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# John F Kearney QC AM: A distinguished patron of legal education

## **Abstract**

I was introduced to John as a young academic at Bond University in the early 1990s. He was already the subject of myth and folklore, but my trepidation at meeting the man himself was soon put at ease through his generous good humour, vigorous intellectual debate on a wide range of topics and his genuine interest in the Law School. It is this aspect on which I will concentrate in this tribute.

## **Keywords**

legal skills training, philanthropy, law school

## JOHN F KEARNEY QC AM: A DISTINGUISHED PATRON OF LEGAL EDUCATION

PROFESSOR DUNCAN BENTLEY\*

Each year crowds flock to the Block Arcade for Open House Melbourne. A highlight of the tour is the JFK study and boardroom. They sit above the gracious Hopetoun Tea Rooms, wood-panelled and steeped in history. Not far away are the law courts, the famous Melbourne clubs, the University of Melbourne and Xavier College. All played an important part in the life of John F Kearney AM QC, and were the subject of many self-deprecating stories that belied the way he personally helped shape and make significant contributions to those institutions.

Although John and his wife Alison only purchased the Block Arcade in 1993, 'The Block' reflects the deep love that John had for Melbourne. His passion for history, the law and for people may have played out during his distinguished legal career in Melbourne, but he brought that dynamism and those interests to Queensland in later life. Present-day Mudgeeraba, Bond and Griffith Universities, Marymount and All Saints Schools and Somerset College all owe much to John. He made a major contribution to the shape of cities, education and justice in a life well-lived. John richly deserved his honorary doctorates for his significant contribution.

I was introduced to John as a young academic at Bond University in the early 1990s. He was already the subject of myth and folklore, but my trepidation at meeting the man himself was soon put at ease through his generous good humour, vigorous intellectual debate on a wide range of topics and his genuine interest in the Law School. It is this aspect on which I will concentrate in this tribute.

The School of Law at Bond University was a pioneer in legal skills training. John's passionate endorsement of this training was recognised in Alison's birthday present to him of a splendid panelled moot court given to the Law School. Here he revelled in the achievements of the Bond students as they began what is now a tradition of high achievement in national and international mooting competitions.

John understood the importance to Bond of establishing a significant point of differentiation for its Law School. The foundation staff under Dean, Professor Tony

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Tarr, enlisted John's support in their vision to develop a law school that bridged the gap between traditional theoretical legal study and its practical application. It was an approach that is well-founded in the literature.<sup>1</sup> The integrated incremental skills program that developed within the Bond Law curriculum was intensive, demanding, and engaged students in almost every subject in applying their theoretical frameworks, knowledge and reasoning skills to problems they were likely to face in the many spheres of practice.

The founding Bond Law staff included the first Victorian woman appointed to the Family Court of Australia, the Hon Margaret Lusink, as well as several former Deans and senior legal academics from Australia, New Zealand, and South Africa. They were quick to ensure that the legal community became integral to the daily workings of the Law School. It is no surprise therefore that John Kearney QC was equally swift to champion this same kind of engagement with academia that he had so enjoyed during his years at the Bar in Melbourne. For him, it was evidence of a law degree that would produce graduates prepared for practice and well versed in the lawyering skills that would form the basis of their professional careers.

John particularly encouraged the moot program. He applauded its development of intellectual rigour, critical thinking and the ability to communicate complex issues of law in a way that would persuade the bench of the merits of the argument. It reflected his passion for arguing difficult cases while at the Melbourne Bar, including as a successful early advocate for indigenous land rights.

The success of Bond students in the prestigious Philip C Jessup International Law Moot Court Competition gave John and Alison great pleasure and they regularly sponsored the Bond teams that won the Australian round to attend the international finals in Washington DC. The students' success demonstrated the quality of the Bond Law curriculum and helped establish the Bond Law degree as the best of its kind in Australia.

The applied research from the Bond Law skills program was disseminated widely through articles, book and conference papers.<sup>2</sup> It attracted many international visitors

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<sup>1</sup> See, eg, K Mackie, N Gold and W Twining, *Learning Lawyers' Skills* (1989 Butterworths); W Twining, *Law in Context: Enlarging a Discipline* (1997 Clarendon Press); and American Bar Association, *Legal Education and Professional Development – An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992, ABA).

<sup>2</sup> See, for example, Jim Corkery, *Starting Law* (Scribblers Publishing, 2<sup>nd</sup> ed, 2002); Kay Lauchland and Marlene Le Brun, *Legal Interviewing* (LexisNexis Butterworths, 1996); Terry Gygar and Anthony Cassimatis, *Mooting Manual* (LexisNexis Butterworths, 1997); Nadia Spegel, Bernadette Rogers and Ross Buckley, *Negotiation* (LexisNexis Butterworths,

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and its reputation ensured that the Bond Law graduates became widely recognised for admission to practice in countries as far apart as Malaysia and Canada. Interestingly, at various times Bond has been one of the largest international providers of law graduates for Fiji, Canada, and Malaysia.

Right from the beginning, there were regular international visitors, which added a significant comparative dimension to the curriculum. Early experimentation included case studies using group project simulations, international collaboration, and cross-cultural negotiations, which ensured an ideal environment for students to learn both the theory and practice of cross-jurisdictional transactions.<sup>3</sup> Academic and professional visitors viewed the program in action and often adapted parts of it for their own law schools. John and Alison consistently proved consummate hosts for visitors, including several delegations accrediting the Bond Law degree.

John and Alison would invite visitors to Jabiru, their elegant Queenslander homestead in the Mudgeeraba hinterland.<sup>4</sup> Here the visitors would sit on the veranda, overlooking the tennis court and sipping tea, while John would fascinate them with stories that would bring the history of the legal profession and the region to life. He would then often take them in his four-wheel-drive deep into the rainforest up vertical tracks where the views were even more magnificent. As they looked across the Gold Coast, with the sun shimmering on the sea in the early evening light, he would proudly point out the sandstone towers of Bond University and the Law School in the middle distance.

John was a source of sage advice to Deans at Bond. My predecessor, Professor Eric Colvin, a visionary and driving force in cementing the reputation of the Bond Law School, ensured that I had gained John's confidence before I took on the role. John's advice over many years proved invaluable. I always returned from discussions with John with a clearer focus and better perspective, whether they took place poring over maps of his latest venture in his study or driving through the forest at Jabiru, over lunch in the Bond University Club, or while walking around the law skills building

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1998); Laurence Boulle, *Mediation* (LexisNexis Butterworths, 1997); and culminating in the comprehensive practical guide by Bobette Wolski (with David Field and John Bahrij), *Legal Skills* (Lawbook, 2006).

<sup>3</sup> Documented in Duncan Bentley and John Wade, "Special Methods and Tools For Educating the Transnational Lawyer", 55(4) (2005) *Journal of Legal Education* 479. Most recently showcased in William van Caenegem and Mary Hiscock (eds) *The Internationalisation of Legal Education: The Future Practice of Law* (Edward Elgar, 2014).

<sup>4</sup> One of the few longstanding locations for breeding pairs of the Jabiru or black necked stork left in Mudgeeraba.

in its early stages of development. John was a man of action and his advice was clear and to the point.

John and Alison Kearney contributed to the Bond vision, were generous mentors and engaged and committed philanthropists. Much of what is prized now at Bond University could not have taken place without them. In one of the largest gifts to the Law School, the success of the law curriculum led John and Alison to donate a substantial sum towards a new legal skills building. It is one of the finest of its kind anywhere. The moot courts take pride of place, but the range of legal skills acquired by succeeding generations of students is testimony to John Kearney's vision for legal education.