



# Academic Promotion Discipline Statement

Discipline Area: Law and Legal Studies

Disciplines: Commercial Law, Environmental and Resources Law, International and Comparative Law, Law in Context (including criminal law), Legal Systems, Private Law and Civil Obligations, Public Law, Other Law and Legal Studies

School: Centre for Law and Justice nested within the Australian Graduate School of Policing and Security

## Discipline Overview

**Studying law can be a pathway to legal practice** (eg. as a solicitor, barrister, judicial officer) in private or publicly-funded practice (eg. legal aid) in a court, tribunal, or commission like a human rights commission, Royal Commission, and the like. **However, law graduates find careers beyond legal practice** in academia and other legal research positions (including for parliamentary libraries and Committees attaching to houses of parliament), legal publishing, a wide range of public service jobs, politics, political staffer, and political advocacy work, law reform careers, or work within professions allied to legal practice (eg. as a paralegal, mediator, legal secretary or administrative officer in a court or tribunal's registry) or as someone giving legal information but not legal advice (eg. working on the counter or phone line of Legal Aid).

**It is common for graduates** of single law degrees, typically 3 year Bachelor of Laws or postgraduate Juris Doctor qualifications, or combined law degrees (eg. Bachelor of Arts / Bachelor of Laws studied simultaneously, or, say, vertical double degrees like Bachelor of Arts / Juris Doctor studied sequentially) **to be employed in legal careers without having completed honours, Masters or PhD or SJD (professional doctorate in law called Doctorate of Juridical Science) studies.**

**Also, honours, masters** (LLM or other named masters qualifications including law subjects) **or doctoral qualifications in Law are not required for professional legal practice** though may be for other legal research positions and for careers as legal academics needing to supervise and conduct research as well as to teach. **Teaching focussed legal academics with practical legal experience are invaluable in LLB, LLM, and Practical Legal Training (PLT) programs offered by universities or other providers despite having no formal postgraduate research qualifications.**

**Professional legal practice requires a Bachelor of Laws and, typically, a Graduate Diploma of Legal Practice (or similar offered by a PLT provider) or Supervised Legal Training in the workplace in addition to an LLB qualification.** With a completed LLB and PLT or SLT qualification graduates are admitted to court and can practice as a lawyer with a practicing certificate. Level of practicing certificate vary, and, some legal practitioners are **“recognised specialists”** in a sub-discipline area of legal practice. That endorsement is typically **awarded by Law Societies as professional association based on legal practice experience and not only further study, similar to how mentoring, education by peers, and legal practice is recognised for barristers being able to take silk** as either Senior Counsel (with the post nom SC) or Queen's (or King's) Counsel (post noms as QC or KC, respectively) as senior barristers.

**For all these reasons, there are fewer legal academics (either continuing or sessional) with honours, masters or doctoral qualifications** and much financial and legal practice reputational pressure to stay outside of academia and to avoid postgraduate study in law. These reasons also explain why **there are relatively fewer research higher degree students in law than in other disciplines**, although the numbers are growing nationally and internationally. It should be noted that not all Masters of Laws degrees contain research sub-theses, and many are purely advanced coursework degrees. For the reasons noted above, **sourcing continuing or sessional academic or adjunct staff from the legal profession with honours, masters and doctoral-level qualifications can be difficult and is rarer than in other disciplines;** even

amongst the ranks of very senior and experienced solicitors, barristers (with or without silk) and judicial officers.

