# 2022 Professional Legal Education Conference
# LawTech, Newlaw and NetZero:
# Preparing for an Uncertain Future
# Conference Program

**Version: 23 September 2022**

| Day | Time | Session | Details |
|---|---|---|---|
| **Wednesday 28 September** | 6.00pm – 8.00pm | **Welcome reception** University Club, Bond University | Speakers: <br>• Nick James (Centre for Professional Legal Education) <br>• David Millhouse (ActiumAI Pty Ltd) <br>• Alan D Thompson to formally launch ActiumAI Pty Ltd |
| **Thursday 29 September** | 9.00am – 9.30am | **Conference opening** Princeton Room, Bond University | Welcome to country: <br>• Uncle John Graham (Bond University Elder) <br>Speakers: <br>• Nick James (Centre for Professional Legal Education) <br>• Rachael Field (Centre for Professional Legal Education) <br>• David Millhouse (ActiumAI Pty Ltd) |
| | 9.30am – 10.30am | **Plenary presentation** Princeton Room, Bond University | • Alan D Thompson, *Artificial intelligence: Bigger than fire, electricity, and the internet* <br>• Session Chair: David Millhouse (ActiumAI Pty Ltd) |
| | 10.30am – 11.00am | Morning tea | |
| | 11.00am – 12.30pm | **Session: 'NewLaw: The nature of the problem'** Princeton Room, Bond University | • Greg Einfeld (Lime Actuarial), *How the Law Killed Digital Financial Advice* <br>• Noel Hutley SC (Barrister-at-Law), *Climate Change and Commercial Risk Prediction for Future Litigation* <br>• Allison Stanfield (Lantern Legal Pty Ltd), *Digital Evidence: How crypto, NFT's, AI and big data are changing the evidentiary landscape* <br>• Session Chair: David Millhouse (ActiumAI Pty Ltd) |
| | 12.30pm – 1.30pm | Lunch | |
| | 1.30pm – 3.00pm | **Session: 'LawTech: The solutions'** Princeton Room, Bond University | • Tylor Bunting (Cognitive Automation Labs), *Accelerating RPA and AI in the Legal Sector* <br>• Kelvin Ross (KJR™ Founder and Non-Executive Chairman), *Transformation of IT & AI Governance in Health* |



The CPLE is a community of legal educators, researchers, practitioners and administrators who collaborate in defining, understanding and promoting best practice in the teaching of law. The work of the Centre has a particular emphasis upon the changing nature of professional legal education and training in the context of an internationalised, transformed and technology-enhanced legal services sector.

Transformational Intelligence™ from ActiumAI combines robotic process emulation with robotic simulation. ActiumAI strategically partners with market leaders to better and more profitably service their client base.

| Day | Time | Session | Details |
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| | | | • Nate McDonald, (Legal Linguistics Engineer and Leader AI Initiatives, ActiumAI Pty Ltd), *Get 'ALL' Your Professional Services Team 545x More Productive Using Robotic Processing*<br>• Session Chair: David Millhouse (ActiumAI Pty Ltd) |
| | 3.00pm – 3.30pm | Afternoon tea | |
| | 3.30pm – 5.00pm | **Session: 'Implementation & Legal issues'** Princeton Room, Bond University | • Ephraim Patrick (Partner, Organisation & Workforce Transformation, Mercer), *Technology and human centricity in the workplace – friends or foes?*<br>• Niall Coburn (Barrister-at-Law), *Emerging issues in compliance and regulation in Asia*<br>• Scott Heathwood (Director, Lifestyle Capital), *Tech Reg: An Unholy Alliance*<br>• Session Chair: David Millhouse (ActiumAI Pty Ltd) |
| | 6.00pm – 10.00pm | **Conference dinner** | • Venue: Q1 Skypoint, Level 78, 3003 Surfers Paradise Boulevard, Surfers Paradise. (Enter next to Crema Espresso.) Free undercover parking is available under Q1 Resort off Hamilton Avenue (disability-accessible parking is available). Public parking is available nearby at Centro Surfers Paradise in Hanlan St or Bruce Bishop car park on Beach Rd. |
| **Friday 30 September 2022** | 9.00am – 10.30am | **Plenary panel presentation:** *The Uncertain Future of Legal Education* Princeton Room, Bond University | • John Cooper (Jones Day)<br>• Jeff Giddings (Monash University)<br>• Sally Kift<br>• Jon Crowe (Bond University)<br>• Alex Steel (University of New South Wales)<br>• Caroline Strevens (University of Portsmouth)<br>• Session Chair: Nick James (Centre for Professional Legal Education) |
| | 10.30am – 11.00am | Morning tea | |
| | 11.00am – 12.30pm | **Concurrent Session 1** | • See below |
| | 12.30pm – 1.30pm | Lunch | |
| | 1.30pm – 3.00pm | **Concurrent Session 2** | • See below |
| | 3.00pm – 3.30pm | Afternoon tea | |
| | 3.30pm – 5.00pm | **Concurrent Session 3** | • See below |
| | 5.00pm – 5.30pm | **Conference close** Princeton Room, Bond University | • Nick James (Centre for Professional Legal Education)<br>• Rachael Field (Centre for Professional Legal Education)<br>• David Millhouse (ActiumAI Pty Ltd) |

