

**Law Foundation of South Australia: Fellowship Report**  
*Azaara Perakath, recipient of the 2023 Fellowship*

It is with immense gratitude and enthusiasm that I have returned to Australia following the completion of my Master of Laws (LLM) at the London School of Economics and Political Science (LSE) in the 2023-24 academic year. In the immediate aftermath of such a transformative and awe-inspiring year, what an honour it is to be able to provide this report to the Law Foundation of South Australia detailing my experience.

Undertaking postgraduate study in the UK had been a lifelong aspiration of mine, and I am extremely grateful for the Law Foundation's support, without which I would have been unable to undertake this pivotal step in my legal journey.

**Application process, arriving in London and the LLM Programme**

From the outset, when I was in the process of applying for the Master of Laws programme at LSE, I was acutely aware that this would be a 'step-up' from my undergraduate days, and a far cry from the world of legal practice. I was extremely fortunate to have wonderful mentors, colleagues and friends within the profession who were able to offer their counsel. Foremost among these were two previous Law Foundation Fellows, Fiona McDonald and Jake Kriticos, both of whom offered invaluable advice and managed my expectations appropriately (and to whom I extend my heartfelt thanks). Our conversations canvassed everything from course selection, what to expect in terms of workload and readings, how to best prepare to avoid pandemonium at exam time, finding suitable accommodation, dealing with the famous London weather, and how to balance the demands of postgraduate study whilst also soaking up all that London and its surrounds has to offer! I would definitely encourage prospective applicants to consider seeking out those who have gone before you (or previous Law Foundation Fellows), as I can wholeheartedly say it made all the difference in preparing me from the outset for the course of study (and life-changing experience) I was about to embark upon.

Arriving in London a couple of weeks before the start of the term, two suitcases and a backpack in tow, felt slightly surreal. I was walking streets I had walked before, but now in the knowledge that this was to be my home (and intellectual hub) for the next year. Perhaps it only really

struck me when I walked up to the apartment I had selected as my student accommodation for the year, turned the corner, and found myself standing face to face with Big Ben!

During orientation week and induction, I very quickly realised that our almost 300-strong cohort was filled with some of the brightest and best individuals from around the world. Everyone appeared ambitious, supremely organised, passionate about their chosen areas of law and enthusiastic about attending every campus event, legal panel and seminar! The first order of business, though, was an administrative one: to carefully select seven courses out of the almost 100 on offer (in the law school alone!) and to complete the course selection process online. There was even the option to select some non-law courses as part of the LLM, which only widened the breadth of the already vast list of subjects on offer!



*LSE LLM Cohort 2023-24*

As part of the LLM programme at LSE, I completed seven legal coursework subjects (four in Autumn Term and three in Winter Term). These were:

1. Security and Criminal Law
2. Theory of Constitutional Rights
3. International Criminal Law: Core Crimes and Concepts
4. Financial Crime
5. Commercial Remedies
6. Selected Topics in Human Rights
7. Explaining Punishment: Philosophy, Political Economy, Sociology

The LLM at LSE is set apart by its multidisciplinary approach – enabling students to simultaneously study philosophy, law and social policy. I had the privilege of being taught by some incredibly inspiring professors, who prompted me to challenge some of the central assumptions that underpin our approach to law and legislating, particularly amidst a climate of fear, distrust and heightened security concerns. I was also acutely aware that we were not learning in a vacuum – often, real world events and developments would be woven into our class discussions, ranging from the Israel-Palestine conflict to the most recent judgment of the UK Supreme Court on penalty clauses. Whilst my chosen subjects may appear to be somewhat diverse, I deliberately chose a mix of criminal, commercial and public law subjects because my ultimate aspiration is to establish a mixed practice at the independent bar. Combining subjects in this way complemented my diverse practical and academic legal experience to date, as well as reflecting my intended future areas of practice.

Of course, one of the true gifts of studying at an institution like LSE is that it attracts some of the most brilliant and engaged students from all around the world. Our cohort was very multicultural and completely defied age, experience or language barriers. Some of the most stimulating debates in our tutorials arose when students hailing from wide-ranging jurisdictions and with differing perspectives offered unique insights which then sparked some fascinating discussions amongst the class!