## Gender Profile

Profession/Industry	Solicitor	53% female / 47% male <sup>1</sup>
Sources:	Barrister	23% female / 76% male <sup>2</sup>
1. <a href="#">NSW Law Society</a> (2020)	Judicial & Other	
2. Source: <a href="#">NSW Bar Association</a> (2020)	Legal Professionals	58% female / 42% male
Higher Education Sector	Data not currently available.	
University	60% female / 40% male (non-sessional academic staff)	

## Discipline Context and Expectations

<b>INDUSTRY ACCREDITATION</b>	<p>The university's undergraduate law program is subject to accreditation by NSW Legal Profession Admission Board (LPAB).</p> <p>The LPAB does not accredit honours, masters or doctoral qualification as their focus is instead on accrediting degrees that lead to legal practice.</p>
<b>DISCIPLINE PEDAGOGIES</b>	<p>At Charles Sturt, the LLB is an online degree with compulsory and voluntary on-campus residential schools offered in the core subjects. The Charles Sturt Indigenous Board of Studies has approved embedded indigenous cultural competence elements which have been customised for the LLB program (one hybrid subject only is taught with the School of Indigenous Australian Studies) and embedded throughout all compulsory law subjects. This includes a dedicated cultural immersion component in the compulsory capstone subject LAW314. Live tutorials as well as other asynchronous activities are crucial for testing the development of legal reasoning (the ability to apply knowledge to factual situations for identifying and giving advice on legal problems) via both oral and written assessments that mimic legal practice and legal advocacy.</p>
<b>STUDENT PROFILE</b>	<p>Students study law online at Charles Sturt and at a growing minority of Australia's law schools. Online study with live weekly tutorials is complemented with a number of compulsory and optional residential schools delivered on campus.</p> <p>Students are predominantly domestic and mature age career changers, studying part-time, often while working or caring for family, and can be time poor. A significant proportion are located in metropolitan centres and 65% are female. Classes range in size from 30 to 150, with some compulsory subjects now attracting between 100 to 150 students. Since the LLB commenced in 2016 there has been an increase in load each session, and, a 1346.2% increase in total student load from 26 students in 201630 to 376 by census date 202160. Despite COVID impacts, there has been a significant load increase of 46.8% between 202030 and 202160.</p>



<b>STUDENT FEEDBACK/PERFORMANCE</b>	<p>SuES results should be interpreted in light of the significant increase in class sizes mentioned above, and, the high casualisation rates and very low number of FTE continuing staff in comparison to other Australian Universities. This means that teaching quality and the balance of senior-level administration and teaching load has fallen heavily on the small number of continuing law staff in the Centre.</p>
<b>RESEARCH APPROACH</b>	<p>Research largely involves qualitative analysis of case judgements and statutory material.</p> <p>The majority of legal research is doctrinal and therefore does not require large scale empirical research projects or teams. This means that legal research can be conducted individually, though small group collaboration is possible and growing in popularity, especially when (empirical) interdisciplinary legal research is pursued or when law regulating science, economic activity, or emerging technology is pursued.</p> <p>Marks of esteem unique to this discipline include having work cited in legal judgements, making written submissions and giving oral evidence to parliamentary enquiries and law reform bodies, such as the Australian Law Reform Commission (or other state and territory-based law reform commissions), the Senate Legal and Constitutional Committee, or the Parliamentary Joint Commission on Intelligence and Security.</p> <p>Production of leading textbooks, as well as monographs, edited volumes, and book chapters, is an ideal way to have impact not only on law students but on law makers, legal practitioners and judicial officers.</p>
<b>PUBLICATION</b>	<p>A significant amount of law research is jurisdiction-specific, and therefore evidence of top-quality research may appear more so in domestic rather than international journals. This is particularly true of research that focuses on law reform or legal education, both of which are typically understood at a national level or in a select number of historically English common law countries. Evidence of publication in Q1 international journals would be considered outstanding and particularly significant. The leading Australian university law school journals do not typically attract Q1 ranking in Scimago and many universities use other journal ranking lists when mentoring and rewarding staff for research output and for promotion (<a href="#">UNSW Guidelines to Promotion for Law Academics for further information</a>).</p> <p>There are no acceptable quality journal rankings for law; metrics such as H indexes are therefore unreliable. A number of Universities have their own law journal ranking indices, however the Council of Australian Law Deans are currently engaged in a project to develop a quality ranking index for law research. The Centre for Law and Justice has submitted ideas regarding further refinement of journal ranking and book publisher lists to the feedback avenue to the RPI. Hopefully such feedback will result in understanding the challenges all Australian law schools have when much legal scholarship does not get recognised as easily in Q1 journals as is the case in other disciplines. The Committee are urged to refer to the referee reports to contextualise the impact of scholarship.</p> <p>Academic law publications tend have a larger word count than other disciplines; between 8,000 and 12,000 words for journal articles and book chapters, and book manuscripts approximately 100,000 words. Law textbooks and books aimed at the practitioner market can be even larger and require frequent and time-consuming updating as the law changes. Publications in</p>



