students' Society of Victoria published *Res Judicatae*.

⁷ Robert Baxt, 'Editorial' (1974) 1 (No 1) *Monash University Law Review* 1, 2.

To this end it was proposed to publish the Review twice yearly.

The first editor of the *Law Review* was Professor Robert (Bob) Baxt. He was also editor of several subsequent volumes of the *Law Review*, and later Dean of the Law School. Bob has contributed an article entitled 'Corporate Governance - Is this the Answer to Corporate Failures?' to the current issue. The Assistant Editor of the first two volumes of the Review was Bob Williams. He was later co-editor with Bob Baxt of several subsequent volumes. As a student, Bob Williams was actually in the first graduation class of the Monash Law School in 1968, and later rose to the rank of Professor and then Dean of the same Law School. He has contributed an article to the current issue entitled 'Reining in the Concept of Appropriation in Theft'. Another distinguished member of the original editorial committee, Professor (and judge) C G Weeramantry has also contributed an article to the current issue. It is entitled 'Insights for International Law from Religious Reflections on Peace'.

Table 1: Chronological Order for Commencement of Law Reviews

No	Year	Review
1	1935	<i>Res Judicatae</i> (now <i>Melbourne University Law Review</i>)
2	1948	<i>University of Queensland Law Journal</i>
3	1948	<i>University of Western Australia Law Review</i>
4	1953	<i>Sydney Law Review</i>
5	1957	<i>Melbourne University Law Review</i> (formerly <i>Res Judicatae</i>)
6	1958	<i>University of Tasmania Law Review</i>
7	1960	<i>Adelaide Law Review</i>
8	1964	<i>Federal Law Review</i> (Australian National University)
9	1974	<i>Monash University Law Review</i>
10	1975	<i>University of New South Wales Law Journal</i>
11	1983	<i>Law in Context</i> (La Trobe)
12	1985	<i>Queensland University of Technology Law and Justice Journal</i> (then known as <i>QUT Law Journal</i>)
13	1989	<i>Bond Law Review</i>
14	1992	<i>Griffith Law Review</i>
15	1993	<i>E Law - Murdoch University Electronic Journal of Law</i>
16	1994	<i>James Cook University Law Review</i>
17	1994	<i>Canberra Law Review</i> (ceased publication 1998)
18	1994	<i>Australasian Journal of Natural Resources Law and Policy</i> (Wollongong)
19	1995	<i>Flinders Journal of Law Reform</i>
20	1995	<i>Newcastle Law Review</i>
21	1996	<i>Deakin Law Review</i>
22	1997	<i>Southern Cross University Law Review</i>
23	1997	<i>Macarthur Law Review</i> (now <i>University of Western Sydney Law Review</i>)
24	1998	<i>LAWASIA Journal</i> (Northern Territory University)
25	1999	<i>University of Notre Dame Australia Law Review</i>
26	2001	<i>Macquarie Law Journal</i>
27	2001	<i>University of Western Sydney Law Review</i> (previously <i>Macarthur Law Review</i>)

Most of the publications listed above could be described as mainstream law reviews. However, a large number of universities have more than one publication. For example, Bond University has the *Bond Law Review*, the *Revenue Law Journal* and the *High Court Review*, while Melbourne University recently introduced the *Melbourne Journal of International Law*.

II GOVERNANCE AND STANDARDS

The *Law Review* was initially run by an editorial committee comprising both staff and students, and headed by a member of staff. It was intended from the outset, however, that in due course the running of the *Law Review* would be handed over to student editors and a student committee working with faculty advisors.⁸ This happened after a relatively short time. By 1980, the first student committee was in place, the first student editors being Robert Sadler and Brian Simpson. The last staff editor, Arie Freiberg, now became the first faculty advisor (Arie went on to have a distinguished academic career culminating in his appointment as Dean of the Faculty in 2004). Since 1980, there has been a stream of clever and industrious student editors (usually two per year) who, together with their committee, have worked on a voluntary basis to produce two issues of the Review every year. The students have been and continue to be appointed on the basis of high academic merit. In undertaking their duties, they become an integral part of a community that comprises students, teachers, authors, referees, practitioners and scholars.⁹ They have contributed in a most significant way to establishing and maintaining the Monash Law School's fine reputation for scholarship both nationally and internationally. In recent times, the editors have become eligible to receive credit for an optional subject towards their law degree. A list of editors by year is contained in **Appendix A**.