# Concurrent sessions: Friday 30 September 2022

| CONCURRENT SESSION 1 | STREAM A Developing Legal Education in the University Environment Session Chair: TBC | STREAM B Professional Development in Practice Session Chair: TBC | STREAM C Wellness in Legal Education and Practice Stream Session Chair: TBC |
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| 11.00am – 11.30am | Terry Hutchinson (SCU) *Legal Education and Legal Tech Training* | Wendy Bonython (Bond University) *Tech Reg, Reg Tech, and the Need for a New Paradigm* | Anita MacKay (La Trobe University) *First-Year Law Student Peer Mentoring Via Podcast* |
| 11.30am – 12.00pm | Kate Galloway (Griffith University) and Nick James (Bond University) *Analysing Design Thinking as Part of the Law Student's Toolkit* | Michael Adams and Guy Charlton (UNE) *The Role of Information Governance into the Future* | Sarah Moulds (UNISA) *Belonging in the Law Classroom: Rising to the Challenge of Creating a Place where every new law student belongs* |
| 12.00pm – 12.30pm | Lisa Bonin (Bond University) *Experiential Reflections on Digital Advocacy: The Case for Embracing the Full Paradigm Shift* | Jennifer McKay (UniSA) *Reflections by Future ESG Practitioners on Current Social Justice Laws* | Florence Thum, Prudence Stone, and Keiko Evans (College of Law) *Training emerging lawyers of the future – where to from here?* |

| CONCURRENT SESSION 2 | STREAM A Developing Legal Education in the University Environment Session Chair: TBC | STREAM B Professional Development in Practice Session Chair: TBC | STREAM C Clinical Legal Education and Practice Stream Session Chair: TBC |
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| 1.30pm – 2.00pm | Ken Yin, Tanzim Afroz and Haydn Rigby (Edith Cowan University) *The Correlation Between Mastery of Legal Reasoning and Achievement in Doctrinal Legal Studies* | Hendry Julian Noor (UGM) *Understanding Legal Principles as Fundamental Provisions in Legal Professional Training and Education in Courts* | Leavides Domingo-Cabarrubias and Jacqueline Weinberg (Monash University) *The Role of Technology in Improving Access to Justice for Victims of Family Violence: Challenges and Opportunities* |
| 2.00pm – 2.30pm | TBC | TBC | Mandy Shircore and Francesca Bartlett (University of Queensland), Franci Cantatore and Rachael Field (Bond University) *Pro Bono and Clinical Legal Education During Periods of Disruption: Challenges and Opportunities* |
| 2.30pm - 3.00pm | Kate Galloway (Griffith University) and Melissa Castan (Monash University) *Thinking Like a Lawyer: Beyond Doctrine* | Karina Dwi Nugrahati Putri (UGM) *The Urgency of Corporate Law Training for Criminal Law Enforcer: Preventing Misconduct toward Corporate Crimes* | Caroline Strevens (Portsmouth University, UK) *Experiential Learning in Clinical Legal Education as a Legal Wellness Pedagogy* |

| CONCURRENT SESSION 3 | STREAM A<br>**Developing Legal Education in the University Environment**<br>Session Chair: TBC | STREAM B<br>**Professional Development in Practice**<br>Session Chair: TBC | STREAM C<br>**Wellness in Legal Education and Practice**<br>Session Chair: TBC |
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| 3.30pm – 4.00pm | <span style="color:red">Harry Melkonian, Zara Bending,</span> and <span style="color:red">George Tomossy</span> (Macquarie University)<br>*Viva Voce Assessment - Legal Education for the Real World* | <span style="color:red">Madeleine Dupuche</span> and <span style="color:red">Liz Chase</span> (Leo Cussen)<br>*Preparing the Whole Lawyer for the Future of Practice* | Mark Seton (Excelsia College)<br>*Play, Uncertainty and Resilient Ethical Professionalism* |
| 4.00pm – 4.30pm | Helen Zhao (Bond University)<br>*A Program to Integrate NESB Students into Australian Law Courses* | Temitope Lawal (Bond University)<br>*Jurisdictional Restrictions on Cross Border Practice of Law: Will Technology Make a Difference?* | Tammy Johnson (Bond University)<br>*Supporting Resilience and Wellbeing: Why This Law Teacher Undertook Mental Health First Aid Training* |
| 4.30pm – 5.00pm | Kylie Fletcher (Bond University)<br>*Myth-Busting the Learning and Teaching of the Postal Acceptance Rule* | Vai Lo (Bond University)<br>*Outside the Law School: Communication Technology and Legal Enculturation in China* | Jonathan Crowe (Bond University) and Oscar Kawamata (University of Queensland student)<br>*Well-Being in Legal Education: Academic and Student Perspectives* |

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NB. Speakers in <span style="color:red">red</span> will be presenting online.

# Abstracts

Michael **Adams** and Guy Charlton

*The Role of Information Governance into the Future*

Corporate governance is well established for listed and unlisted companies around the world. However, the growth of technology and the fact that "data" is the new oil has started to make regulators very anxious. Wyoming has just passed laws that allow Decentralised Autonomous Organisations (DAO) to make corporate governance decisions. This changes the role of principal and agent, as well as employees and management from investors. This paper looks at the new frontiers of information governance within a framework of corporate governance and how DAO may be the disrupter of the future.

Lisa **Bonin**

*Experiential Reflections on Digital Advocacy: The Case for Embracing the Full Paradigm Shift*

In this paper, I reflect on lessons learned in teaching online advocacy over the past two and a half years, from the perspective of moot coach and moot program director. As many welcome with relief our gradual return to the analogue of in-person proceedings, I argue the case for embracing the full paradigm shift. Consequent upon the digital transformation necessitated by the Covid-19 pandemic, much has already been written on the challenges and benefits of online advocacy from the perspective of the judiciary and the profession. I start from the proposition that remote hearings will be a feature of the legal futurescape. As a cornerstone of experiential legal education, mooting presents an opportunity to teach best practices in online advocacy. To do this, we must embrace online advocacy for what it is, and resist the temptation wrought by the inertia of tradition to merely replicate (ineffectively) analogue processes. Through reflection on the remote moots in which I have participated as coach, as judge, and as observer, I offer insight into how to translate foundational moot competencies (such as the ability to persuade and to have a convincing dialogue with the judging panel) into the digital space. I discuss the challenges and opportunities presented by online mooting for engaging teams of diverse students. I also offer insight into optimisation of hardware and physical spaces for both purely online and multi-modal moots.

