

FOREWORD: SPECIAL ISSUE ON EQUITY, EQUALITY AND LEGAL EDUCATION

I am delighted to introduce this special issue, focussing on “Equality, equity and legal education”.

Education, equality and equity intersect in varied and important ways, many of which were highlighted in the recent Australian Universities Accord Final Report. That report highlighted not only the importance of equitable engagement in the tertiary education sector as “a core driver of national prosperity”,¹ but also the vulnerability of many of the students within it and the importance of prioritising their safety and wellbeing.² The Report is a clarion call for universities, regulators and the government to prioritise equity and equality to enable access and success for diverse students and so achieve the critical engagement necessary to ensure graduates are equipped to participate in the “strong, equitable and resilient democracy” to which we aspire.³

These issues are replicated, and possibly even intensified, in the context of legal education for two reasons.

The first is that law school is the precursor to entry into a profession notable for its lack of diversity. While there is limited data on the makeup of the Australian legal sector, historically the profession has been dominated by ‘white, heterosexual, able-bodied, middle class men’.⁴ While inclusion of women at various levels of the legal profession has improved,⁵ cultural diversity has not.⁶ For this reason, facilitating equitable engagement by diverse students in legal education is critical if we are to have any hope of achieving a more representative profession. And a representative profession is not only desirable symbolically, but primarily because it will facilitate delivery of quality legal services for our diverse community.

Second, law students are the future legal professionals who will scrutinise our laws, our policies and practices, to identify obstacles to equitable inclusion and respond to instances of direct and indirect discrimination which limits the capacity of individuals and groups to

¹ University Accord Panel (2024), Australian Universities Accord Final Report (The Department of Education) <<https://www.education.gov.au/australian-universities-accord/resources/final-report>>, 27.

² Ibid at 137.

³ Ibid at 1.

⁴ Margaret Thornton, “‘Otherness’ on the Bench: How Merit Is Gendered” (2007) 29(3) Sydney Law Review 391-413, 391.

⁵ Sam McKeith, ‘Building Diversity in the Legal Profession’ LSJ Online (Feature Article, 4 May 2019) <<https://lsj.com.au/articles/building-diversity-in-the-legal-profession/>>.

⁶ Brian Opeskin, ‘Dismantling the Diversity Deficit: Towards a More Inclusive Australian Judiciary’ in Gabrielle Appleby and Andrew Lynch (eds) *The Judge, the Judiciary and the Court: Individual, Collegial and Institutional Judicial Dynamics in Australia* (Cambridge University Press, 2021) 83.

succeed in our community. We need our students to embrace principles of equity and equality, and have the capacity to critically engage with the status quo to facilitate the achievement of these principles in practice.

In this context it is a pleasure to be able to present this diverse collection of insightful and important analyses of dimensions of equity, equality and legal education. The majority of the papers which make up this special issue were first presented in a symposium held in late 2023, which was hosted by The University of Adelaide Law School's Research Unit on Law and Education (RULE) and the Legal Education Review, and supported by the Law Foundation of South Australia. I extend my sincere thanks to those organisations for their support. It is hoped the final papers presented here will provide a useful reference for everyone seeking to enhance equality and equity in legal education and beyond.

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