The idea of student-run law reviews derives, of course, from the United States. The *Harvard Law Review* was established in 1887, and hundreds of American Law schools later followed this model. In Australia, the idea caught on at several universities. For example, *Melbourne University Law Review* has been run by students since 1957.¹⁰ But there are other models. *Sydney Law Review*, for example, is run by a mixture of staff and students. At Monash, because most student editors hold office for only one year, the involvement of staff members as advisors has helped to ensure continuity, as well as monitoring quality. The practice of faculty advisors has been to serve their term for lengthy periods.¹¹ It is interesting to note that the practice in the United States has influenced the law schools in Australia to involve students, and that the United Kingdom model for law reviews in this respect was not generally followed (for example, the *Law Quarterly Review* and the *Cambridge Law Journal*). We have surveyed the models of governance of university law reviews in Australia. The variety of such models listed in **Appendix C** suggests that no clear pattern for governance has emerged.

The *Law Review* has always refereed articles by using independent experts to provide confidential reports to the editors. Authors and referees remain mutually anonymous. There has been no difficulty meeting the stringent definition of

⁸ C R Williams, 'Foreword' (1989) 15 (Nos 3 and 4) *Monash University Law Review* ix-x.

⁹ The positive nature of this experience of student editors becoming part of this community was acknowledged by Sandra Draganich, co-editor (with Vicki Donnemberg) 2003, in her words of welcome at the Annual Monash University Law Review Dinner 2003.

¹⁰ Interestingly, its predecessor, *Res Judicatae*, was also student operated with staff assistance.

¹¹ Professors Michael Pryles, H P Lee and Marilyn Pittard, and Peter Heffey served for lengthy periods. For a list of faculty advisors see **Appendix B**.

refereed journal devised by the Commonwealth government¹² for the purposes of allocating research income to universities. Moreover, the *Law Review*, in the authors' memory, has been in the happy position of never having to solicit articles. It has, however, commissioned articles (refereed) for two special issues - Volume 15, celebrating 25 years of law at Monash University, and three articles for the current issue.

III CONTRIBUTORS

Legal academics have been the main source of articles contributed to the *Law Review*. Thirty-three per cent of all contributions have been from Monash University law academics, with 21% from law academics based at other universities. However, the *Law Review* has a history of fairly diverse contributors, at least in the context of the law. Legal practitioners, for example, have comprised 11% of the contributors, while judges make up around 5% of the total. In addition, approximately 8% of all authors have been from overseas.

Whilst the majority of the contributing authors are law graduates, there is a sizeable portion of authors, who at the time they wrote, were in the process of completing law at Monash or some other university (13%). An example of a Monash law student's contribution is the article in the current edition by Tamiaka Spencer entitled 'Talking about Social Responsibility: Liability for Misleading and Deceptive Statements in Corporate Codes of Conduct'. Occasionally, honours theses have been reworked and published as articles. The article entitled 'The Coherence of "Legitimate Expectations" and the Foundations of Natural Justice', by Pamela Tate, now Solicitor-General of Victoria, derived from her honours thesis.¹³ Academics from outside university law faculties have also contributed to the *Law Review* (overall 7%). The contribution of this latter category has no doubt added to the appeal of the *Law Review* beyond the legal community. The break-up of categories of authors is addressed in detail in **Table 2**.

¹² Department of Education, Science and Training.

¹³ (1988) 14 (Nos 1 and 2) *Monash University Law Review* 15.

Table 2: Authors

	Number	Percentage of Total
Monash Law Academic	141	31%
Monash Academic (not law faculty)	7	2%
External Law Academic	93	20%
External Academic	24	5%
Legal Practitioner	47	10%
Judge	21	5%
Overseas contributors	37	8%
Student		
• Monash	42	9%
• external to Monash	13	3%
<i>Submitted as part of subject/ Honours thesis</i>	21	<i>38% of student contributors submitted as part of their studies.</i>
Governor or former Prime Minister	4	1%
Other	4	1%
	Total - 433**	Total - 100%
**This figure may be slightly inflated because of the potential overlap between some overseas contributors and external academics.		