Wendy **Bonython**

*Tech Reg, Reg Tech, and the Need for a New Paradigm*

Public regulation is frequently dismissed by technocrats as bureaucratic and reactive, stifling rather than promoting innovation. The technology regulation landscape is littered with examples of 'regulatory failure', variously attributed to failure to regulate emerging technologies in a timely fashion or rushed reactive superimposition of inadequate regulatory responses onto established technology platforms – often in the aftermath of entirely foreseeable poor outcomes. In a bid to clean up the reputation of various tech sector actors, the performative phenomenon of 'ethics-washing' – tech corporates engaging ethicists to spruik the ethical credentials of their particular technology – has become a sector norm. Yet technology is always subject to regulation; and regulation itself is a technology. This paper suggests that rather than using ethics to distract attention from 'regulatory failures', a new paradigm for technology regulation is required, based on co-design principles. Regulation needs to be recognised as a dynamic and iterative system, capable of innovative adaptation to accommodate emerging technologies. Further, early-stage integration of regulatory co-design in the development of technologies has the benefit of early-stage risk identification and providing opportunities for interventionist mitigation. Due to law's polar position on the regulation spectrum, lawyers are often involved with technology regulation, particularly enforcement. Legal professionals therefore are uniquely positioned to engage with the future challenge of appropriately regulating future technologies, including through regulatory co-design, and their insight as consumers of legal technologies. To fully understand the regulatory space as it applies to technology, law students require more sophisticated understandings of concepts including regulatory theory, stakeholder engagement, regulatory co-design, and risk, than traditional models of legal education offer. Legal education needs to move beyond anecdotal 'train crash' tech reg porn, and into teaching

concepts including root cause analysis, risk identification, and responsive regulation, to better prepare students to operate in a world of prospective codesigned tech regulation.

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| Tylor **Bunting** | *Accelerating RPA and AI in the Legal Sector* |

The Legal Industry is faced with a massive opportunity to leverage digital transformation technologies such as RPA and AI. RPA can be leveraged to streamline rules-based decision processes such downloading and uploading documents. AI can be then used in combination with RPA to enable the automation of more inferential decision-making processes such as extracting data from documents and then conducting risk assessments by analysing the data extracted from documents. Organisations often view the implementation of technologies such as RPA and AI as a daunting exercise riddled with risk and are concerned the ROI won't deliver the expected results.

Leavides **Cabarrubias** and Jacqueline Weinberg

*The Role of Technology in Improving Access to Justice for Victims of Family Violence: Challenges and Opportunities*

In Australia, domestic and family violence (DFV) is a major health and human rights issue. Technology is increasingly being recognised as an important tool to assist victim/survivors of DFV access legal services, especially during the COVID-19 pandemic. The research focuses on the experiences of lawyers in Victoria who have been using technology as a part of their work to support victim/survivors of DFV. Interviews with lawyers reveal that technology plays a crucial role in enhancing access to justice for victim/survivors of DFV. Remote technology enabled victims/survivors to obtain legal services even during lockdowns, and even if they are located in remote areas. At the same time, technology allowed continuity of services for legal practitioners during the lockdowns. However, the use of technology in cases of family violence can also present risks, including the escalation of technology-facilitated abuse. Technology may also replicate the barriers already faced by many victim/survivors when seeking justice, such as inability to access technology due to limited financial capacity, language barriers, and low levels of education and literacy. These issues arise because often, technology is not designed based on the needs of the victim/survivors. The project is of the view that to ensure the safety and security of DFV victim/survivors and facilitate their access to justice, the development and design of technology must be survivor-led and trauma-informed.

Jonathan **Crowe** and Oscar Kawamata

*Well-Being in Legal Education: Academic and Student Perspectives*

Much has been said and written in recent years about well-being in legal education. There is still, however, significant debate about what this concept entails in both theory and practice. In this presentation, a current Bond law professor and University of Queensland law student will discuss and debate the meaning of well-being from their respective standpoints. Crowe, the law professor, has argued previously that well-being is best defined as balanced and integrated participation in objective human values, rather than by reference to subjective experiences. Kawamata, the law student, criticises this approach as not reflecting the needs of students and proposes a subjective conception of wellness influenced by Buddhist philosophy, which emphasises the importance of fulfilment within oneself. Through an exchange of ideas and perspectives about the meaning and significance of well-being, the presenters hope to stimulate fruitful discussion and build understanding of this crucial concept, while illuminating the challenges it poses to legal education and practice.

Niall **Coburn**

*Emerging issues in compliance and regulation in Asia*

Compliance and risk have become essential areas for organisations in the financial industry to understand and how to protect themselves or reduce compliance failures. Financial regulators in the region have shifted from a consultative supervisory approach to a law enforcement stance and introduced numerous additional rules and guidelines on accountability, culture, conflicts of interest, anti-money laundering/counter terrorism financing, data protection, cyber security, and digitalisation. Financial institutions are

having to deal with a wide ambit of financial crime and are increasingly relying on Artificial Intelligence (AI) programs to assist in fighting financial crime.

Although AI will be increasingly important, it is only one of many tools used to fight financial crime and compliance professionals will remain at the centre of protecting the organisation using good old fashion investigation, reviews and evidence gathering techniques. Recent compliance failures by organisations have shown us that in the last decade it's not the IT controls that fail, but governance, ethics and senior management. This talk provides a practical overview of the insights facing financial organisations in the region and may help to assess the risks they face on the horizon.

