

## THE VALUE OF THE *ADELAIDE LAW REVIEW* FROM A STUDENT EDITOR PERSPECTIVE

### I INTRODUCTION

While law reviews might appear from the outside to be a purely academic exercise, a means for university professors to reach their publishing quota, or a way for a law school to display its strong history and reputation, for the law students that sit on their editorial bodies they mean a lot more. As previous Student Editors and subsequent Associate Editors of the *Adelaide Law Review* ('*ALR*'), we can attest to the fact that being on its editorial body was one of the most challenging and rewarding experiences of our time at law school. Being Student Editors helped us to think critically and question the law, develop an eye for detail, hone our writing and research skills, build our self-confidence and develop a sense of camaraderie with our fellow Student Editors. The experience also gave us a unique insight into the utility and value of law reviews more broadly. In this article we share our experience of being Student Editors of the *ALR* and how the experience has benefited us in our professional lives, in which we have collectively worked as judges' associates, research assistants, solicitors in commercial law firms and in-house legal advisors in government.

While a number of articles have considered what it means to be a Student Editor of a law review, particularly in the context of law reviews published in the United States,<sup>1</sup> an article on the unique experience and role of the *ALR* Student Editor is lacking. We hope this article will provide guidance to law students contemplating becoming a Student Editor and to those already on the *ALR* editorial body, or similar editing bodies, who seek the perspective of some of their predecessors.

---

\* Manager, Governance, Legal & Property, City of Norwood Payneham & St Peters; LLB (Hons) and BA, University of Adelaide; former Associate Editor (2016) and former Student Editor (2015) of the *Adelaide Law Review*.

\*\* Associate to the Honourable Justice Hinton at the Supreme Court of South Australia; LLB (Hons), BCom and BPsySc, University of Adelaide; former Associate Editor (2016) and former Student Editor (2015) of the *Adelaide Law Review*.

\*\*\* Associate to the Honourable Justice Zammit at the Supreme Court of Victoria; LLB (Hons) and BA, University of Adelaide; former Associate Editor (2018) and former Student Editor (2017) of the *Adelaide Law Review*.

<sup>1</sup> See, eg, James W Harper, 'Why Student-Run Law Reviews?' (1997) 82(5) *Minnesota Law Review* 1261; Karen D Thornton, 'Using the Student-Edited Law Review to Teach Critical Professional Skills' (2016) 40(2) *Journal of the Legal Profession* 163; Richard A Wide et al, 'Do Law Reviews Need Reform? A Survey of Law Professors, Student Editors, Attorneys, and Judges' (2013) 59(1) *Loyola Law Review* 1.

In line with the theme of this issue, in Part II of this article we provide a brief overview of the *ALR* course offered by the Adelaide Law School and reflect on our experiences as Student Editors, discussing the skills we gained and lessons learned, and how the experience has assisted us in the development of our careers. In Part III, we consider future directions for the *ALR* and the value of law reviews more broadly, both in the legal arena and beyond.

## II REFLECTIONS ON THE ROLE AND BENEFITS OF BEING AN *ALR* STUDENT EDITOR

The *ALR* is edited by Adelaide Law School students as part of a year-long elective course. Places in this course are offered to final year students on the basis of academic excellence in the Adelaide Law School. There are typically 12 Student Editors in addition to two Associate Editors, who are chosen on the basis of their performance as a Student Editor in the previous year.

Throughout their year as Student Editors, students attend weekly face-to-face seminars run by the Editors in Chief. Each Student Editor is responsible for editing one to two articles each semester and is allocated a week during which they must utilise the seminar to discuss their assigned articles with their fellow editors and receive feedback. During these class discussions, Student Editors analyse and critique the scholarly work in terms of its content, style, grammar, structure, word choice and adherence to the Australian Guide to Legal Citation ('*AGLC*').<sup>2</sup> Outside of class hours, it is left to the students' discretion as to when and how they undertake their editing duties. For the purpose of receiving a grade for the *ALR* elective, Student Editors are assessed by the Editors in Chief on their editing skills, as demonstrated in their assigned articles and on the contribution they make during class discussions. Student Editors must also write a case note each semester for assessment and potential publication. Thus, distinct from many other Australian law reviews, being a Student Editor of the *ALR* is not a purely co-curricular activity; it is a subject undertaken by students who are actively assessed on their editing, writing and publication management skills.

