

***Learned in the Law:
The Auckland Law School 1883–2008***

Brian Coote with Bernard Brown, Peter Watts, and Sean Kinsler

YVANCA CLARISSE*

Learned in the Law: The Auckland Law School 1883–2008, was written and published by the Legal Research Foundation in 2009 in celebration of the University of Auckland Law School's 125th anniversary. The principal author and former Law School Dean,¹ Professor Brian Coote, impresses upon the reader that the book is in no sense meant to be an 'official' history of the Law School, and that the final product "is more akin to journalism than to an academic history".² The contents of the book are based almost entirely on written sources, such as minutes of the Council of the University College and its successor-University, minutes of the Faculty, and extracts from College calendars. The writers have also referred to the Law School handbooks, especially from the 1960s and 1970s, and have drawn on historical pieces previously written or co-written for *Eden Crescent* and the *New Zealand Universities Law Review*.

Considering the primary resources that this book is founded on, it will come as no surprise that the text largely gives an overview and description of the Law School as seen from the Dean's chair. It provides a wealth of information about events that have occurred in the Law School, with regard to the changing attitudes and requirements of Law School students, the appointment of academic staff, and the development of the teaching programme.

The first three chapters describe the years of the Law School under the command of Professors Algie, Stone, and Davis, and cover the whole of the period from the School's early beginnings in 1883 through to 1964. During this period of 81 years, the School struggled with student attendance, housing, funding for the library, academic appointments, and other crucial matters. The late Norman Shieff, who enrolled in the Faculty in 1940, provides an interesting account of the Law School during this time:³

The Law School in 1940 had only about 40 students, of whom only two ... were women. There was no College Law Library, but students were allowed to use the Law Society Library at the Supreme Court. The School itself was situated on the ground floor

* LLB(Hons), Judges' Clerk, High Court, Auckland.

1 Acting Dean of the Law Faculty in 1969, 1977, and 1983–1984; Dean of Law from 1984–1987.

2 Coote et al, *Learned in the Law: The Auckland Law School 1883–2008* (2009) ix.

3 Shieff, cited in *ibid* 23.

of the Old Arts Building and consisted of the Dean's study and a lecture theatre. ... At that time, almost all law students attended part-time and worked as law clerks or in government offices during the day. To accommodate them, most lectures were held outside office hours.

Another familiar theme, apparent in the book's account of the development of the Law School, is the significant change in the teaching programme over time. One of the most important academic developments occurred in 1965, when the Council of Legal Education agreed that from that time forward, final examination papers were to be set by each of the law schools for their own students. This development was important, as it became no longer necessary for teachers to attempt to equip their students to answer questions that could be set on any part of the entire prescription. Hence, exam papers could be pinpointed to specific areas of the law that were covered in classes and lectures. There were several other curriculum developments in the period from 1965–1969, one of which was the institution of the LLB Honours programme. Another was the institution of tutorials; these were offered in ten subjects by 1969.

Broader issues also emerge. The current Dean, Professor Paul Rishworth, in his foreword, points to three overarching objectives of the book: to show the way in which the Auckland legal profession has been entwined with the history of the Law School; the journey of the Law School from relative simplicity to complexity, and the demands that this growth imposed on the Faculty; and the quality of the Law School, and of those who have passed through it, both as students and staff. Unfortunately, these issues are not thematically developed throughout the book.

In the early chapters, the book touches on the fact that many members of the Auckland legal profession have passed through the University of Auckland Law School as students, and that much of the teaching in the first half of the twentieth century seems to have been done by part-timers from the profession. However, the book does not develop or explore in detail how the profession's input influenced the course prescriptions during the early years, nor how this differs from the current teaching carried out by the Faculty, which now consists of a primarily full-time academic staff. It would have been particularly informative to learn how the LLB degree and its content have developed over the years, and how much of this has changed from when it was taught by members of the profession, to having a full-time academic staff.

The growth of the Law School is predominantly described from the Dean's perspective. The University's administration has grown to over 30,000 full-time students in 2008, of whom around 1,400 are in the Law School. Academic staff numbers have risen to more than 4,000, of whom 70 are in the Law Faculty. Furthermore, the Law School now occupies its own premises in Eden Crescent, and has an extensive library at its disposal, which, Professor Coote tells us, was definitely not always the case. The

courses on offer at the Law School have, of course, adjusted and changed according to the special interests of academic staff. However, it is not clear from the book how the academic staff have influenced the different methods and styles of teaching, or to what extent teaching was influenced by the growth of the number of students.

The book informs us that the situation was made more difficult by the growing proportion of full-time students, which began in the 1950s. This growth culminated in the introduction of limited entry to the Law School in 1969, and, later on in the book, the writers grieve over the broadening of staff–student ratios in the period after 1987. Unfortunately, the authors do not inform the reader of how these issues impacted on the teaching methods used by staff, what eventual compromises needed to be made to the course depth or otherwise, and what opportunities opened up due to this growth. There is a brief reference to the introduction of teaching by the “case method”:⁴

Yet another consequence of the students being full-time was that it became practicable for more lecturers to spend at least some part of their courses teaching by the case method. Professor Northey, who taught Administrative Law in this way, was the first at Auckland to do so. By 1968, the Law School handbook stated that case method would that year be used in at least part of the courses in Legal System, Criminal Law, Contract and Evidence, as well as in Administrative Law.