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| John **Cooper**, Jeff Giddings, Sally Kift, Jon Crowe, Alex Steel, Caroline Strevens, Nick James (Chair) | PLENARY PANEL: *The Uncertain Future of Legal Education* |

Madeleine **Dupuche** and Liz Chase

*Preparing the Whole Lawyer for the Future of Practice*

Leo Cussen Centre for Law has undertaken a significant project to reimagine the way lawyers are prepared for the future of practice. A two-day Design Thinking sprint brought together Leo's 70 Practical Legal Training staff, comprising over 300 years of collective experience in professional legal education.  Taking a 'sky's the limit' approach, we asked how we would prepare law graduates for admission to practice and establish a foundation for successful and satisfying legal careers in a rapidly changing world, if there were no regulatory, financial or tech constraints. Eighteen months later, following extensive research, industry consultation, incubation and collaboration, the Leo Graduate Lawyer Program has been launched. Critical to the design was processing and synthesising the 47 prescribed elements of the Competency Standards for Entry Level Lawyers, combined with NewLaw capabilities currently absent from the regulatory framework.  We devised graduate outcomes to meet the needs of new lawyers working in a changing legal landscape and ultimately defined four professional capabilities which together constitute the aptitudes of the Whole Lawyer. This presentation describes the capabilities of the Whole Lawyer, and how they are developed through a sophisticated simulated experience where our graduates 'work' in a national model firm.  With strengths-based coaching, diverse clients and a commitment to closing the justice gap through a significant pro bono practice and the Leo Justice Lab, graduates run client matters and learn transferable mindsets and methods for innovation. They are empowered to bring their fresh perspective to real world access to justice problems, articulated by partner legal organisations.   Our graduates' wellbeing is supported from their Graduate Program through to the end of their first year in practice, via a partnership with a leading wellbeing organisation. At the heart of our design is a program of deep mentoring, which supports personal professional development and is the modernised version of the central feature of Leo Cussen's pre-admission training for the last 50 years.

Greg **Einfeld**

*How the Law Killed Digital Financial Advice*

The financial advice industry has been plagued with scandals and bad publicity. Successive governments have responded with increasing layers of regulation.  The result has been escalation in the cost of financial advice to the point where it has become un-affordable for most Australians.

Plenty Wealth was an automated, algorithmic digital advice solution which made advice affordable for the masses.  Regulators appeared to be supportive initially, and then became aggressive after the Hayne Royal Commission despite making no findings against Plenty Wealth.

In this session, Greg Einfeld will explore the problem being solved by Plenty Wealth, the regulatory challenges, and legal implications for other regulated AI products.

| Kylie **Fletcher** | *Myth-Busting the Learning and Teaching of the Postal Acceptance Rule* |
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Lawyers and legal educators are familiar with the Postal Acceptance Rule. Generally speaking, the Postal Acceptance Rule is an exception to the general rule that acceptance of an offer must be communicated. The application of the Postal Acceptance Rule, which is limited to certain circumstances, determines that acceptance of an offer occurs upon posting. Some wonder why contract law teachers still teach the Postal Acceptance Rule given that, with the rise of electronic communication methods, use of the physical post is now rare. As a contract law teacher, I have heard of our alleged "old-fashioned and outdated" teaching of the Postal Acceptance Rule. The sentiment appears to be that teaching a potentially outdated rule is itself outdated. However, this could not be further from the truth. Students are often asked to engage with the Postal Acceptance Rule in the context of modern technology. This results in a technologically informed and contemporary discussion. Further, working with the law to apply, or exclude to apply, the rule, including in modern contexts, assists students to develop the knowledge, skills, and attitudes associated with complex legal reasoning. This is already well understood by my fellow contract law teachers. Rather than focusing on the law, this paper focuses on the typical learning objectives associated with the teaching of the Postal Acceptance Rule, and how contract law teachers tend to achieve these objectives. This paper hopes to bust the myths about the teaching of the Postal Acceptance Rule by explaining the educational strategies adopted by those who teach it. It is also hoped that this paper will inspire a conversation among the wider population of legal educators — what are the commonly misunderstood and contemporary learning opportunities in other law subjects?

| Kate **Galloway** and Melissa Castan | *Thinking Like a Lawyer: Beyond Doctrine* |
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Are we preparing law students for an uncertain future? Despite the emphasis on doctrinal areas of law in an accredited Australian law degree, the suite of expected graduate skills has expanded beyond mere doctrine, with consequences for how we understand the (admittedly contested) construct of 'thinking like a lawyer'. Thus, contemporary legal practice demands solving problems through a global mindset, about digital technologies, with a concern for the 'user experience', thinking critically and socio-legally, comprehending First Nations' experiences and the experiences of diverse and often marginalised groups, commercially, and by engaging in an inter- or multi-disciplinary context. All of these facets to legal problem-solving put a very different slant on the traditional law-school mode of legal problem solving. This paper outlines a structured approach to thinking about solving legal problems that expands beyond a purely doctrinal approach. It first establishes the contemporary professional environment for legal problem solving as a threshold graduate skill, before identifying the additional contextual components of doctrinal problem-solving . Finally, it establishes a structure and approach that aims to provide law students with the foundation to prepare them for solving problems in diverse contexts.

| Kate **Galloway** and Nick James | *Analysing Design Thinking as Part of the Law Student's Toolkit* |
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As law schools approach the second decade of embedding new technologies in the law curriculum, we turn our minds to one of the lauded skills of the new professional—design thinking. In this paper, we define the nature and scope of design thinking, contrasting it with the suite of thinking skills generally associated with 'thinking like a lawyer'. We identify the likely benefits for lawyers, clients and the community of adopting a design thinking mindset in the context of the still emergent, technology-rich practice of law. We also draw on critiques of the contemporary fascination with design thinking to evaluate its likely value in the (future) lawyer's toolkit.

| Scott **Heathwood** | *Tech Reg: An Unholy Alliance* |
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| Terry **Hutchinson** | *Legal Education and Legal Tech Training* |
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In 2017, I commenced Australian Institute of Criminology funded research on the use of video links in youth justice settings. The process of undertaking 35 Magistrates Court

observations and 40 interviews occurred during 2018 and 2019 - well before the onset of the Covid lockdowns. The last two years have witnessed an expansion of the use of video link technology in the courts with 10–17-year-olds being beamed into the courts from locked rooms in detention centres rather than appearing in person. This situation is unlikely to fully revert to the previous practice of in person appearances, and it prompts fundamental concerns regarding professional capabilities. Do law students need additional skills training so that they can more adequately prepare their young clients for the virtual experience. Do lawyers need to alter their lawyer/client practises to cater for these changed circumstances. This need for an understanding and adjustment for the virtual courtroom can impinge on all legal participants, whatever their roles in the court process. Is the current context of online teaching sufficient so that we can expect students to develop the relevant skills subliminally or unconsciously? This theory of 'learning by osmosis' was applied for years in relation to legal research skills training. Are we using the same false reasoning with virtual capability skills? What does this mean for current legal skills training?