Associate Editors have a greater role in assisting the Editors in Chief to manage the publication process of the *ALR* from start to finish. This includes liaising with authors and typesetters and managing publication timeframes, in addition to mentoring and responding to the editorial queries of the Student Editors. Associate Editors also engage in more advanced editorial work by undertaking the final read of all proofs before they are published.

In our view, the structure of the *ALR* editorial body and format of the elective course are clear strengths of the *ALR*. By making editing duties assessable, Student Editors are pushed to achieve an extra degree of thoroughness which heightens the quality of

---

<sup>2</sup> Melbourne University Law Review Association, *Australian Guide to Legal Citation* (4<sup>th</sup> ed, 2018).

the articles published in the journal. Further, the flexibility of the coursework allows students, who are typically pressed for time, to dedicate space in their timetables to engage wholeheartedly in their editing duties. In saying this, we do not hide the fact that many hours must be spent outside of class to ensure that each article is proofread to a high standard. But by pushing us outside our comfort zone, strengthening our work ethic and giving us the space to develop new skills, the *ALR* course afforded us a significant personal and professional development opportunity that has proved invaluable in our careers since. We now turn to discuss five of the key benefits we gained from being Student Editors and Associate Editors over our collective years on the *ALR*.

### *A Attention to Detail*

An enhanced level of attention to detail is one of the most important benefits we gained from being on the *ALR* editorial body. This is a direct consequence of having spent countless hours checking citations, correcting errors in grammar, punctuation and word choice, and editing and critiquing in terms of substance, style and clarity. As we became more experienced editors, our knowledge of the rules of grammar and language grew. But we also came to appreciate that such rules should not be invariably applied. Style sometimes permits departure, and authors appreciate Student Editors who display a strong attention to detail without impeding their unique writing style.

Through this attention to detail we began to develop a sense of which writing style, tone and language suit a particular topic, rather than distracting the reader, and which structure and phrasing flow easily, rather than feeling forced or disjointed. Perhaps most unnerving was the intuition we developed in relation to the *AGLC* rules. Having spent numerous hours scouring its pages, over time we could simply tell when a citation was non-compliant without having to refer to the *AGLC* itself (which was strangely satisfying and admittedly useful to our fellow law students, for whom the *AGLC* logic remained quite indecipherable).

Now that we are working professionally, this attention to detail has proven to be both a blessing and a curse. To this day we cannot read a document without immediately analysing its structure, clarity, use of language and grammar. These are important skills to have in legal and related professions as, evidently, much legal work requires a meticulous attention to detail. Such skills not only lead to better quality and more understandable writing, but are also vital from a risk management and governance perspective.

### *B Research Skills*

Along with developing a critical eye for detail, the experience of being *ALR* Student Editors also improved our research skills. In editing each article, students must locate each source cited to verify its accuracy. Much of the research we undertook involved finding Australian case law, legislation, parliamentary debates and a variety of secondary materials such as books, articles, reports and law reform papers. However, some articles required a more advanced level of research, including researching the laws of foreign jurisdictions and finding historical international material. The Editors

in Chief, who are themselves legal academics, provided us with valuable guidance and research tips in order to find these more difficult sources.

Proficiency at legal research is a fundamental skill to develop as a law student. After all, it requires legal analysis, issue spotting, application of law to facts and the ability to think creatively and critically in order to arrive at a solution. This skill is also critical after law school for legal practice and related careers, as it is a skill upon which many other professional skills are built. It is difficult to envisage engaging in effective legal writing, advocacy or advisory work without first having conducted appropriate research into the background and scope of the matters at hand. Moreover, beyond the ability to locate a particular piece of information, effective research requires the ability to evaluate the information in terms of its relevance and reliability.

As Student Editors we also developed skills in non-legal research and analysis, as many of the articles we edited were interdisciplinary in nature (intertwining with fields of study such as commerce, science and philosophy). The ability to evaluate and synthesise legal and non-legal information is a highly sought-after skill in legal and related professions. Judges are increasingly citing non-legal sources in judgments,<sup>3</sup> and legal practitioners and in-house legal advisors are required to do far more than simply research cases and legislation to find practical and commercial solutions for their clients.