	<p>professional journals or bulletins run by law firms and legal practitioners are typically shorter.</p> <p>Single author publications are predominant in this discipline however co-authored publications with only a couple of collaborators, are increasing.</p> <p>Discipline convention is for authors to be listed in order of contribution, with the largest contributor identified as first author.</p>
<b>CONFERENCES</b>	<p>Law conferences are largely organised by academic professional associations and judicial or legal practitioner groups (eg, magistrates, judges, prosecutors) and presentation is generally not subject to heavy peer review. However, being an invited speaker or symposium organiser is a mark of esteem.</p> <p>While participation in discipline-specific or comparative international conferences is a mark of high esteem, especially if invited or if a popular conference, opportunities are limited. Relevance of Australian legal scholarship to international conferences depends on the history and evolution of the host country's legal system or the comparative focus taken at a particular conference.</p>
<b>GRANTS</b>	<p>Funding for law research is difficult to access due to a lack of grant funding opportunities comparative to other disciplines. There are fewer Category One grants available and lower success rates in this discipline and philanthropic and commercial stakeholder funding of research is not historically commonplace.</p> <p>Obtaining a Category One grant and leading on other research collaborations is considered significant within the discipline.</p> <p>As per the <a href="#">UNSW Guidelines to Promotion for Law Academics</a> it is not unusual for law academics to be promoted to Level E without a successful track record of grant funding, although it is desirable. Rejection rates of law projects in ARC schemes, for example, is high.</p>
<b>HDR SUPERVISION</b>	<p>Postgraduate master or doctoral qualifications are not required for professional practice and as a result, there are fewer research higher degree students in law than in other disciplines, although the numbers are growing.</p> <p>Legal academics often engage in co-supervision, particularly where the PhD student is from another discipline which may be regulated by law or the project involves an understanding of legal regulation.</p>
<b>RECOGNITION</b>	<p>The Council of Australian Law Deans has introduced both research and teaching awards for the first time in 2020 and 2021 respectively. Some legal academy professional associations, at conferences or via their journals, have best paper style of awards. The Australian Academy of Law is the premier learned society in the discipline of law. Other associations such as the National Judicial College of Australia do give out Life Memberships in recognition of contribution to scholarly debate and conference organising by legal practitioners, and judicial officers, and academics.</p>
<b>EXTERNAL ENGAGEMENT</b>	<p>Access of legal academics to any government agency, law-making process, scrutiny of bills work, professional association (especially blending legal and non-legal professionals and practitioners), legal practitioner professional associations, judicial training authority, or to senior legal practitioners is a mark of esteem. Notable too are awards of research contracts and commissioned reports by government or private organisations.</p>



	At the Centre for Law and Justice, staff are given workload to engage with the Elders-in-Residence and other groups of First Nations peoples and communities to enhance, and, display reciprocity, in relation to the embedded Indigenous Cultural Competence elements in the compulsory subjects in our LLB (and criminal justice) degrees.
<b>PROFESSIONAL REGISTRATION</b>	Most institutions teaching law in Australia take out institutional memberships for their staff in the Australian Law Academics Association ( <a href="https://www.alaa.asn.au/">https://www.alaa.asn.au/</a> ) but that association does not perform a regulatory or standard-setting function for providers of legal education as does the LPAB and the Council of Australian Law Deans and its Australian Law School Standards Committee <a href="https://cald.asn.au/alssc/">https://cald.asn.au/alssc/</a> .

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