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REFLECTIONS ON PUBLISHING THE *ADELAIDE LAW REVIEW*

For many centuries law libraries and persons such as judges, legal practitioners, academics and law students have relied on published material. The earliest of this material includes statutes and accounts of cases dating back to at least the 13th century, as well as commentaries — such as Sir William Holdsworth's *A History of English Law*¹ — attempting to review legal principles in general or in a specific area such as the law of contract. The existence of this material has helped to establish the doctrine of precedent, whereby current principles of law are based on previous decisions. The printing of books or collections of material is a huge advance in this process. A similar reliance on printed material emerged in university law schools, promoting the analysis of legal principles and their philosophical or moral base. In the United States, eminent law schools published law journals or reviews for this analysis as it related to particular decisions, statutes or current issues. In Australia, the older law schools began to publish their own law reviews in the second half of the 20th century. The practice was readily adopted by newer schools.

This history is important because it provides the background to the structure of law review publishing. Committees, largely comprising outstanding students at the law school involved, were formed to manage publication. Membership of the committee was recognition of a student's academic achievement at the school. Academic staff performed a supportive role on these committees. The content of the reviews was commonly in three parts: articles, case notes and book reviews. Whilst students carried out administrative roles in relation to all three parts, their creative contributions were more in the writing of case notes. Submission of articles for publication was a matter for the initiative of individual academics or legal practitioners. In general, the reviews did not adopt a specialisation in any area of law or by geographical connection to their home.

My time on the Publishing Committee for the *Adelaide Law Review* marked a significant change in its organisation. During my first Committee membership period from 1977 to 1981, the *Review* remained in the traditional framework but, during my second period from 1985 to 1994, it became a means by which to promote the Law School's research. At this time, I held the position of Associate Dean (Research) at the Law School, and encouraging academic staff to publish was seen as important for assisting research work. I have outlined the role of law reviews in advancing legal analysis, but the concentration on staff performance was something different. The

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¹ William Searle Holdsworth, *A History of English Law* (London Methuen, 1903).

Review was supplemented by other publications, particularly *An Annual Survey of Australian Law* published by the Adelaide Law Review Association for several years, which involved analysis of developments in the law, first in the year 1991 and then annually.²

I have described the process of recording material as important for the concept of precedent in Anglo-Australian law, and the development of printing as advancing that process. The period of the late 20th century was one in which publication of printed material had unique advantages. Printing processes were cheaper and quicker than in previous times but, within a short period, the printed word lost many of its advantages, and this loss applied to law reviews as much as the daily press. In fact, the advantages of publication to assist promotion of research were largely overtaken by advances in technology and the ability to convey information and ideas electronically.

In this comment I have concentrated on the role of publication in assisting the use of precedent, and of law reviews in promoting legal research. But there have been lighter sides to my involvement with the *Review*. I have mentioned the Publishing Committee and, in the period of 1985 to 1994, the Committee met regularly, at least once per month. Committees are a bane of modern academic life and they have the weakness of irregular meeting times and memberships. The regular meeting of a common group of students and staff produced a common goodwill and opportunities for interaction on a lighter plane. In fact, I still remember being an undergraduate *Review* Committee member chatting with senior members of the academic staff after a substantial dinner and gaining some insight into academic values and approach to life. I cannot however be as positive about another aspect of the *Review*. The covers of the *Review* have been varied, and at times seemed to be designed to indicate the truth of the old saying that ‘the law is an ass’.

² Robert Baxt and Anthony P Moore, ‘An Annual Survey of Australian Law’ [1991] *Adelaide Law Review Association* 1.