### C *Writing Skills*

*ALR* Student Editors also hone their writing skills by writing a case note each semester for assessment and potential publication. The case note centres on a recent decision of a superior Australian court. This assessment task is unique to the *ALR* course in that Student Editors devote an entire semester to writing the case note (forming a key component of their final grade), which provides students with the time to engage in an in-depth analysis of the case. The judgment chosen by each Student Editor may explore a contentious point of law, or have significant implications for a particular class of litigants. Through their case note, students are expected to go beyond a mere summary of the case and its findings, and evaluate the court's reasoning in order to form an independent opinion on the merits of the case. This can be achieved by adopting a broad socio-legal perspective of the case, or a narrower perspective that focuses on the accuracy of the court's interpretation of the law. Although a challenging exercise, the possibility of publication provides a strong incentive for Student Editors to develop their writing skills and produce a case note of real value.

Beyond writing case notes, Student Editors develop their writing skills by reading and editing scholarly work and discussing this work with their fellow editors. Students are encouraged to take note of an author's 'voice' and are directed to resist the temptation

---

<sup>3</sup> As an example of the High Court's use of non-legal periodicals see *McGinty v Western Australia* (1996) 186 CLR 140. See also Russell Smyth, 'What Do Trial Judges Cite? Evidence from the New South Wales District Court' (2018) 41(1) *University of New South Wales Law Journal* 211.

to over-edit an article by whittling down that voice until it is effectively replaced with their own. The balancing act of editing for style and substance while not losing an author's voice is difficult, however it teaches students the valuable skill of learning how others think and write. In turn, it prompts students to become conscious of their own writing style and consider how others will read and understand their work.

#### D *Self-Confidence*

The self-confidence that came from being Student Editors of the *ALR* has proven invaluable to our development as lawyers and young professionals. We recall in our first semester of editing when one of our Editors in Chief advised us to trust our ability to understand and critique academic legal writing; if a piece of work did not make sense to us, it was likely the writing, not us. This was a revelation. The trust that was placed in us as undergraduate law students to understand, critique and improve the writing of senior academics, lawyers and highly-respected judges was significant. It put value on the skills we had already developed through our years of study, and challenged us to grow further in our writing, editing and communication skills. It also enabled us to read every article with a critical eye, objectivity and confidence, and empowered us to give constructive feedback (both to our peers and, more dauntingly, directly to the authors whose work we were editing). The authors' willingness to listen to us, take our feedback on board, and acknowledge the contribution we made to their article was extremely rewarding and validated the hard work and many hours we had spent editing each piece.

As Associate Editors, a key lesson was learning to take a step back when needed. With experience comes a tendency to take charge and delve into the editing process, especially with new Student Editors. However, learning how to give constructive feedback and prompting the Student Editors to take on the responsibility of doing the hard work themselves was necessary for their skill development. In our years of work since, this experience on the *ALR* has given us the confidence to edit and give constructive feedback on a variety of work to senior colleagues, including judges, partners in law firms and senior academics. This has proved highly valued in time poor environments which must operate efficiently while still producing high quality work.

#### E *Collaboration*

In terms of collaboration, the *ALR* weekly editing class provided Student Editors with the opportunity to meet and connect with one another. At a time when most law students are studying double degrees, timetables often vary considerably and it is rare to have classes with the same cohort. This can make it difficult for law students to get to know one another and break out of the solitary nature of studying law. In addition, the rise of online lectures and decline of face-to-face tutorials means that students have even less need to be physically present on campus and communicate with one another.

In light of this, the weekly face-to-face *ALR* class provided a unique opportunity to connect with other law students, workshop ideas in an informal setting and receive

direct feedback from the tutor. Moreover, the ability to work with the same group of students throughout a whole year, and in a class that is half the size of most university seminars, enabled us to create a genuinely collaborative and enjoyable learning environment. Not only did this environment facilitate timely, candid and constructive discussions about style and editing, it enabled us to develop personal and professional relationships with our peers that continue to this day. In a world where the value of collaborative work environments is increasingly recognised, the *ALR* course enhanced our ability to work effectively with others.

### III FUTURE DIRECTIONS AND THE VALUE OF LAW REVIEWS

Our experience on the *ALR* editorial body over a collective period of six years places us in a unique position to consider future directions for the *ALR* and the value of law reviews more broadly. The survival of law reviews reflects the continued importance of high quality writing, analysis and commentary on contemporary legal issues. In our increasingly digitised and globalised world — where news reporting is churned out instantly (or fabricated entirely), rushed emails replace carefully considered letters, and political pressure is brought to bear on the legal system — law reviews remain a stalwart of the legal profession, capable of resisting such pressures. Accurate, evidence-based, and critical analysis of contemporary legal and socio-political issues, removed from the courtroom and the political arena, will always be necessary. The key is to ensure that this analysis is timely, accessible, understandable and engaging. We now turn to consider means by which the *ALR*, and law reviews more broadly, can achieve these objectives and remain a valued publication in contemporary society.

