Reflections on being a Monash Law Graduate

by Marilyn Warren

Monash Law School started in 1964 in the Engineering Building (a long way north of the Union Building) at Clayton. In Orientation Week of 1968, the paint was still drying and the plastic still on the Law Library furniture of the new Sir David Derham Law School. At commencement of term (there were no semesters then) lectures started in L1, L2 and L3 and over in the Rotunda.

The Union Building (not the Law School) was the centre of the universe. In the Union there was the 'Big Caf' upstairs (no one went there only nerds, dags, Arts students and overseas students) except between 9.30 - 12.30 when the 'it' people went to buy a cappuccino at the only coffee facility on the entire campus. Otherwise Monash only sold flavoured dishwater. Then there was the 'Little Caf' - the hangout place for Sartre-inspired intellectuals and radicals, where you could buy a strawberry milkshake, a toasted sandwich and then just inhale the thick, blue air and receive the benefit of mind-expanding chemicals - at no cost.

Back upstairs, outside the Big Caf was a large expanse of carpet flanked by walls of fine Australian art such as Blackmans and Boyds. From Tuesday to Thursday heated debate raged before the assembled lunchtime campus between the DLP reps, Liberal Party reps and the Labor Clubs. The primary strategy of the true operators was to drag the debate out with procedural amendments until ten past two (when most left for 2.15 lectures) then the radical, campus shaking motions would be put and passed by a generally diminished, informal constituency.
On Fridays, the upstairs area rocked with free concerts (no dancing please - we were cool) by the likes of Max Merritt and the Meteors and Australia's own Aretha Franklin, Wendy Saddington.

The focus was on coolness. The males wore corduroys and jumpers with white skivvies and desert boots. The females wore black mini skirts, turtle neck jumpers and heeled boots. Meanwhile, Medical students posed in their white lab coats pretending to be doctors already.

The politics ruminated about car parking and politicians being permitted on campus. Poor Arthur Caldwell was jeered and laughed at by the Labor club, Ministers for the Army (in a context of conscription and draft dodging, the Vietnam War and the Moratoriums) dare not come.

Student hedonism was a pursuit not a philosophy: Friday nights at the 'Nott' indeed any time at the Nott. Astonishment at the physical achievements of the Farm Week Ironmen who consumed the likes of multiple cold pies, then, many hard boiled eggs, interspersed with numerous cans of beer before running up the full flight of stairs of the Ming Wing.

Literature and the Arts were dominated by Lots Wife and performances in the Alexander Theatre - the Robert Blackwood Hall was not finished. The Drama Club performed Rabelais complete with the full nude closing scene of the entire cast. There were quieter performances, also, when the MSO came to campus.

Then there were the prevailing meteorological and geological conditions. Mud, mud and more mud. It was a special skill, learning to walk horizontally in the wind tunnels between the
Law School and the Rotunda, and, the Ming Wing and the Union.

As so within this very rich and unique socio-political-cultural environment the Law School functioned.

On my enrolment day in 1968 (in the Engineering Building) my academic interviewer cautioned me to 'keep away' from the Labor Club and the Drama Club.

In orientation week the leaders of the Monash Law Students' Society addressed the freshers. One question we were told should be debated within the Society was: whether women should be permitted to study law?

In 1968 the female first-years were outnumbered by the males by about ten to one. We moved in packs, or, a minimum of pairs, to cope with the purveying clusters of male students. The women coped with all that the male dominated environment brought with it, inspired and comforted by the presence of strong women teachers: Ann Lahore, Leanna Darvall, Marilyn Puglisi and Jude Wallace.

The perennial exhilarating moment for the vastly outnumbered women was when Minerva herself appeared herself at the lecture theatre door. Let us pause, imagine for a moment, the Statue of Liberty coming to life, wearing horn-rimmed glasses, sensible shoes and a tweed suit. That was Professor Enid Campbell. With one incisive question and a direct glare, the jocks dissolved in their seats - - the pack of women students sheltering in the front row would silently chorus - YES!

Of course, these challenges to gender were good for the women students. They toughened us up for our careers in practice and at the Bar. No male sledger could put a woman Monash Law graduate off her argument!
Monash Law School engaged in its own terrorism of students - the Socratic Method. It sounds excellent to the outsider. But try being the student on day one of the law degree when Professor Waller looked at his seating plan for students and asked ... 'Well Mr X what advice would you give to Queen Victoria in *R v Dudley and Stephens*?' Again these methods were good for us, making us sharper, quicker and more articulate.

In its typical innovative approach Monash Law School led the way with exposing students to practical experience at the Legal Services. We all learned more in five minutes dealing with an excited immigrant at Springvale Legal Service embroiled in a contract dispute than hours in lectures and tutorials. Forget about offer and acceptance and carbolic smokeballs, the client needed an answer AND on the spot!

As students we were the beneficiaries of an extraordinary and innovative legal education. We were taught by outstanding individuals: Professors Waller, Campbell, Jackson, Williams, Baxt, H P Lee, Pittard, Fox, Heffey, Trindade, Nash and Allan and Doctors McCreddie, Hardingham, Lahore and Carney (to give a sample).

Monash Law School always prided itself in teaching its law students not just what the law is but what the law ought to be. Consistent with that philosophy many Monash Law graduates and teachers have led Australia in fields such as in vitro fertilisation (Professor Waller) Human Rights (the Castan Centre), criminal procedure and sentencing (Professors Fox and Frieberg), mental health (Professor McSherry) corporations (Professor Baxt and Tony d'Alosio), consumer protection (Graeme Samuel) administrative law (Professor Aronson and Dr Groves), industrial law (Professor McCallum) and professional practice (Professor Susan Campbell). This is only a sample.
Monash Law School has always been inclusive and provided wonderful opportunities to students from all parts of society. In time, the school embraced New Zealanders (accepting my now colleague on the Court of Appeal, Justice Pamela Tate and Justice Debbie Mortimer of the Federal Court) and former Supreme Court Prize winner at Monash.

Indeed, Monash Law Alumni populate around one third of the Victorian judiciary (both state and federal), including the Chief Judge of the County Court, Michael Rozenes.

In 50 years Monash has risen to be assessed as the top thirteenth law school in the world. Under our new Dean, Professor Bryan Horrigan, the School will rise even higher - I am sure, to a top ten ranking. The Dean's innovations and cooperative arrangements with the Universities of Oxford and Cambridge, and, soon Harvard will ensure this escalation.

So, from revolution and protest to rock music and avant-garde arts to dynamic campus life and politics to serious learning and academic leadership. We are all very proud Monash alumni.

We pursue excellence with a flair for humour, edginess and focus. In that vein, it was Monash Law students who perpetrated the Professor Glanville Williams ruse now immortalized in the painting in the Law School library.

Campbell McComas, alias Professor Granville Williams, closed the 40th Anniversary celebrations saying this:

'Madame Chief Justice, the revolution is over, the inmates are in charge!'

I add: Long may it be so.
[Remarks of the Honourable Marilyn Warren AC
Chief Justice of Victoria
on the occasion of the
Monash University Law 50th Anniversary Gala Dinner
28 June 2014]