Two special lecture series have provided a rich source of material for publication in the *Law Review*. First, the Wilfred Fullagar Memorial lectures, starting with Lord Denning in 1974 and ending with Gough Whitlam in 1989. For a complete list of the published Wilfred Fullagar Memorial lectures, together with authors and dates see **Appendix D**. Second, the Lucinda lectures, the brainchild of Professor H P Lee. These lectures, featuring constitutional law topics, started in 1993 with a lecture by Professor George Winterton entitled 'The Australian Crown: Its Creation and Demise'. The Tenth and most recent lecture to be published, in this continuing series, was delivered by Sir Zelman Cowen in 2002 on the topic 'Sir Isaac Isaacs and the Workings of the Australian Constitution'. For a complete list of the lecturers, topics and dates, see **Appendix E**. The Eleventh Lucinda Lecture was given in August 2003 by Chief Justice Michael Black of the Federal Court and will be published in Volume 30.

Articles by judges published in the *Law Review* have often illuminated issues of judicial decision-making, as in the case of articles by Justices Hayne¹⁴ and Finkelstein.¹⁵ Other articles have confronted questions of public confidence in the judiciary, as in the case of the article by Justice Kenny.¹⁶

¹⁴ Justice Kenneth Hayne, 'Letting Justice be Done without the Heavens Falling' (2001) 27 (No 1) *Monash University Law Review* 12.

¹⁵ Justice Raymond Finkelstein, 'Decision-making in a Vacuum?' (2003) 29 (No 1) *Monash University Law Review* 11.

¹⁶ Justice Susan Kenny, 'Maintaining Public Confidence in the Judiciary: A Precarious Equilibrium' (1999) 25 (No 2) *Monash University Law Review* 7.

IV THEMES EXPLORED

The legal subject matter of the *Law Review* has been wide ranging in scope, with no particular topic dominating the field. Criminal law, as it happens, has proved to be the most popular topic, but even it only accounts for about 12% of the totality of articles. After that, the focus has been on constitutional law, torts, property, company law, international and administrative law, each accounting for 6-8% of contributions. Other articles, case commentaries and law reform sections deal with wide ranging subject matters such as native title, labour law, legal philosophy, family law, and equity. Most of the occasional addresses have confronted the fundamental issue of access to justice. See **Appendix F** for a more detailed summary of the subject areas canvassed in the *Law Review* to date.

A number of special issues have been specifically concerned with Monash Law School and its staff. On the occasion of the 25th anniversary of the Law School in 1989, Peter Balmford wrote an historical essay entitled 'The Foundation of the Monash Law School'.¹⁷

Over the years memorial tributes have been published in recognition of former distinguished and cherished members of the Law Faculty: Sir David Derham (foundation Dean),¹⁸ Dr Elizabeth Eggleston,¹⁹ Professor Kingston Braybrooke,²⁰ Sir Richard Eggleston²¹ and Dr Kumar Amarasekara.²²

In recent times, particular volumes of the *Law Review* have been dedicated to individual Monash scholars in recognition of their past and on-going contributions to the Law School and its scholarly tradition: Professors Louis Waller²³ and Enid Campbell,²⁴ in celebration of their three decades (and continuing) as professors of the Law School; and Bob Williams when he stepped down after a decade as Dean.²⁵

A tribute to Professor Christie Weeramantry, who was appointed a judge of the International Court of Justice, was published with a photograph of His Excellency, details of his service as Sir Hayden Starke Professor of Law at Monash University for 20 years, and publication of his address, 'The World Court: Its Conception, Constitution and Contribution', together with comments

¹⁷ (1989) 15 (Nos 3 and 4) *Monash University Law Review* 139.

¹⁸ Robert Baxt, Louis Waller and E K Braybrooke, 'Sir David Derham: In Memoriam' (1986) 12 (Nos 1 and 2) *Monash University Law Review* 1.

¹⁹ Louis Waller and C D Rowley, 'Elizabeth Eggleston' (1976) 3 (Nos 1 and 2) *Monash University Law Review* 1.

²⁰ C R Williams, 'Emeritus Professor E K Braybrooke: In Memoriam' (1989) 15 (Nos 1 and 2) *Monash University Law Review* 1.

