

A strong start: The CDU Indigenous Pre-law and Mentoring Program

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The Charles Darwin University (CDU) Law Discipline is proud to report on the successful commencement of an Indigenous Pre-law and Mentoring Program, which began in January 2018. The basic idea behind the pre-law program was to increase the number of Aboriginal students studying and completing a law degree, and as a result, help increase the number of Indigenous legal practitioners in the NT. Currently in the NT, there are only ten Practitioners who identify as Aboriginal and/or Torres Strait Islander, which represents less than 2 per cent of NT practitioners.¹ Clearly this is disproportionate to the general NT population, of which around 30 per cent are Aboriginal.

The pre-law and mentoring program was designed to remove or minimise many of the barriers that were identified as limiting the ability and desire of Indigenous Territorians to study and practice law. The program is run

in active partnership with Bilata Legal Pathways Program² and draws on the knowledge and support of the Winkiku Rumbangi NT Indigenous Lawyers. Some of the barriers identified included difficulties with formal requirements such as year 12 graduation and certificates, a sense that law was too difficult or an impossibility, a lack of family members or friends in the legal profession, a lack of family members or friends who had ever attended university, logistical difficulties, limited legal or academic writing skills and a sense of distrust or 'foreignness' of the legal system generally. It is worth noting that a similar successful pre-law program was run at CDU (then Northern Territory University) in the 1990s and the majority of Aboriginal practitioners in the NT today began their law studies through that program. Successful completion of the law degree by Aboriginal students noticeably declined when the previous program stopped running.





Pre-law students at Parliament House.



Pre-law student Rachel Ponter with Justice Riley, former Chief Justice of the NT Supreme Court.



Pre-law student Kristy Bloomfield in the judge's chair.

The major component of the program was a four-week intensive from 22 January to 16 February 2018 with seven Indigenous participants. The aim of the intensive was two-fold. Firstly, to determine whether candidates should be given a place in the CDU Law Program, and secondly, to prepare students as best as possible to succeed in their studies. A further outcome was to give candidates themselves a clear picture of whether law was the right path for them.

The intensive ran from 9 am to 4 pm each day. The pre-law intensive focused on four key skills areas: 1) legal problem solving 2) legal writing 3) legal research, and 4) argument and oral presentation. Basic foundational ideas such as sources of law, the common law and doctrine of precedent, court structure, the constitution, separation of powers and the levels of government, and legal history were each discussed in detail and then incorporated into activities throughout the course.

Students worked on at least 15 IRAC style questions

(scenario-based legal problem solving) over the course of the intensive, including a number of questions taken from previous CDU law exams. IRAC problems were work-shopped multiple times, allowing the students to increase the quality of their answers over the course of the intensive, and students provided both oral and written answers to these questions. Students also worked on over 30 questions related to finding and applying legislation to factual scenarios. Each student prepared a written case note and read and discussed multiple judgements.

Students received content-specific presentations from law lecturers and practitioners in the areas of contract law, torts, statutory interpretation, native title, administrative law, the *Aboriginal Land Rights Act*, human rights and international law, criminal law, comparative law, litigation, constitutional law, alcohol tribunals and Indigenous policy. Students participated in site visits to the NT Supreme Court, including observing part of a murder trial, the NT parliament, including observing question time and meeting with two MLAs, the North Australian Aboriginal



Pre-Law students at the Supreme Court.

Justice Agency, Bowden-McCormack Lawyers and Advisors, the Aboriginal Justice Unit (Department of the Attorney-General and Justice), Territory Families, and the Northern Land Council. We would like to thank all the firms, agencies and practitioners who received the students for site visits.