Noel **Hutley** SC          *Climate Change and Commercial Risk Prediction for Future Litigation*

The profound and accelerating shift in the way Australian and international regulators, both debt and equity investors, firms and the public perceive climate change has further emphasised the foreseeability and materiality of its economic impacts. This has, in turn, considerably elevated the standard of care required to discharge a directors' duty of due care and diligence in relation to climate-related governance under the Corporations Act.

Tammy **Johnson**          *Supporting Resilience and Wellbeing: Why This Law Teacher Undertook Mental Health First Aid Training*

Mental health is vital. When our mental health suffers, so does every aspect of our lives, affecting family, friends, work colleagues and (for teachers) our students. The Covid-19 pandemic has significantly impacted the mental health of many. Whilst we have mostly returned to a somewhat normal daily routine, there is anxiety still abounds that we are only one more outbreak away from going back to the days of lockdowns and travel restrictions. To support mental health in the workplace, it is critical to ensure that mental health first aid is available to all when, and if, it is needed.  In the university environment, mental illness affects staff and students alike.  This is not your traditional conference presentation. It is a reflective presentation on why I chose to undertake Mental Health First Aid training, despite struggling with mental illness myself for the last three decades. I have been teaching in the Faculty of Law at Bond University for 19 years, and I have always been an advocate for mental health.  I make no secret of the fact that I struggle daily with my own mental health, and I encourage those around me, especially my students, to reach out for help if they are struggling with theirs. Mental Health First Aid training delivers the tools necessary to provide support when and where it is needed. Advertising the availability of mental health first aid officers in the workplace encourages people to reach out for help, thereby providing opportunities for early intervention, and helping to reduce the stigma of mental illness.

Temitope **Lawal**          *Jurisdictional Restrictions on Cross Border Practice of Law: Will Technology Make a Difference?*

Historically, jurisdictional restrictions on cross border practice of law were not of concern to countries due to the fact that most clients' legal matters were confined to a single jurisdiction and a lawyer's familiarity with the laws of that jurisdiction was the most important qualification. However, due to rapid globalisation of economies and societies made possible through technology, clients now need lawyers to assist them in cross border transactions or to advise them on laws of different jurisdictions. While this realisation is compelling lawyers with local expertise to internationalise their legal services, most jurisdictions still have in place regulations restricting the practice of law to only those admitted to practice in their respective countries. Notwithstanding these restrictions, technology continues to make the practice of law a global phenomenon and there is need to address the law "as it is becoming" in contrast to the law "as it has been". With this in mind, the primary research question that this thesis will engage is: *To what extent will jurisdictional restrictions on cross*

*border practice of law be impacted due to technological change?* This question will be addressed by utilising a socio-legal methodology, supported by the ideology of Jacques Ellul in relation to technology, to examine how technology drive changes in society, and in particular, changes in the legal profession. Reliance will be placed on the substantive theory of technology to examine the seeming impossibility of controlling technology for the purpose of stopping legal issues crossing borders, since technology is a dominating force whose progression is capable of directing itself without human intervention. Ultimately, this research aims to utilise the substantive approach as the theoretical foundation for evaluating the extent to which technology is likely to make the practice of law borderless. The outcome of this research is intended to encourage national regulators of legal practice to give due consideration to the review of current rules on cross border practice of law, especially amongst jurisdictions with trade proximity and similar legal systems, in light of technology advancements.

Vai **Lo**

*Outside the Law School: Communication technology and Legal Enculturation in China*

As a rule, law school is the place where one can receive legal training. However, a person may acquire legal knowledge without undertaking formal training in a law school. The rule of law entails not only an effective legal system but also the legal consciousness of the populace. In the past four decades, China has adopted various legal reforms towards the rule of law with Chinese characteristics. Even so, how the populace appreciates the legitimacy of law and thus employ it to protect rights and resolve disputes are essential to the optimal functioning of legal rules and institutions. In China, the diffusion of communication technology is extensive. This paper, therefore, investigates how communication technology can facilitate legal enculturation in China.

Anita **MacKay**

*First-Year Law Student Peer Mentoring Via Podcast*

To foster wellbeing among first-year law students and support their transition to university, I established a podcast series in 2017. The podcasts record short interviews with students who have done well in their first semester core subject (Legal Institutions and Methods), inviting them to (a) reflect on their experiences and (b) provide advice to future commencing first year law students ('what I know now that I wish I knew before I started this subject'). It is a form of peer-to-peer mentoring that requires a relatively small investment of resources and provides on-demand support to students as they commence their law studies, promoting student wellbeing and a sense of belonging. The podcast series has three aims. First, to allay students' concerns about how difficult studying law might be, which may help to reduce the nervousness experienced by incoming law students. Second, to generate excitement among commencing students about the topics they will be learning about and assessment tasks they will be undertaking, including reassuring them that the tasks will be manageable and achievable. Third, it gives incoming students a wealth of practical tips for success from their peers about a variety of matters, such as the importance of attending classes, suggestions for time management and the importance of self-care and taking a balanced approach to study/life. It is assumed that new students listening to the recordings will be open to taking advice from students who have achieved a good grade in the subject. The value of the podcast series to commencing students in reflected in their willingness to volunteer to be interviewed after they have themselves found the podcast recordings from previous years a useful form of peer mentoring during their first semester.

Nate **McDonald**

*Get 'ALL' Your Professional Services Team 545x More Productive Using Robotic Processing*

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This robot works equally for all professions and compliance contexts. All your juniors, seasoned senior professionals, executive suite and board members can simultaneously take advantage of it. With some of your vital tasks now being fourfold faster. With

productivity improvements of 545x recently achieved on BOTH the AML regulations and Corporations Act.