²¹ C R Williams, 'Sir Richard Moulton Eggleston QC: In Memoriam' (1991) 17 (No 2) *Monash University Law Review* 1.

²² H P Lee, 'Kumar Amarasekara: Academic, Lawyer and Law Review Contributor' (2002) 28 (No 2) *Monash University Law Review* 1.

²³ C R Williams, 'Louis Waller' (1997) 23 (No 1) *Monash University Law Review* xiii. This issue was launched on 6 August 1997 by the Honourable Richard McGarvie, former Governor and justice of the Supreme Court of Victoria.

²⁴ Richard G Fox, 'Enid Campbell' (1997) 23 (No 2) *Monash University Law Review* xiii.

²⁵ Louis Waller, 'Professor Bob Williams' (1998) 24 (No 1) *Monash University Law Review* 1.

by Barry Connell entitled 'Contribution of His Excellency Judge Weeramantry to the International Court of Justice'.²⁶

V PRESENTATION

The design and colour of the *Law Review's* cover has gone through three phases. First, from 1974 to March 1982, the cover featured a light mustard coloured background to the lettering of the *Law Review's* title and University shield in white (in the upper half) and an outline table of contents in black (in the lower half).

In the second phase, from September 1982 to 1989, the light mustard colour of the background was replaced by a more lively and glossy 'Monash aqua blue'. The design of the cover, however, remained the same. The last issue in this period (Volume 15, Nos 3 and 4) was a special anniversary edition to celebrate 25 years of Law at Monash University. This happy fact is proclaimed in cursive blue print on a striking white band slanted across the front cover of the Review, together with photos of staff and editorial committee. A special hard-bound copy of this issue was also produced in honour of the occasion.

In the third phase, from 1990 to the present, the design was modernised and the background became a canary yellow colour. The shield (in navy and white) now appears in the top right hand corner of the cover, while the title and volume details in navy capital letters of large font appear in the centre. A single white stripe runs vertically down the right hand side of the page connecting to a white box which contains the table of contents. The font and layout were also updated to a more contemporary style.

The cover of Volume 23, Number 2 (1997) was distinctive. This was a celebratory edition dedicated to Professor (now Emeritus Professor) Enid Campbell. In an earlier part of her life, Enid had demonstrated special skills in drawings and graphics. The cover of this volume of the Review, both front and back, pays tribute to these skills and features captivating illustrations from Enid's 1940s portfolio.

VI SPONSORSHIP AND SUPPORT

In his first editorial in 1974, Professor Baxt made a pertinent point: '[u]nfortunately the publishing of a law review is an expensive item and for many years it was felt that the faculty did not have the ... resources to undertake the publication of a law review'.²⁷ However, the Victoria Law Foundation provided financial assistance for the establishment of the *Law Review*. Since then, the *Law Review* has relied for its survival on the Faculty, the invaluable voluntary work of students, subscriptions and sponsorship. In the early days, the book bounty

²⁶ (1994) 20 (No 2) *Monash University Law Review* 181.

²⁷ Robert Baxt, 'Editorial' (1974) 1 (No 1) *Monash University Law Review* 1, 2.

provided some amelioration to the cost of printing. It should be noted that, although the Review has overseas subscribers, substantial numbers of each issue are sent overseas by way of exchange with equivalent scholarly journals. This also enables overseas law journals to be available in the Monash Law Library.

The Monash University Publications Grants Committee has generously provided assistance for three special issues after submission by us: in 1989 for the 25th Anniversary of the Law School issue (Volume 15, Nos 3 and 4); in 1997 for the Professor Enid Campbell issue (Volume 23, No 2); and in 2003 for the current issue. In 1997, the *Law Review* received financial assistance from the Collier Charitable Fund (a Monash University fund) for the purchase of a photocopier and fax machine. In a novel step, which has not to date been repeated, staff member Peter Heffey permitted republication of his article entitled 'The Duty of Schools and Teachers to Protect Pupils from Injury'²⁸ as a booklet sold separately and donated the not inconsiderable proceeds of those sales to the *Law Review*.