#### *A New Technologies*

To fulfil their purpose and remain relevant, law reviews must take advantage of new technologies and methods of communication. In modern society, where hard copy journals are becoming increasingly obsolete, it is essential that law reviews are published in a digital format to remain easily accessible and financially viable. Individual articles should also be made available for download free of charge, and the traditionally slow publication cycle must be sped up to avoid articles becoming irrelevant before they are even published. The use of a ‘publication ahead of print’ policy would assist in achieving this latter objective, enabling finalised articles to be made available online prior to their inclusion in a completed issue, thus avoiding their publication being delayed by other outstanding articles.

A strong online presence is also critical to engage students and young professionals and grow readership. During our time as Student Editors, the use of Twitter as a platform to promote publication of new issues and develop the brand of the *ALR* grew significantly. This allows authors to share their articles featured in the journal, encourages discourse in relation to the issues raised and generally broadens the reach of the *ALR*. Nevertheless, far more could be done in the online space (whether through other social media platforms such as Instagram and Facebook, or by providing more visible information on the University website) to promote the value of the university

law review to the student body, who are often unaware that it exists as an academic resource and, in the case of the Adelaide Law School, as a means of legal education.

Beyond the use of social media platforms, editors of law reviews must also keep abreast of the growing number of technological tools used to retrieve, sort, and manage academic articles. For example, a simple yet effective technique would be a requirement for authors to include a number of keywords or phrases to accompany their manuscript, as the inclusion of such information would facilitate online article searches and assist in the indexing of electronic research databases. Editors may also consider moving to an American-style submission process, whereby authors initially submit their article to an academic journal management service which tracks the status of the submission and, if accepted for publication, the subsequent editing process, for the benefit of the author and the journal.

### B *Making the Law Understandable*

In our careers since law school, we have often encountered a broad societal perception of the law as being inherently incomprehensible and intentionally confusing, designed only to be understood after years of study. Academia and university-published journals are often seen in a similar vein. However, this does not have to be the case. To reach beyond their traditional academic or judicial audience, law reviews must also be understandable to legislators, policymakers, legal practitioners and law students, amongst others. Achieving this objective requires a reduction in the use of ‘legalese’ and a divergence from the traditional law review format, dominated by lengthy academic articles. The *ALR* does, to its credit, include a combination of articles, legal commentary, book reviews and student case notes on contemporary cases. However, a greater mix of short-form articles and student commentary alongside more traditional academic pieces could add value and provide more relatable content for a broader audience.

Equally, when selecting content for law reviews, articles with more practical applications should be preferred to overly technical and theoretical subject matters. For example, articles outlining significant law reform initiatives should feature frequently in law reviews. Indeed, it is not uncommon for an author’s law reform article to form part of a committee’s inquiry into a particular policy or issue, or be referred to in parliamentary debates. Also in demand should be legal articles based on empirical research, such as those that are based on ‘archival’ analysis (eg analysing court records), surveys, interviews, focus groups and other fieldwork. As Felicity Bell explains,

empirical methodologies ... hold many attractions for legal scholars and for the practice of law — whether in relation to understanding evidence, basing policy decisions on sound research, or having a deep and critical understanding of law’s impact on the world.<sup>4</sup>

---

<sup>4</sup> Felicity Bell, ‘Empirical Research in Law’ (2016) 25(2) *Griffith Law Review* 262, 262.

*C Pushing Boundaries*

The content of law reviews should also challenge prevailing ideas and methodologies in the law. They should be truly contemporary, raising issues that are current, contentious and relevant to judges, practising lawyers, policymakers and legislators. As highlighted by Michael Kirby, ‘a well-timed article on a current issue before the courts of Australia will frequently be read by judges considering a problem of the law’.<sup>5</sup> This acknowledges the important role of extraneous material and new interpretations in those ‘hard’ cases where the law offers an incomplete, ambiguous, or unsatisfactory solution to the legal ‘problem’ at hand.<sup>6</sup> To this end, the *ALR* publishes special editions that focus on particular areas of law that are subject to recent challenge or are deserving of further exploration and analysis.<sup>7</sup> Often these issues will be published ahead of the regular publication cycle, in addition to the existing two issues per year, to ensure they are timely and relevant to judges, practitioners, students and others alike.