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Discover how the net effect will be 4x productivity lift for your professional teams. As how it can improve the exit PE multiple for business sellers – making a professional services business more readily saleable to a wider group of potential buyers.

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| Jennifer **McKay** | *Reflections by Future ESG Practitioners on Current Social Justice Laws* |

This research describes outcomes of experiential learning tasks which included a structured reflective observation task on all topics in an environmental law course at the  University of South Australia. This paper reports on the reflections on the social justice topic which included activist environmental Non-Government Organizations (eNGOs), Anti protest laws, Strategic litigation against public participation suits (SLAPPS) suits and Greenwashing. Activist eNGOs were defined by the author as groups that protest but do not buy land or water resources and manage them. Examples include ACF and Extinction Rebellion. Students flocked to the presentation topics on these themes and were required to answer this question- Were you shocked or surprised by the law? Many students also selected these topics for a peer review with the same question. The structured reflective observation task was embedded with materials that pointed out the importance of reflection for development of legal skills and this resulted in extremely high percentage of the students producing critical reflections. This work is being crafted into a follow up article. The technique used was experiential learning and the reflection task was aimed at eliciting abstract conceptualization of their prior experience with the new knowledge. The critical reflection data suggests that most students were shocked at the state of the law on these topics. The paper will present examples of candid student statements which tend to point to a potential to actively experiment with law reform on these topics. This study tends to suggest that Environmental, social and governance strategies will have a positive future and that climate conscious lawyering as advanced by Justice Preston, has a great future.

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| Harry **Melkonian**, Zara Bending, George Tomossy | *Viva Voce Assessment - Legal Education for the Real World* |

This paper examines how authentic assessment design may assist to prepare law students for challenges they will face upon graduating. Legal education can present a tension between academic and professional (vocational) learning objectives. We argue that both goals are supported by pairing research tasks with viva voce components. Students are tasked to research topics and provide both written and oral submissions. Topics not only address contemporary legal questions, but are framed along the lines of real-world situations they are likely to encounter in professional practice, such as making a submission to a parliamentary inquiry or law reform commission, presenting research findings at professional development or academic conferences, or briefing their principal in legal practice. The viva voce allows for nuanced evaluation of their research, argumentation and analysis in their written work, thereby reflecting a more realistic form of engagement than the traditional student essay. Authentic assessments are especially well-suited to incorporate pedagogical tools that develop learning outcomes related to research, communication, analytical and critical thinking skills. They also provide opportunities for students to develop advocacy skills. This model relies on adopting an inquiry-based approach to student learning, which encourages the development of creative approaches to legal problems through original work. This form of assessment, however, can present both pedagogical and logistical challenges. These can be addressed through carefully constructed rubrics and non-traditional modes of assessment (i.e., online platforms such as Zoom and Microsoft Teams). Requiring students to become proficient in communication over web-conference equips cohorts to adapt to the virtual dimension of the contemporary

workplace. Academic assessment can help prepare students for the challenges faced by legal practitioners without compromising academic standards. Feedback across units (undergraduate/postgraduate, core/elective, first/penultimate/final year) indicates that the use of a viva voce offers dynamic and enriching experiences for both teachers and students.

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| Sarah **Moulds** | *Belonging in the Law Classroom: Rising to the Challenge of Creating a Place where every new law student belongs* |

Law students face many challenges when it comes to engaging positively with their studies. They may live in regional or remote locations, have caring responsibilities, live with a disability, or come from a disadvantaged socio-economic background. Even students with strong external support systems can struggle to adapt to the demanding learning environment associated with completing a professionally accredited law degree. The Belonging in the Law Classroom Project aims to improve the experience and retention of first-year Law students at UniSA by better understanding and fostering their sense of belonging in the online or physical classroom.

Past studies (e.g Ahn,& Davis, 2020; Gijn, Grosvenor, & Huisman, 2020) have identified a strong causal link between students' sense of belonging at University and student retention. This is led to a sustained focus on developing institutional strategies to improve student engagement, largely focused on extra-curricular supports or activities, but less focus on what happens in the classroom to foster student belonging.

Working with law discipline staff and students, this Project will identify existing classroom-based supports and develop new strategies for fostering belonging in the classroom across the compulsory first-year courses within the UniSA Law Program. Practical frameworks, exemplars and resources will be compiled to provide First Year Law teachers with building blocks that they can utilise to foster student belonging in their classroom. By focusing on student belonging in the classroom, this Project will provide a fresh perspective for teaching staff in Law from which to understand student retention and engagement and create space for programmatic approaches to curriculum review and assessment.

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| Hendry Julian **Noor** | *Understanding Legal Principles as Fundamental Provisions in Legal Professional Training and Education in Courts* |

This paper aims to analyse the binding power of legal principles to answer the ideal design of understanding legal principles in practical legal skills training for judges, prosecutors, and advocates. Judges, prosecutors, and advocates are law enforcement officers who practice in court, by first graduating from education and professional training as part of practical legal skills training. Judges are graduates of Justice Education and Training by the Supreme Court of the Republic of Indonesia. Prosecutors are graduates of Prosecutors' Education and Training by the Attorney General's Office of the Republic of Indonesia, and advocates who, before taking the state exam, must go through Special Advocate Profession Education. However, in the practice of law enforcement in Indonesian courts, errors or even errors in the application of the law still often occur. The fundamental ability of a legal scholar is "the power of solving legal problems", namely the ability to sort out legal problems to be judged into what legal domain (legal problem identification), use legal findings to find solutions (legal problem solving), and make decisions (decision making). In law discovery and decision making, understanding the principle of law is the principle thing. However, legal principles are often ignored in Indonesia. In fact, the proper use of legal principles will be able to make the application of the law carried out properly. Dworkin emphasized that the legal principle is something that must be respected. Meanwhile, in the education and training mentioned above, more emphasis is placed on the practical aspect than the basic understanding of legal principles, so this paper intends to bring improvements to it.