Leading city law firms, starting with Mallesons Stephen Jaques in 1992, have provided generous financial support. The current sponsors, of some years' standing, are: Allens Arthur Robinson, Freehills, Mallesons Stephen Jaques, Minter Ellison; and more recently, Lander & Rogers.

VII ANNUAL DINNER ADDRESS

A very pleasant feature of the *Law Review* calendar over the years has been the Annual Dinner. It has provided an occasion for the Law School not just to celebrate the publication of the Review, but also to thank its many contributors - the editors, the committee members, the authors, the sponsors, the faculty advisors and that special group of unsung, but highly valued, heroes - the anonymous referees. Subject to budgetary restraints, the dinner is nonetheless held at a moderately opulent restaurant, or even at an exotic location such as most recently, the Old Melbourne Gaol. The guest speaker is usually a prominent lawyer, often a judge of the High Court, the Victorian Court of Appeal, the Federal Court, or the Supreme Court. The *Law Review* has been pleased to welcome back as guest speakers some of its own graduates from time to time, such as Justices Raymond Finkelstein and Mark Weinberg of the Federal Court (the latter at the time Director of Public Prosecutions for Victoria), and Justice Marilyn Warren of the Supreme Court (now Chief Justice), the Reverend Tim Costello, and Chief Magistrate Ian Gray.

These occasions, organised by the student committee enable the hardworking members of the editorial committee to meet members of the legal profession and the academic profession in a reasonably informal setting. The most recent annual address was given in October 2003 by Justice Michael Kirby.

²⁸ (1985).11 (Nos 1 and 2) *Monash University Law Review* 1.

Table 3: Online Availability of Law Reviews

University Law Review	Full text available online	Abstract accessible online	Table of Contents accessible online
<i>Adelaide Law Review</i>	Yes (on AGIS-restricted access)	–	–
<i>Australasian Journal of Natural Resources Law and Policy</i> (Wollongong)	No	Yes	–
<i>Bond Law Review</i>	Yes	–	–
<i>Canberra Law Review</i>	No longer available	–	–
<i>Deakin Law Review</i>	No	–	Yes
<i>E Law - Murdoch University Electronic Journal of Law</i>	Yes	–	–
<i>Federal Law Review</i> (ANU)	No	–	Yes
<i>Flinders Journal of Law Reform</i>	No	–	Yes
<i>Griffith Law Review</i>	No	–	Yes
<i>James Cook University Law Review</i>	Yes (on AGIS - restricted access)	–	–
<i>Law in Context</i> (La Trobe)	No	Yes	–
<i>LAWASIA Journal</i> (Northern Territory University)	No (subscription only)	–	–
<i>Macquarie Law Journal</i>	No (subscription only)	–	–
<i>Melbourne University Law Review</i>	Yes	–	–
<i>Monash University Law Review</i>	Yes (on AGIS and US database - restricted access)	–	Yes
<i>Newcastle Law Review</i>	No	Available for current issues only	–
<i>QUT Law and Justice Journal</i>	Yes	–	–
<i>Southern Cross University Law Review</i>	No	Yes	Yes
<i>Sydney Law Review</i>	Yes	–	–
<i>University of New South Wales Law Journal</i>	No	–	Yes

University Law Review	Full text available online	Abstract accessible online	Table of Contents accessible online
<i>University of Notre Dame Australia Law Review</i>	No (subscription only)	–	–
<i>University of Queensland Law Journal</i>	Yes (on AGIS - restricted access)	–	–
<i>University of Tasmania Law Review</i>	No	–	Yes
<i>University of Western Australia Law Review</i>	No	Yes	–
<i>University of Western Sydney Law Review</i>	No (subscription only)	–	–

VIII ILLUMINATING LEGAL DEBATE AND THE FUTURE

The Law Review is a peer-reviewed scholarly journal. Articles are assessed according to one or more of the following general criteria: the advancement of legal knowledge; the advancement of legal policy debates; and the illumination of a legal topic. Articles are expected to be characterised by sound, persuasive and clear reasoning; logical order of presentation; a good sense of balance and relevance of subject-matter; and appropriate use of citations. Over the last 30 years, the general aim in choosing a particular article for publication has been to enlighten and provide food for thought for one or more of the following groups of potential readers: students, practitioners, law reformers, judges, scholars. The question today is whether the current model of review can continue to play this role?

