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## Welcome to the New Bond Law Review

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## **Abstract**

The nature of the contemporary research environment and an increase in competition impel conventional law journals to address a number of uncomfortable questions concerning their future relevance and viability: Do law journals continue to serve the needs the profession and the academy (assuming that they ever did)? For how long will subscribers continue to pay individual journals for access to content, or to purchase hardcopy? Are law journals antiquated relics of a by-gone era, ill-suited to the realities of modern legal scholarship and the demands of an increasingly complex market, or are they among the last bastions of quality in a world saturated in blogs, tweets and wikis? The reforms that we at BLR have implemented, and the characteristics that we seek to inculcate, reflect our considered response to questions such as these.

## **Keywords**

legal, scholarship, research, journals, international

## Foreword:

# Welcome to the New *Bond Law Review*

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The astute reader may have noticed that the format of this volume of the *Bond Law Review* has been substantially revised. Our new style is the result of numerous discussions, consultations and mock-ups, the only sensible conclusion to be drawn from which is that, as graphic designers, the editorial committee make good lawyers. (The final design is largely the work of our in-house marketing department, to whom we are thoroughly grateful.) However, the reforms that we have implemented are more than skin-deep, and this revised format reflects various substantive developments, which embody a plan for the future of the *Bond Law Review* characterised by the highest possible levels of quality, accessibility, functionality and adaptability. So expressed, these characteristics might seem somewhat pithy, but they are far from hollow. The nature of the contemporary research environment and an increase in competition — on which more below — impel conventional law journals to address a number of uncomfortable questions concerning their future relevance and viability: Do law journals continue to serve the needs of profession and the academy (assuming that they ever did)? For how long will subscribers continue to pay individual journals for access to content, or to purchase hardcopy? Are law journals antiquated relics of a by-gone era, ill-suited to the realities of modern legal scholarship and the demands of an increasingly complex market, or are they among the last bastions of quality in a world saturated in blogs, tweets and wikis? The reforms that we have implemented, and the characteristics that we seek to inculcate, reflect our considered response to questions such as these.

There is, of course, no single model of law journal; such journals may be generalist or specialist, hardcopy or electronic (or both), and they may be produced by law faculties or commercial operators. For the most part, however, conventional law journals are unified and distinguished by their insistence upon some form of peer review, general editorial control, and internal quality assurance (copy editing). It is undeniable that pressure has been placed on this model by the sheer number of law journals that are now published in Australia, as elsewhere (a reality evidenced by the various journal ranking exercises undertaken in recent years), and that the market for hardcopy journals has been significantly reduced by the proliferation of online publications and electronic databases. (Some high-quality journals now offer open access to content, and most — if not all — journals offer online access in one form or another.) An increasing number of academics also seek to broaden their research profile and readership by publishing work — often greatly simplified — in the form of blogs and posts on professional websites such as *LinkedIn*. To the extent that disseminating research in this way might provide a broader church of consumers with timely access to expert opinion, they are surely

a good thing. And, provided that the value of research presented in this way is not overstated, these media may complement law journals, rather than competing with them. However, it remains to be seen whether all markets attracted by such formats are sufficiently sophisticated to draw these distinctions.

The difficulties facing law journals are not confined to those presented by competing media. The suitability and sustainability of generalist law journals in particular, such as the *Bond Law Review*, as outlets for legal scholarship are also tested by the demands of an increasingly complex, interdisciplinary and applied research environment, in which the value of scholarship is routinely measured by its capacity to attract external funding. In contrast with other disciplines, the legal academy has done a poor job in articulating, marketing and defending the legal method and the merits of conventional legal scholarship, for which the only essential resources (other than access to legal materials) are time, effort, skill and intellect.<sup>1</sup> In the result, the ability to attract research grants — ergo, the willingness to adopt and develop novel, resource-intensive methodologies to solve or reframe legal problems — has become a core metric for career advancement in law faculties, and chairs in law are no longer reserved for those whose work is published in leading (doctrine-heavy) law journals.

But the future of the conventional law journal is perhaps less bleak than it might at first appear. While the market for legal scholarship may be more complex and nuanced than was once the case, there can be no doubt that this market still exists. As long as judges and lawyers seek to solve legal problems, governments to determine legal policy, academics to develop theory, and students to further their understanding of the law, the need to access legal scholarship will remain (albeit that the nature of this scholarship and the methodologies adopted may evolve). In such matters there can be no substitute for quality as poor scholarship (in terms of content, presentation, or both) will fail to attract, or facilitate the desired outcomes of, practitioners, judges, academics, law reform agencies and students alike.<sup>2</sup> The more salient questions, therefore, are whether the conventional law journal model (and in particular the generalist law journal) continues to provide the most suitable vehicle for the dissemination of legal scholarship and, if so, how the market will assess the value of individual journals in the future.