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| Ephraim **Patrick** | *Technology and human centricity in the workplace – friends or foes?* |

The volatility of the last two years provided the best proof of how important it is to leverage technology while at the same time to have an energised and resilient workforce. The

physical and emotional energy required to ride out the waves of the pandemic has sapped people's reserves and left many feeling they are running on empty.

Organisation have a unique opportunity unlock and harness employee energy by redesigning work, working and the workplace.

In this session we will explore the following questions at the intersection of technology, organisation and people:

- How can we deconstruct work and identify aspects that could be done differently? (incl. AI / algorithms)
- How can we help our people / employees to embrace a 'disrupt yourself' mentality to limit the depletion of energy through administrative tasks and encourage the adoption of new technologies (incl. AI and machine learning) and ways of working?
- How can we achieve greater productivity by enabling our people to focus the higher value aspects of their work?
- How can we as organisations achieve both – a productive business and work environment and at the same time fostering a human-centred employee experience and transformation.

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| Karina Dwi Nugrahati **Putri** | *The Urgency of Corporate Law Training for Criminal Law Enforcer: Preventing Misconduct toward Corporate Crimes* |

The vast and rapid technology has evolutional effects in many aspects of law. The phenomenon has followed by more sophisticated crimes, which use corporation as the actor. This raises a concern that every law enforcer should have better understanding in corporate law, especially in term of corporate-related crimes. In Indonesia, corporation can be a legal subject for criminal conduct after the stretching of classic principle societas delinquere non potest in some regulations. As a 'legal person', corporation has most of legal rights of a natural person and its own legal identity regardless the condition changes happened of its members. This condition has raised concern that, the law enforcers should also learn more about corporation as the 'new' subject of criminal law in Indonesia.  In recent time, criminal law enforcers, such as lawyers and attorneys have focused more into criminal law framework, instead of using more comprehensive approach from other branches of laws. Meanwhile, it may give unfair and imbalance consequence for the 'actor' and/or the beneficiary for the criminal conduct. This paper aims to show several mistreatments for corporate related cases and analyse the urgency to put corporate law as one of the core practical legal skills training for judges, prosecutors, and advocates.

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| Kelvin **Ross** | *Transformation of IT & AI Governance in Health* |
| Mark **Seton** | *Play, Uncertainty and Resilient Ethical Professionalism* |

In both academic and professional contexts, attention to wellbeing has come to the foreground increasingly requiring trauma-informed responses that require holistic engagement by all stakeholders – educators, researchers, students, professional associations and higher education institutions. The temptation would be for us to rationalise and think our way out of such discomfort and uncertainty. But as Einstein observed "[t]he world that we have made as a result of the level of thinking we have done thus far creates problems that we cannot solve at the same level as the level we created them at." Resilience is not about tolerating change but rather intentionally exploring creative responses and adaptations to unforeseen yet emergent circumstances, where the innate vulnerabilities in our humanity are freshly activated. In this paper I will argue why it's worth noticing which is more likely to activate a sense of fear in each of us – uncertainty, or playfulness, or both? – in order to consider how we might respond to these dynamics in the context of empowering students' wellbeing, through their discernment of their own unique contributions to the legal profession and its service to society. Hedwig van Possum (2018), a lecturer-researcher in the Department of Legal Theory, Vrije Universiteit, Amsterdam, has

identified how curated experiences of play and playfulness can help law students negotiate jurisprudence's complexity in engaging both professional and societal change. Furthermore, I will draw attention to the work by Prof Julian Webb, University of Melbourne (2019) on the value of complexity theory with regard to legal ethics education and practice. As a fellow scholar of complexity theory in Performance Studies and the wellbeing of actors playing morally distressing roles, I'll suggest ways that we could better enable law students to negotiate the inevitability of moral distress or injury as they emerge into this more complex world.

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| Mandy **Shircore**, Francesca Bartlett, Franci Cantatore and Rachael Field | *Pro Bono and Clinical Legal Education During Periods of Disruption: Challenges and Opportunities* |

Student pro bono activities and law clinics have traditionally relied on face-to-face, point in time modes of service delivery. However, the COVID-19 pandemic brought into sharp focus the need for conventional student pro bono legal services and clinical legal education programs to be adaptive to disruptive influences. While many legal service providers were quick to pivot to new modes of service delivery, the challenge for legal academics and clinicians was how to successfully adapt student programs in a way that would continue to assist these organisations in a time of crises, whilst maintaining an optimal student experience. This paper considers the challenges faced by two university pro bono and CLE programs during the COVID-19 pandemic, how they were addressed, and the lessons learned. It looks at technology and innovation in service delivery and how pro bono student services and CLE programs can enhance student digital literacy, a skill considered essential for the 21st century lawyer. It also reflects upon the value students placed on being able to continue these 'real' experiences during periods of enforced isolation and the positive impact this appeared to have on student wellness.

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| Allison **Stanfield** | *Digital Evidence: How crypto, NFT's, AI and big data are changing the evidentiary landscape* |

"Crypto currency", "non-fungible tokens" and the "metaverse" are terms relatively new to our lexicon. "Big data" is getting bigger and the use of "artificial intelligence" means algorithms are being used in clever ways. People are communicating across a global, virtual world and transacting using digital artefacts, and of course where there is anything of value, there will be theft, breach of contract and transgressions against ownership. If someone takes action against another, how are the courts dealing with this new form of evidence and are the existing rules of evidence coping? Given the ubiquitous nature of the internet, how can litigants and law enforcement tackle consequential jurisdictional issues, which may arise? How is data privacy being affected and what government regulation is being put in place or considered to protect the rights of users? These questions and more will be considered as part of this topic.

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| Caroline **Strevens** | *Experiential Learning in Clinical Legal Education as a Legal Wellness Pedagogy* |

This paper will outline a collaborative project which has two aims. The primary aim is to investigate law teachers' perceptions of the differences in student staff relationships and differences in topics of discussion between clinic modules and non-clinic black letter law modules.