Nonetheless, this idea is not followed up with a discussion of its advantages or disadvantages for the teaching of the course material, whether this method is better suited for moving into the practice of law, or how widely it has been used in the Law School. More detail on the development of this trend would have been a welcome supplement to the book.

The Law School thrives on the quality of those who have passed through it, both as students and staff. Certainly, the School has had some admirable people coming through its ranks. Students have done remarkably well in politics, practice, the judiciary, and in the wider areas of the law. Law School academics are highly regarded throughout the world in their respective fields. A written account of how these students perceived their time studying at the Law School, and how their studies and time spent at the School have influenced them in their careers, would have made a fascinating chapter to the book.

Some academics and their achievements have been highlighted in individual panel boxes, separated from the main text. The likes of Sir Leslie Munro, Byron O’Keefe, Associate Professor Bernard Brown, and Professors Algie, Stone, Davis, and Northey are all represented with a special feature that emphasizes their personal achievements and accolades.

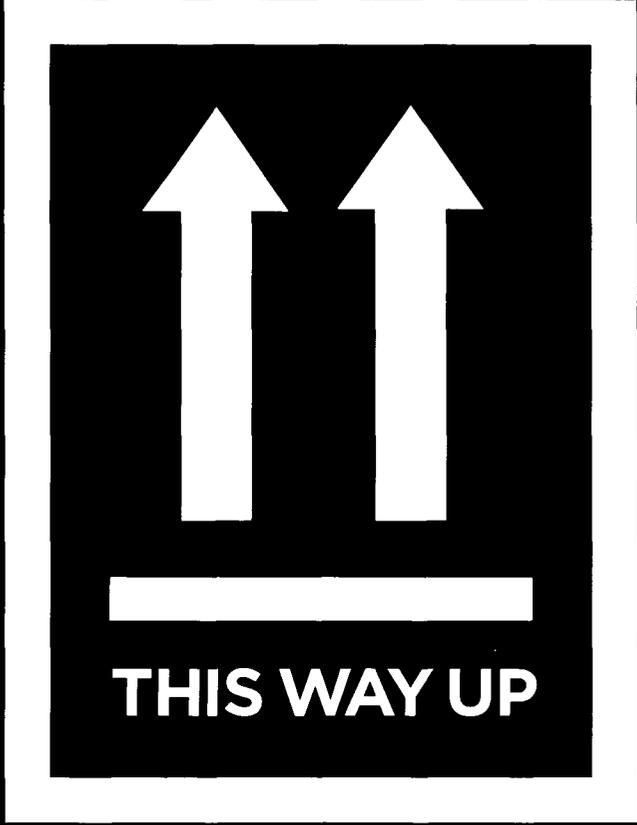
4 Ibid 61.

This attention is well deserved. Yet there are other academics who have accomplished remarkable achievements within their respective areas of the law. This is evident by the University's ranking on the world list of top research universities. In the book's postscript, Professor Coote refers to the Law School's academic staff by concluding that real success comes from the pursuit of excellence in its own right, through individual efforts of Faculty members. More discussion on the individual efforts of these Faculty members would have been welcomed.

Similarly, while at Law School students have done outstandingly well throughout the world, but their successes are only mentioned in Appendix B. There are neither contributions nor interviews from any of these students, examining how their studies at the Law School set them up for their achievements overseas or their contribution to New Zealand's professions. Considering that many readers of the book will be past, present, or future students of the Law School, such features would undoubtedly have given the School's account an extra dimension, as well as function as a motivation or encouragement.

Students are an important and crucial part of a university's success and culture. Student organizations and societies play an invaluable role in students' development and future achievements in life. Only limited and sporadic mentions are made of the various energetic and active student organizations at the Law School. There is a passing mention of the 42-year-old student-edited journal, the *Auckland University Law Review*. There is no mention of the annual stage show, the Law Revue, which is a perfect display of law students' extra-curricular talents and their diversity. The well-run and very popular student competitions organized via the Auckland University Law Students' Society, such as the Witness Examination Competition, only briefly feature in the book. The Equal Justice Project, a pro bono student-run programme founded by students in 2005, also goes largely unacknowledged. How these various student-driven associations and initiatives have influenced the School's student life, and how they have changed over time — especially when one considers the change from predominantly part-time to full-time students — also remains unexplored. These features would have been a welcome addition to a book about the Law School.

Despite its omissions, this is an interesting and well-written book. It sheds a great deal of light on the history of the Law School, of which few would have been aware. The authors have executed their work with sophistication and enthusiasm, especially considering that the book was written under some urgency to meet the deadline of the anniversary. It is definitely a recommended read for all past and future students of the Law School, and anyone who has contributed to its activities.



IFLR New Zealand Law Firm of the Year for five years running



BELL GULLY