

References

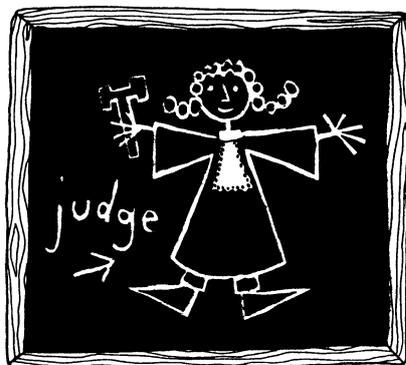
1. Kronman, A.T., *The Lost Lawyer: Failing Ideals of the Legal Profession*, Harvard Uni Press, Cambridge, Massachusetts, 1993.
2. Kronman, A.T., above, p.24, referring to Karl Llewellyn.
3. Dawson, Sir Daryl, 'The Legal Services Market', (1965) 5 *Journal of Judicial Administration* 147.
4. 'Access to Justice — An Action Plan', Report of the Inquiry by R. Sackville, AGPS, 1994.
5. Attorney-General's Department (Cth), Justice Statement, May 1995.
6. Victoria Law Foundation, 'Job Satisfaction Survey — Interim Report', June 1995 cited by D.M. Dawson, above, p.152.
7. Dawson, D.M., above, p.153.
8. cf Kirby, M.D., 'Speech on Swearing in as a Justice of the High Court of Australia', (1996) 70 *Australian Law Journal* 274 at 276.
9. Barker, D. and Maloney, A. 'Access to Legal Education', Centre for Legal Education, 1996.
10. See also *Mutual Recognition Act 1993* (Cth).
11. White, E.P., 'Changed Conditions for the Practise of the Law', *American Lawyer*, February 1904, at 52.
12. Cf *Attorney-General for New South Wales v Milat* (1995) 37 NSWLR 370.
13. Ackland, R., 'On a Silk Road to Status and Money' in *Australian Financial Review*, 31 May 1996, p.33.
14. *R v Visitors to the Inns of Court* [1994] QB 1 at 63.
15. Cranston, R. (ed.), *Legal Ethics and Professional Responsibility*, Clarendon, Oxford, 1995, p.1 citing Abel-Smith, B. and Stevens, R., *Lawyers and the Courts*, 1967 pp.138-9, 160-1.
16. Bennett, D., 'Legal Debate Delays Reform', Letter, *Australian Financial Review*, 21 March 1996, p.16.
17. Brennan, F.G., Occasional Address to Law Graduation Ceremony, University of Queensland, 4 June 1996, p.5.
18. Farrar, Straus and Giroux, New York, 1994.
19. *United States v Nixon* 418 US 683 (1975). On the other hand, it is worth noting, as Derek Morgan 'Doctoring Legal Ethics: Studies in Irony' in Cranston (ed.) (above) points out that virtually all of the main actors in Watergate were lawyers: President Richard Nixon; Vice-President Spiro Agnew; Attorney-General John Mitchell as well as G. Gordon Liddy, John Dean, Charles Colson, Robert Mardian, Herbert Kalmbach, John Erlichman etc.
20. Quoted in Ackland, R., 'Glimpse of Vanity in Logies for Lawyers' in *Australian Financial Review*, 3 May 1996, p.33.
21. Cranston, R., above, p.30.
22. Menkel-Meadow, C., 'Can a Law Teacher Avoid Teaching Legal Ethics?', (1991) 41 *Journal of Legal Education* at 3.
23. Cf *Law Society of New South Wales v Foreman* (1991) 24 NSWLR at 238; (1992) 34 NSWLR 408 at 419-420.
24. (1986) 40 SASR at xi.
25. For some of the writer's views see *Kotowitz v Law Society of New South Wales*, Court of Appeal, unreported, 7 August 1987, referred to in *Foreman* above (1992) 34 NSWLR 408 at 419.
26. Bickenbach, J.E., 'The Redemption of the Moral Mandate of the Profession of Law', (1996) 9 *Canadian Journal of Law & Jurisprudence* 51.
27. See *Prestia v Aknar and Ors*, Supreme Court of New South Wales (Santow J), unreported, 3 June 1996.

LEGAL STUDIES

These suggestions for discussion are based on the following article 'In the Year 2096' by Kim Rubenstein.

1. Kim Rubenstein states 'The Constitution of 1901 failed women'. Do you agree? Give your reasons.
2. What individual rights are actually dealt with in the Constitution?
3. Discuss Rubenstein's statement: 'The use of information technology has led to increased public participation in the running of government and greater accountability by Parliament to the public'.
4. Discuss the meaning of 'separation of powers'. Rubenstein says 'Separation of powers was never absolute in the 1901 Constitution'. What do you think she means by this?

5. Does the Australian Constitution reflect 'the values and principles of the community'? Discuss.



6. Why do we have a Constitution? Will we still need a Constitution in the 21st century?

References/further reading:

- Patmore, Glenn and Rubenstein, Kim, 'Individuals and Government: A Charter of Rights of Australia?' (1994) 3 *Constitutional Centenary* 7 (published by the Constitutional Centenary Foundation).
- Coper, M., *Encounters with the Australian Constitution*, CCH, 1987.
- Saunders, Cheryl, 'Rights and Freedoms in the Australian Constitution' (1994) 3 *Constitutional Centenary* 10.
- Gaze, Beth and Jones, Melinda, *Law, Liberty and Australian Democracy*, Law Book Company, 1990.