There is also a need for law review articles that delve into topics at the boundaries of law and society. It is in this ‘grey’ area where prevailing ideas are challenged, policy is formulated and laws are changed. In our globalised and digitised world, the law increasingly has a role to play: for instance, in considering the ethics and legal frameworks relevant to the use of new technologies (eg autonomous vehicles and weapons);<sup>8</sup> privacy and data (for individuals and organisations);<sup>9</sup> cyber terrorism (eg the manipulation of media by foreign actors for political ends);<sup>10</sup> and the militarisation of outer space.<sup>11</sup> The law also continues to have a strong role in the areas of human rights, the environment and social justice movements. And yet, in all these fields, the law has struggled to keep pace with rapid technological advances and an increase in action by individuals and non-state actors (eg the recent ‘Me Too’ and ‘Black Lives Matter’ movements). Additionally, due to the nature of globalisation, the laws of different nations will inevitably differ or even come into conflict in these

---

<sup>5</sup> Michael Kirby, ‘Welcome to Law Reviews’ (Speech, Macquarie Law School, 3 August 2001) <[http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj\\_lawreviews.htm](http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj_lawreviews.htm)>.

<sup>6</sup> See generally Dorota Galeza, ‘Hard Cases’ (2013) 2 *Manchester Student Law Review* 240.

<sup>7</sup> See, eg, the ‘Forensic Science Special Collection’, published as (2015) 36(1) *Adelaide Law Review*.

<sup>8</sup> See, eg, Melissa Perry, ‘Autonomous Weapons, Artificial Intelligence, and the Rule of Law’ (Speech, University of Adelaide, 16 November 2016).

<sup>9</sup> See, eg, Lee A Bygrave, ‘The Place of Privacy in Data Protection Law’ (2001) 24(1) *University of New South Wales Law Journal* 277.

<sup>10</sup> See, eg, Heather A Harrison Dinniss, ‘The Threat of Cyber Terrorism and What International Law Should (Try To) Do About It’ (2018) 19(1) *Georgetown Journal of International Affairs* 43.

<sup>11</sup> See, eg, Dale Stephens and Cassandra Steer, ‘Conflicts in Space: International Humanitarian Law and Its Application to Space Warfare’ (2015) 40 *Annals of Air and Space Law* 71.



areas. In light of this complex environment, which practitioners, judges, politicians and other professionals are expected to navigate, law reviews should continue to publish articles that explore the intersection of law and society (drawing on expertise from other fields as required) and place issues within an international context.

#### IV CONCLUSION

Student Editors of the *ALR* complete their tenure having gained an invaluable set of skills that will assist them in a range of roles post-law school, whether in the legal field or beyond. Indeed, within the Adelaide Law School there is no comparable opportunity where students can learn to write, edit, research, collaborate and manage their own workload. Beyond the tangible skills gained — the attention to detail, the ability to conduct complex research, and the improvements in written style and analysis — the Student Editor experience also strengthened our independence and self-confidence as young professionals, and enabled us to build valuable relationships with fellow students and law colleagues that continue to this day.

Looking to the value of law reviews more broadly, the continued use of Student Editors, in our opinion, is essential to the survival of law reviews into the future. Student Editors have the capacity to ensure that the articles published in university law reviews remain understandable and engaging for audiences beyond academics and the judiciary, in particular, for students and young practitioners. Student Editors learn to edit articles as they are taught to write throughout law school — in a manner that prioritises clarity of expression, ease of understanding and persuasiveness. Student Editors draw on this prior experience to ensure that each published article is not only grammatically sound and *AGLC* compliant, but also understandable and useful to prospective readers.

Further, Student Editors, who are typically well-versed in new technologies and methods of communication, are critical to ensuring that law reviews are disseminated through new, primarily electronic, means which are easily accessible to new audiences and financially viable for universities. In the future, Australian Student Editors may have an increased role in assessing submissions and helping to determine the content of university law reviews, to ensure they remain truly relevant and of value to a contemporary audience.

While law reviews must continue to improve and adapt to changing academic and technological environments, the utility of Student Editorship endures — for both the Student Editors themselves and for each journal as a publication.