In the United States, throughout the 20th century, law reviews have been subjected to severe criticism, and have been written off more than once.²⁹ In Australia, where the American model has by no means been followed to the letter, a certain calm has prevailed. However, there has been some criticism,³⁰ and some praise.³¹ In the meantime, the impact of computer technology is increasingly evident. In Australia, some eight law reviews are available in full text online, but four of these are through expensive databases. See **Table 3** for the online availability of law reviews. The *Law Review* has recently licensed publication online of articles in full text for the last five years. Only time will tell whether the death knell of law reviews in print format has been sounded.

²⁹ See, eg, Bernard J Hibbits, 'Last Writes? Reassessing the Law Review in the Age of Cyberspace' (1996) 71 (1) *New York University Law Review* 615.

³⁰ John Gava, 'Law Reviews: Good for Judges, Bad for Law Schools' (2002) 26 (3) *Melbourne University Law Review* 560.

³¹ Justice Michael Kirby, 'Welcome to Law Reviews' (2002) 26 (1) *Melbourne University Law Review* 1.

Appendix A: Student Editors, Monash University Law Review

1980	Robert Sandler Brian Simpson	1992	Sweet Ping Phang Kellech Smith
1981	Mark Hayes Wendy Peter Chris Spence	1993	Elizabeth Adam Christina Warren
1982	Anne Ferguson P Murphy Ben Potter	1994	Julienne Baron Gregory Bosmans
1983	John Jarrett Warwick Rothnie	1995	Glenda Beecher Marnie Hammond
1984	Janet Campbell Susanne Linden	1996	Andrew Deszcz Alistair Pound
1985	Stuart Brown Debra Mortimer	1997	Andrew Hanak Debra Paver
1986	Sharon Arndell Jennifer Nielsen	1998	Oren Bigos Kay Wilson
1987	Kathryn Rees Natalina Verlardi	1999	Kathryn Bundrock Michael Rush
1988	Graham Thomson Eric Windholz	2000	Patrick Lau Ben Ross Premala Thiagarajan
1989	Jonathan Clough Jennifer Douglas	2001	Susie Dowling Pauline Wilson
1990	Kate Barrett David Kreltshheim	2002	Jeremy Leibler Ronli Sifris
1991	Daniel Clough Annemaree McDonough	2003	Vicki Donnenberg Sandra Draganich

Appendix B: Faculty Advisors, Monash University Law Review

1980	Arie Freiberg
1981-1983	Michael Pryles
1984-1992	H P Lee and Marilyn Pittard
1993-1996	Marilyn Pittard and Peter Heffey
1997-1998	Marilyn Pittard, Peter Heffey and Jacqueline Lipton
1999-2000	Marilyn Pittard, Peter Heffey and Gail Hubble
2001-2003	Marilyn Pittard, Peter Heffey and John Duns

Appendix C: Models of Selected University Law Reviews in Australia

Student Run Reviews - voluntary	Mixture of Staff and Students	Staff Run Reviews
<i>Melbourne University Law Review</i>	<i>Adelaide Law Review</i>	<i>Australasian Journal of Natural Resources Law and Policy (Wollongong)</i>
<i>Monash University Law Review</i>	<i>Deakin Law Review</i>	<i>Bond Law Review</i>
<i>Southern Cross University Law Review</i>	<i>LAWASIA Journal (Northern Territory University)</i>	<i>Federal Law Review (Australian National University)</i>
<i>University of New South Wales Law Journal</i>	<i>Macquarie Law Journal</i>	
<i>University of Tasmania Law Review</i>	<i>E Law - Murdoch University Electronic Journal of Law</i>	<i>Griffith Law Review</i>
	<i>Newcastle Law Review</i>	<i>Law in Context (La Trobe)</i>
	<i>Queensland Institute of Technology Law Journal</i>	
	<i>Sydney Law Review</i>	
	<i>University of Notre Dame Australia Law Review</i>	
	<i>University of Western Australia Law Review</i>	
	<i>University of Western Sydney Law Review</i>	

The information in this Appendix has been compiled from information on the websites of the law reviews.