The relationship between staff and students and between students within a clinic module is different to that in the usual law modules and the nature of the conversations, which include gathering instructions from and giving advice to clients, is much wider. We seek to investigate the relationships and the conversations taking place in scheduled sessions and make a comparison between clinic and non-clinic black letter law.

We propose that these differences are significant in two respects. Firstly, in terms of creating a sense of belonging and thereby likely to increase a sense of positive psychological wellbeing. Secondly, we propose that the differences are significant in terms of supporting student motivation to study and staff motivation to teach based upon SDT. Our proposition is that relationships built in clinic as a result of the shared role of addressing

the client's problem satisfy the psychological need for relatedness and that discussion about and enactment of intrinsic pro-social values in clinic result in increased levels of well-being. The project will start with an investigation of the relationships and conversations. Further stages will enable an investigation of any correlation with motivation and levels of wellbeing.

The second aim of the collaboration is to bring together clinic teachers from across England and Wales who have an interest in investigating and reporting on the impact of clinic. Clinic teachers are usually drawn from practice and rarely have experience of empirical research methods. Thus, this second aim is to upskill ourselves in addition to collaboration to enhance rigour and significance.

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| Alan D **Thompson** | PLENARY: *Artificial intelligence: Bigger than fire, electricity, and the internet* |
| | 2022 has brought about an explosion in the world of artificial intelligence. The impact on the business landscape—and beyond—is completely transformative. Large language models based on the attention mechanism have given us access to the beginnings of superintelligence. This keynote explores the major AI discoveries in the last two years (since 2020) and showcases some of the practical applications of these platforms, including a model based on the judgments of Justice Ruth Bader Ginsburg's 27 years of Opinions in the Supreme Court, and prompting OpenAI's GPT-3 model to translate between legalese and English. Discover why current AI is touted as being more profound than fire, electricity, and the internet. |
| Florence **Thum**, Prudence Stone, and Keiko Evans | *Training emerging lawyers of the future – where to from here?* |
| | The COVID-19 pandemic accelerated trends in remote work and workplace automation leading to disruptions to our workforce and the way we work. The time when the legal profession thought it had time to adapt and adopt digital technology has passed. With the accelerating rate of digital transformation, the future seems increasingly uncertain and ambiguous. Expectations of the legal workforce and workplace and of the consumers of legal services are evolving. Deloitte in its 2021 publication "Building the future-ready workforce" stated a future-ready workforce comprised of humans and machines. It noted the human workforce must build upon capabilities first and skills second. This is true for the legal professional workforce, when human capabilities such as emotional intelligence, resilience and adaptability to change are being expounded as essentials to effective lawyering. What does the future of legal practice look like? What relevant and appropriate capabilities and skills are expected from emerging lawyers in this environment? What do we, as practical legal educators, need to do to enable and support them to thrive in this uncertain future? This paper explores and advocates for a human-centred approach to practical legal training, and considers the teaching and learning of human-capabilities. |
| Ken **Yin**, Tanzim Afroz**,** Haydn Rigby and | *The Correlation Between Mastery of Legal Reasoning and Achievement in Doctrinal Legal Studies* |
| | It is an oft-repeated truism that mastery of legal reasoning is a sine qua non of success in doctrinal studies and success in practice. Despite this truism, there is a surprising absence of empirical and qualitative evidence to support its veracity. Two difficulties are immediately apparent in any attempt to probe the question: first, the need to identify from myriad definitions a workable understanding of 'legal reasoning'. The second, more substantive difficulty, is of extracting meaningful qualitative data that would support the hypothesis. The authors confront both difficulties as follows: the first, by defining 'legal reasoning' broadly as being the methodology of applying legal principle to facts to derive a supportable conclusion, this being consistent with its common understanding in Australian literature including in TLO3. Addressing the second difficulty comprises the more significant part of the paper. Legal Process, a foundational unit is identified as conferring on students' legal reasoning skills in the sense defined earlier and legal reasoning skills are specifically assessed in that unit. Using data extracted from Callista and analysed using IBM Cognos Business Intelligence Software and Tableau, the performances of students in Contract law |

and Tort over five years were analysed against their performances in Legal Process. Contract law and Tort were selected as each unit has as a learning outcome the application of legal skills and were regarded as appropriate units to test the acquisition of legal reasoning skills. The outcomes indicated a significant correlation between good performance in Legal Process and success in Contract and Tort law. Conversely, students who had not yet undertaken Legal Process or had performed badly had less favourable outcomes in Tort and Contract.

Helen **Zhao**

*A Program to Integrate NESB Students into Australian Law Courses*

Law students from Civil Law Countries will almost always have English as a second language and have no knowledge of the differences between Common Law jurisdictions and their native Civil Law approaches and systems. They therefore face three major hurdles when they study law in Australia: 1) A lack of background in or understanding of the Common Law System. 2) Language difficulties – lack of any experience with the 'dialect' of Common Law legal language, and 3) cultural differences between their home education systems and the Australian University Experience.

These difficulties are exacerbated by the fact that, in their first semester, new law students will also be studying several subjects dealing with substantive law subjects (Contracts, Torts etc) which will presume a knowledge of certain basic concepts which are outside their prior experience. Given these challenges, it is not uncommon for Non-English-Speaking Background (NESB) students from Civil Law Countries to find their first semester extremely difficult, with many failing, dropping out or suffering loneliness and depression.

To alleviate these difficulties the Bond University Faculty of Law has instituted the Australian Law and Language (ALL) course for these students. There is no charge for this voluntary course and it earns no academic credit. It is offered as an intensive on the first two weekends of their first semester, covering the teaching of theory, applying the law and practising the relevant skills. A series of practical exercises are included, demonstrating why law students must read cases and how to read these cases more effectively; how to take lecture notes, how to prepare for tutorials, how to answer exam questions, and practicing the relevant skills. A weekly 60 – 90-minute seminar is offered in the remainder of the semester to address student questions and cover more advanced concepts (e.g. statutory interpretation). Informal surveys and communications indicate that Asian students benefit substantially from this course, as reflected in their results.

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