I thoroughly enjoyed each of the courses I selected for different reasons – be it the quality of the professors, my genuine interest in the reading material, the ways in which it stretched my thinking or simply because I had never had the opportunity to think about and engage with

such complex concepts in such a meaningful way. Undertaking study at a masters level actually allowed me to enjoy the ‘process’ of learning (the proverbial ‘journey’ that we keep being told about)! Security and Criminal Law, in particular, was one of the most challenging subjects I undertook, as it involved a marriage of legal philosophy, sociology and criminal law concepts. I remain indebted to my criminal law Professor, Peter Ramsay, who also ended up being my dissertation supervisor, for always challenging and extending me, whilst consistently maintaining faith in my ability. Ultimately, that saw me transition from ‘overwhelmed masters student’ in Week 1 to someone who believed in my own ability to get across the finish line, and to do so with distinction.

### **The Dissertation**

In addition to the abovementioned seven courses, I completed a 10,000 word dissertation. The opportunity to independently research and write an academic thesis on a legal topic of my choosing was part of what attracted me to the LLM programme offered by LSE.

In fact, my dissertation was inspired by a large criminal trial I had worked on during my time as a solicitor at the Office of the Director of Public Prosecutions (SA), prior to commencing my masters. In particular, it was borne out of my observation of the practice of the state paying (or otherwise incentivising) witnesses in criminal trials to give evidence. My paper, entitled *‘Snitches get riches: How should criminal courts approach the inclusion of evidence that is paid for or otherwise incentivised?’*, explored the importance of informant testimony, but highlighted the concerns when the rights of a defendant are balanced against the public interest in effective law enforcement. The paper considered whether the practice of incentivising evidence is compatible with the normative theories of the criminal trial. Through my dissertation, I was able to explore the effects of incentivised testimony on a defendant’s right to a fair trial (focusing on the approach in two comparable common law jurisdictions, the UK and Australia). Ultimately, I concluded that allowing the prosecution to deploy incentivised testimony as part of its case against the defendant inadvertently weakens the standard of proof and represents a direct threat to the presumption of innocence, and thus has no normative basis.

Having the opportunity to deep-dive into an area which was of great personal and professional interest to me was something I really relished. Spending multiple hours at various law libraries around London, reading (both hardcopy and online sources), synthesising those large volumes

of material and then constructing an academic argument was a challenging but ultimately extremely rewarding process.

### **The outcomes**

Each of the abovementioned seven coursework subjects was assessed via a 100% exam in the Summer Term period (May-June 2024). All except one paper were entirely closed book exams. I am extremely proud to share that my results included distinctions for the first five subjects listed above (the highest grade awarded at LSE) and merits for the latter two. As at the time of writing this report, results for the dissertation are still forthcoming. However, I can report that I expect to graduate with a Master of Laws with the class of 'Distinction'.

I have come away from the LLM with a renewed ability to critically analyse material, to develop innovative solutions to complex problems and to grapple with material which may have previously caused me to run in the other direction. The more sophisticated perspective which I now bring to legal practice (and life more generally) is something which was truly nurtured and shaped by studying at a world-class institution like LSE, with so many like-minded peers who challenged me to step outside of my intellectual zone of comfort. I am excited to consolidate this development as I continue through my legal career.

To off-set the rigour of the academic side of things, there were plenty of other ways in which I chose to immerse myself in LSE campus life. Alongside my studies, I also undertook the role of Moot Coach for the inaugural Dame Linda Dobbs Contract Law Moot competition. This involved assisting a team of first year law students with the research and drafting of their written submissions, as well as preparing them for their oral advocacy. Of course, there were also some truly unforgettable events throughout the year including: a public lecture with Lady Chief Justice Carr, a 'legal walking tour' which took us through the main inns of court and the Royal Courts of Justice in the heart of legal London, and the LLM Final Dinner at Lincoln's Inn, one of the oldest inns of court in London (pictured below).



*LLM Annual Dinner, Lincoln's Inn, March 2024*

I feel so privileged to have had the opportunity to represent the Law Foundation and South Australia at LSE. I have returned with a renewed sense of vigour and a desire to make positive and meaningful contributions within the Australian legal system. Moreover, I have broadened my horizons, gained some lifelong friends and realised how much difference a single year can make to one's outlook, ambitions and capabilities.

Once again, I offer my sincere thanks to the Law Foundation for its generosity. Each year, the Fellowship helps to bring within reach the dreams of South Australian lawyers. To have had the privilege of being one of them is something for which I will forever be grateful.