There is some overlap between these arrangements, eg *Sydney Law Review* - where students assist as part of the course with a high level of input from academic staff.

Some comments on these arrangements within the relevant University:

Australian National University - The editor and the assistant editor of the *Federal Law Review* are both staff members. The editorial committee are also staff members.

Bond University - The *Bond Law Review* is edited by academic staff.

Deakin University - The editorial board is made up of academics, practitioners and judges. The editors are a staff member and a student and there are eight student sub-editors.

Griffith University - Staff are the Editors (called Academic Editors) whilst students are appointed annually to 'assist with production'.

La Trobe University - The editor of *Law in Context* is a staff member.

Macquarie University - Each year, 10 students studying the Bachelor of Laws at Macquarie participate in editorial work for the journal as part of an elective unit. However, the editorial committee and executive editor are academics.

Monash University - Student editors and editorial committee, assisted by staff faculty advisors.

Murdoch University - The editorial board consists of academic staff and students of the School. One editor is a staff member, the other a student. The Managing Editor is also a staff member.

Northern Territory University - The *LAWASIA Journal* was first edited by NTU in 1998. It is predominantly edited by academic staff and the editors are academics. However, students can become involved through a course on legal editing. This journal was previously run by the NSW Institute of Technology before the move to NTU. The NTU will be renamed Charles Darwin University in 2004, following a merger.

Queensland University of Technology - The law review of this University has a general staff editor and student editor.

Southern Cross University - The editorial committee of the law review has been student run since its introduction.

University of Adelaide - Student members, selected because of their good academic record, are invited to become members of the Editorial Committee and assist with the editing of the Review. They work under the supervision of the Editors, who are full-time members of the academic staff.

University of Melbourne - The *Melbourne University Law Review* has been run by students since 1957. However, students were also involved in its previous incarnations, *Res Judicatae* and *The Summons*.

University of New South Wales - The first edition was published by students with a staff faculty advisor and it is now published entirely by a voluntary student board.

University of Newcastle - The editorial board has judges, practitioners and legal academics, whilst students in their final two years of their law degree are offered the opportunity to enrol in a law review elective subject. Students then act as Assistant Editors undertaking a range of practical tasks towards the production of the review. In addition, students are required to engage in supervised research and writing tasks the results of which may be published in the law review.

University of Notre Dame - There is some student involvement as basis of assessed subject. However, the Associate editor is a staff member.

University of Sydney - The *Law Review* is edited by a mixture of academic staff and appointed students (whose work forms part of an assessed subject). The editorial board is made up of staff and there is a separate student editorial committee.

University of Tasmania - The *Law Review* is now managed by a student editorial board (since 1994). Its first student editor was appointed in 1995. Prior to 1994, there was only very minimal student involvement.

University of Western Australia - Since 1988, the review has been edited by five final year law students, under the supervision of a Staff Editor.

University of Western Sydney - The editors are staff members, however, there is a student editorial committee and consultant.

University of Wollongong - This journal is organised by staff.

Appendix D: The Wilfred Fullagar Memorial Lecture Series

Date Delivered / (Year published) in Monash University Law Review / Author / Title

20 August 1974 (1975), Baron Denning of Whitchurch, Master of the Rolls, Fifth Wilfred Fullagar Memorial Lecture: 'Let Justice Be Done'.

10 May 1977 (1977), Sir Richard Eggleston, Sixth Wilfred Fullagar Memorial Lecture: 'Beyond Reasonable Doubt'.

3 September 1978 (1978), J D McClean, Seventh Wilfred Fullagar Memorial Lecture: 'The Battered Baby and the Limits of the Law'.

11 September 1979 (1979), The Honourable Mr Justice F G Brennan, Eighth Wilfred Fullagar Memorial Lecture: 'New Growth in the Law - The Judicial Contribution'.

9 September 1980 (1980), The Right Honourable Lord Scarman, Lord of Appeal in Ordinary, Ninth Wilfred Fullagar Memorial Lecture: 'The Common Law Judge and the Twentieth Century - Happy Marriage or Irretrievable Breakdown?'.

5 August 1981 (1981), S F C Milsom, Tenth Wilfred Fullagar Memorial Lecture: 'The Past and the Future of Judge-Made Law'.

