

LAUNCH OF THE VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW CENTENNIAL ISSUE

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Notes for a speech given at the Law Faculty, Victoria University of Wellington on 28 June 1999 on the occasion of the launch of the Centennial Issue of the Victoria University of Wellington Law Review.

When asked to launch the Centennial Issue of the Law Review I felt some concern. I remembered I was a student when the Law Review was founded, and while that was a long time ago, it did not seem quite as much as 100 years. However, I was relieved to learn that centennial referred to the University, not the Review.

In another way I was pleased to receive the invitation. It vindicated one of the tenets of my life; never to throw anything away because one day it may be useful. Lately, when I moved the personal contents of my former chambers to the family house, this was the source of some marital strain. But my methodical if domestically irritating habit enables me to quote from a letter bearing date 15 February 1952.

In the manner then customary on informal occasions, it commenced "Dear Eichelbaum". It continued that something had been mentioned at the last Law Faculty dinner which I would "probably" remember. Recalling the dinners of the day, I can understand the writer's reservations. At any rate the subject matter was the foundation of the Law Review, and the letter advised that a Mr Horsley was to be the Editor-in-Chief, six others had been chosen as members of the Editorial Board, and I was honoured to be among them.

At the time the Dean was Professor Robert Orr McGechan. The full time faculty comprised himself, Professor Ian Campbell, and Mr Ernest Braybrooke. By the time the

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first issue appeared, they had been joined by Dr George Barton, and in the following year Dr Colin Aikman joined, both happily are here tonight.

Professor McGechan, an innovative and progressive teacher and administrator whose tragic death in 1954 was a huge loss, was credited with conceiving the law review project. With the enthusiastic support of the Faculty, he provided the impetus to turn the idea into reality.

I will not bore you by dwelling on the identities of the members of the first Editorial Board, several of whom in the fullness of time achieved some distinction in various fields. I mentioned the first Editor-in-Chief, David Horsley. He became, as some may remember, a Rhodes scholar. I had to make some enquiries to find out about his later career. From Oxford he was inveigled to Canada, and did not return to live in New Zealand. He went into private practice, took silk, and eventually became a senior partner in a prestigious Canadian law firm, for which he is still a consultant.

Thanks to my hoarding habits I can now hold up the modest publication which was the first issue of the Victoria University Law Review, and indeed the first issue of any university law review in this country. A position of primacy – one would like to think – maintained ever since. The appearance has changed considerably, but in many respects the fundamentals then established have endured.

Apart from Professor McGechan's seminal article on the case method of law teaching, the first issue consisted solely of case notes written by students. As Professor McGechan's foreword emphasised, his focus was sharply on the Review being an educational tool, giving current students practical experience of expounding the law clearly by the written word. This approach certainly empowered students in an unaccustomed manner.

Revisiting the articles I contributed, I cringed to see that Lord Justice Denning had (quote) "fallen into error" and that various contemporary giants of the New Zealand legal scene were just plain wrong, in particular Justices K M Gresson, Northcroft, Finlay, P B Cooke and Hutchison. This I have to admit was an outburst of boldness, not reproduced subsequently, which currently would be associated with a different Thomas.

Understandably the Centennial Issue contains contributions from a wider circle than students. Reference however to previous issues will show that the tradition of student participation continues as a key feature of the Victoria Law Review's particular format. Currently the main source of student contributions lies in papers written as part of their degree course requirements. The connection with Professor McGechan has been maintained by his family's continued support for the McGechan prize, awarded for the best student contribution to each volume.

From the modest birth of the Law Review, I turn to the magnificently produced Centennial Issue. And here the Faculty would like me to acknowledge the significant tangible support of Judge Ian Borrin. The volume being in two parts, number one contains contemporary writings, mainly illustrative, as Dean Brian Brooks points out in his foreword, of the scholarship and research current in the Faculty. In addition there are contributions by three distinguished friends of the University; Lord Cooke, Sir Geoffrey Palmer and Professor von Münch.

It is interesting to compare the subject headings with the subject matter of the case notes of nearly half a century ago. Some of the topics could equally have been written then: the admissibility of the intentions of contracting parties as an aid to interpretation, the availability of damages for nervous shock.

But others illustrate shifts in the focus of legal controversy: child support, matrimonial property, Maori fisheries, coalition governments, alternative dispute resolution, the impact of international instruments; not topics likely to have generated notable litigation attracting case notes in 1953.

The second number will be a joy to devotees of history and nostalgia. Its stated object is to highlight some of the work of the forerunners of the present faculty, at the end of the maiden century. Commencing, in point of time, with Professor Maclaurin, the list of authors is a who's who of the Law Faculty throughout that period. The subject matter has been gathered under three headings: legal education, public and international law; and Maori and land law. Among so many memorable papers it would be invidious to single out any: so I will leave you to discover the gems for yourself.

But before closing I will mention one of my hobby horses, that the judicial appointment process is too significant to democracy to be left to the ultimate discretion of one minister, however fortunate we have been in the quality of appointors and appointees in the past. In browsing through issue number two I found this was precisely what a distinguished triumvirate concluded in reporting on constitutional proposals for one of the island territories – 35 years ago.

In the foreword the editors – Geoff McLay, Louise Moreland and Melanie Smith – say that the collection is not meant as an anthology of the best product of Victoria's legal scholars; rather the purpose was to show the progression of, and the University's involvement in, the development of legal education, and public and international law. These are the fields, in the editors' view, where Victoria has made a particular contribution.

As the editors rightly remark, however, Victoria through its faculty, students and distinguished friends has been influential across the whole range of legal endeavour – and

without immodesty it can be claimed that the contribution extends well beyond the shores of this country.

The foreword says this work deserves to be celebrated.

Indeed this publication itself is a proud celebration.

In the presence of this distinguished audience, and of the shades, one would like to think, of Mclaurin, Salmond, Adamson, McGechan and other giants of the past, I have much pleasure in declaring this splendid Centennial Issue to be launched, and in congratulating the Editorial Committee, the Faculty, and the contributors on a stellar achievement.