The pre-law intensive included a number of sessions with the CDU law librarian where students became familiar with legal research and referencing. These skills were put into practice through individual short research essays (800–1000 words), which required the use of AGLC referencing. Legal research was also demonstrated through preparation and delivery of two debates and two oral presentations (per student). Students received immediate and detailed feedback on their presentations and debates. Students delivered oral presentations to the Director of the Aboriginal Justice Unit (Department of Attorney-General and Justice) on policy questions set by the Director and provided the Director with written submissions on those policy questions. The students also completed a test covering foundations of law and legal history, as well as a 1.5 hour exam that required individual written answers of an IRAC problem at a similar level to a first semester law unit. The final debate of the pre-law program was held in the NT Supreme Court before the former Justice Riley.

Participant Erica Harvey summed up her experiences by saying:

“The most important thing I achieved from this course was gaining confidence within myself and acknowledging that I have the capacity and skills to pursue a law degree. I learned my strengths and weaknesses from the course and that’s something I embrace.

It was an honour to do the debate in front of Justice Riley in the Supreme Court and a great experience. I would do it all again.”

At the conclusion of the pre-law program six of the seven participants were offered a place in the CDU Law program. Of those, five accepted and commenced their studies. Three have already successfully completed their first semester and two students have temporarily deferred because of work commitments. Some of the additional benefits of the pre-law program is that the new students begin their degree with an established peer-network, they are already familiar with the Law School environment and have met many of their lecturers, and they have an established relationship with a faculty member responsible for providing ongoing support. Feedback from the participants was extremely positive, with one participant describing the intensive as ‘life-changing’. As an educator, it



Pre-law students with Mr Yingiya Guyula MLA.

was extremely enjoyable to watch the growth in confidence and skills over the four-week period.

Applications for the 2019 program are now open (<http://www.cdu.edu.au/law/indigenous-prelaw-program>). The 2019 intensive will run from 8–31 January. The CDU Law Discipline would like to gratefully acknowledge the generous financial support of the Law Society Public Purposes Trust. Without this support, the program would not have been able to run.

Scholarships for the 2019 Indigenous Pre-law and Mentoring Program

We are seeking firms and practitioners who are willing to support the ongoing development of the Indigenous Pre-law and Mentoring Program by funding individual scholarships for candidates. A scholarship in the amount of \$1850 will fund one student to complete the pre-law intensive, giving the student the opportunity to be accepted into the CDU Law Program. The scholarship will also help offset costs for students from outside Darwin who require assistance with travel and accommodation.

Sponsors of a pre-law scholarship will be given information about the candidate who receives their scholarship and be invited to the pre-law graduation lunch to celebrate successful completion of the program together with the candidate. Sponsors will be acknowledged on the pre-law website and in future publications about the program.

For any information about the funding a pre-law scholarship, please contact Ben Grimes at ben.grimes@cdu.edu.au

1 <https://www.lawsocietynt.asn.au/48-indigenous-legal-pathways.html>

2 <https://bilata.wixsite.com/website>



Pre-Law student May Mooka.



Pre-law student Erica Harvey.

13th July 2018

Law Society NT,

Thank you for asking us to write *Mandatory Reading: Life and Lawyers in the Northern Territory*. It was hard work, but it's been a long time since we have so much enjoyed creating a book.

The book is about the lives and work of men and women who have practised law in the Territory. It is about the human experience of those lawyers, their trials and tribulations and about the contribution they made to making the Territory a better place.

Ever since 1873, when the first lawyer arrived in Palmerston (Darwin), the Territory's lawyers have all had a story, a personal story about why they came here and what held them here. They soon found that the Territory environment demanded resourcefulness, skill, resilience, care and compassion in their practice of the law. They often found that if they applied those qualities they blossomed, they achieved at levels and in ways that they might not have dreamed possible. In this book we have tried to distil the essence of their stories. As we came to more recent events, we were gratified to be able to add the stories of people who were born and bred Territorians, people who grew up here and could qualify locally to join the legal profession. They blossomed too.

It is your story. We are sure that it will fascinate and delight you, just as it fascinated and delighted us.

- Peter & Sheila Forrest -
Historians, Writers and Publishers