(1982), Sir Harry Gibbs, Eleventh Wilfred Fullagar Memorial Lecture: 'The Constitutional Protection of Human Rights'.

(1983), P Areeda, Twelfth Wilfred Fullagar Memorial Lecture: 'Antitrust and Market Alternatives to Regulation'.

(1984), C Tapper, Thirteenth Wilfred Fullagar Memorial Lecture: 'Genius and Janus: Information Technology and the Law'.

23 September 1985 (1986), The Right Honourable Mr Justice Richardson, Fourteenth Wilfred Fullagar Memorial Lecture: 'Judges as Lawmakers in the 1990s'.

(1986), R Parsons, Fifteenth Wilfred Fullagar Memorial Lecture: 'Income Taxation - An Institution in Decay?'.

(1987), Sir Anthony Mason, Sixteenth Wilfred Fullagar Memorial Lecture: 'Future Directions in Australian Law'.

9 August 1988 (1988), Roy Goode, Seventeenth Wilfred Fullagar Memorial Lecture: 'The Codification of Commercial Law'.

16 August 1989 (1989), The Honourable E G Whitlam, Eighteenth Wilfred Fullagar Memorial Lecture: 'International Law Making'.

Appendix E: The Lucinda Lecture Series

Date Delivered / (Year published) in Monash University Law Review / Author / Title

24 March 1993 (1993), G Winterton, the First Lucinda Lecture: 'The Evolution of the Separate Australian Crown'.

15 March 1994 (1994), D Rose, the Second Lucinda Lecture: 'Judicial Reasonings and Responsibilities in Constitutional Cases'.

11 April 1995 (1995), The Honourable Sir Anthony Mason, the Third Lucinda Lecture: 'Towards 2001 - Minimalism Monarchism or Metamorphism'.

30 April 1996 (1996), L Zines, the Fourth Lucinda Lecture: 'Social Conflict and Constitutional Interpretation'.

20 March 1997 (1997), The Honourable Justice Michael Kirby, the Fifth Lucinda Lecture: 'The Australian Constitution - A Centenary Assessment'.

24 March 1998 (1999), Justice Susan Kenny, the Sixth Lucinda Lecture: 'Maintaining Public Confidence in the Judiciary: A Precarious Equilibrium'.

28 April 1999 (1999), Professor G Lindell, the Seventh Lucinda Lecture: 'The Australian Constitution: Growth, Adaptation and Conflict - Reflections About Some Major Cases and Events'.

23 August 2000 (2000), Sir Ninian Stephen, the Eighth Lucinda Lecture: 'Australian Citizenship: Past, Present and Future'.

24 July 2001 (2001), Chief Justice Murray Gleeson, the Ninth Lucinda Lecture: 'The Shape of Representative Democracy'.

25 September 2002 (2003), Sir Zelman Cowen, the Tenth Lucinda Lecture: 'Sir Isaac Isaacs and the Workings of the Australian Constitution'.

Appendix F: Subject Areas

Primary Subject Areas	Article (number)	% of articles concerned with topic *	Address (number)	Case Comment (number)	Legislative Comment (number)	Law Reform (number)	Special (number)	Secondary Subject Issues (number)
Administrative	13	5		2	2			1
Banking and Economics	4	2		1				1
Civil	3	1		2				
Constitutional	22	8	5	5	2			5
Contract	5	2		4	2			1
Corporations / Company	16	6	1	2				1
Criminal Law	32	12	1	7				8
Equity / Trusts	10	4	1	4				1
Evidence	9	3	1	4				2
Family	11	4		3	3			2
Immigration	1	0	1	1				
Insurance	2	1		1	1			1
International Law	15	6	2	2				2
Justice	12	5	11					11
Labour Law	11	4		2				
Law Reform	11	4	3		2	5		7
Legal philosophy	7	3	1					2
Medicine and the Law	10	4		1		1		3
Monash Law School and staff	-		1				14	1
Native Title	7	3		1				
Other - including debt collection, shipping, legal writing, discrimination	20	6	1	1	1	1		2
Property **	17	6		7	2			5
Tax	4	2	1	1	1			2
Torts	21	8		4	2			1
Total	263	100	30	55	18	7	14	59

* Note the figures are rounded to nearest percentage point.