These questions are impossible to answer with any certainty. However, it seems likely that, over time, journals that are unable to deliver scholarship perceived by readers to be of sufficient quality or interest will wither on the vine, as will niche journals that pander to fads or transient interests, or journals that fail to provide convenient access to content or to

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<sup>1</sup> John Farrar makes a similar observation in his contribution to this volume.

<sup>2</sup> Of course, this assumes that law reform agencies engage with legal scholarship. In their article in this volume, Kieren Tranter and Rodney Meyer report on a study into the citation of journal articles by the Queensland Law Reform Commission, and conclude that academic literature plays a minimal role in that Commission's approach to law reform.

embrace the enhanced functionality afforded by new research platforms. In contrast, journals distinguished by the highest standards of quality, which are readily accessible to consumers, and which remain adaptable to fluctuating trends in demand as to substantive coverage and the functionality of content—such as the greater interconnectedness of primary and secondary resources—may prosper. In this way, the challenges and opportunities presented by technological advances and a diversified research environment may, in fact, serve to bolster the viability of the conventional law journal model—and to distinguish these journals from their competition—by forcing an increase in standards and a culling of the weakest market players. Insofar as a commitment to quality might be thought to reflect the values embodied by the most prestigious and established of law journals, the future may yet prove the adage that, in this respect, the ‘more things change, the more they remain the same’.<sup>3</sup>

How, then, does the *Bond Law Review* propose to meet these various challenges, and to exemplify the values and characteristics identified in the preceding paragraphs? Perhaps most significantly, the editorial model adopted at the *Bond Law Review* has evolved to accommodate a greater role for high-performing students in law. We are fortunate in that our best and brightest students are among the very finest in the country. Student editorships at the *Bond Law Review* are competitive, elite positions and many of our student editors—past and present—are scholarship students who maintain High Distinction averages, and who graduated from high school in the top few percentiles. Their attention to detail is, without exception, outstanding. Including these students in the editorial process enhances the quality of the journal while providing them with exposure to, and an opportunity to engage in, legal research. The *Bond Law Review* is also privileged to boast an editorial board that comprises some of the greatest legal minds in Australia and internationally, and the transfer of learned knowledge (at both the staff and student level) is assured by a sense of collegiality and shared purpose that is second to none.

As to the peer-review and editing process itself, all submissions to the *Bond Law Review* are double-blind refereed by at least two specialists in the field and, if approved for publication, articles undergo a rigorous internal editing process conducted by a staff and student editorial team. In the final stages of editing, articles are uploaded to a file-sharing server where all student editors (six are presently appointed) and the general editor conduct final checks on each article. Our current rejection rate,

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<sup>3</sup> Jean-Baptiste Alphonse Karr, *Les Guêpes* (‘The Wasps’) (1849). It is appropriate, therefore, that in the first article in this volume, Jennifer Porter traverses similar ground to that surveyed by Eric Colvin in his seminal work, ‘Causation in Criminal Law’, published in the very first volume of this journal: (1989) 1 *Bond Law Review* 253. At the time of writing, the full text of Professor Colvin’s article has been downloaded in excess of 32 700 times since it was first uploaded the *Bond Law Review* Website in 2007.

prior to and subsequent to peer review, is in excess of 65 per cent, and we make no apologies for pedantry in matters of grammar and style (although we are able and willing to assist authors, especially those for whom English is not their native tongue, in this regard). On this note, the *Bond Law Review* also seeks to provide a forum in which Asian legal scholars can disseminate their research on topics of relevance to the Australian academy and legal profession. As an international university with a high proportion of staff and students from Asian countries, our editorial team is well placed to assist authors from those jurisdictions in the editorial process, and to ensure that the final product is of the highest possible quality.

In the coming months, we hope also to unveil a refreshed website that carries our plan for the future of the *Bond Law Review* through to the electronic world, by ensuring that our articles may be accessed and located by as wide a readership as possible. Access is now available to all articles (Volume 1 to present) at the *Bond Law Review* website, following an initial embargo of three months. Consistent with Bond University's not-for-profit commercial model, and our goal to enhance readership and functionality, articles may also be downloaded in full text and searched without charge at the *Jade Scholarship Library*, subject to the same minimum embargo period. They may also be downloaded by subscription to *Hein-online*, *Informit*, *APAFT*, and *AGIS Plus Text*.

We hope that you enjoy the new *Bond Law Review*.

Iain Field, General Editor  
(On behalf of the Editorial Committee)  
Robina  
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