

COLONIAL LEGAL VIOLENCE THROUGH LEGAL EDUCATION AND PROFESSIONALISM: TOWARDS FIRST NATIONS PROPER WAY LEARNING AND LAWYERING

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This article shares key findings from research that investigated the lived experiences of First Nations law graduates in colonial legal institutions in New South Wales. It adopts an Indigenous Methodological Framework that weaves together Indigenous Standpoint Theory, Dadirri and Indigenous Storywork — adopting one-on-one interview methods, story mapping, poetic transcription and thematic analysis. In doing so, it centres First Nations voices, experiences, values, epistemologies and histories within legal institutions, which have primarily remained absent, excluded, silenced or constrained. This research transcends the gaps in the field by privileging Indigenous ways of Knowing, Being and Doing through centring in-depth storying led by First Nations law graduates, their priorities and values. In these ways, this article contributes to a truth-telling in the field of law that uncovers the ongoing historical and contemporary nature of colonial legal institutions and their long-term and wide-ranging impacts for First Nations peoples. This storying rejects deficit narratives through centring the strengths, resiliency and agency of First Nations law graduates and is grounded in their relationships navigating across these institutions. From this place, collective understanding is nurtured and grown through a knowledge sharing process that allows for deep listening and learning. This article gifts the opportunity to transform selves and institutions towards a pathway forward that is embedded and committed to First Nations law and justice.

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I INTRODUCTION

Within ‘Australia’, Aboriginal and Torres Strait Islander peoples¹ continue to experience ongoing hyper-incarceration,² and high rates of forced child removal.³ The Law Council of Australia has observed ‘the continuing over-representation of Aboriginal and Torres Strait Islander peoples demonstrates a worsening national crisis’.⁴ In stark contrast, recent statistics indicate there are only approximately 757 practising solicitors who identify as Aboriginal and Torres Strait Islander across the continent, representing 0.8% of solicitors in the Australian legal profession.⁵ This evidences an imbalance, in which Aboriginal and Torres Strait Islander peoples are constrained to predominantly participating in the legal system in certain capacities, such as clients and respondents, wherein colonial law and professionals make decisions and exercise power over First Nations life.

A Law as Colonial Tool for the Colonial Project

This contemporary context is rooted within 237 years of ongoing colonialism, whereby the colonial project has historically and contemporarily used and continues to use the law as a colonial tool to advance colonial interests, purposes and goals. These colonial tools have actively sought to extract and unlawfully take possession of land and resources through the purposeful erasure and destruction of First Nations peoples, communities, laws, cultures and Country.⁶ Within the ongoing colonial project, common law and legislation have been crucial tools in

¹ The terms ‘Aboriginal and Torres Strait Islander’, ‘Indigenous’ and ‘First Nations’ are used interchangeably in this article, to refer to the various distinct and diverse Nations, communities, cultures, knowledges and peoples that belong across the continent (now commonly referred to as ‘Australia’) since the beginning of time. I acknowledge that some use the term ‘Australia’, while others would diametrically oppose this concept.

² Australian Bureau of Statistics, *Corrective Services, Australia, December Quarter 2023* (Catalogue No 4512.0, 14 March 2024); Australian Bureau of Statistics, *Corrective Services, Australia, December Quarter 2025* (Catalogue No 4512.0, 4 March 2026).

³ Australian Institute of Health and Welfare, *Youth Detention Population in Australia 2021* (Report, 10 December 2025); National Indigenous Australians Agency, ‘Contact with the Criminal Justice System’, *Aboriginal and Torres Strait Islander Health Performance Framework* (Web Page, 19 February 2026) <<https://www.indigenoushpf.gov.au/measures/2-11-contact-with-the-criminal-justice-system>>; SNAICC, *The Family Matters Report 2022* (Report, 2022).

⁴ Australian Law Reform Commission, *Incarceration Rates of Aboriginal and Torres Strait Islander Peoples* (Discussion Paper No 84, 6 October 2017) 5 [2].

⁵ Urbis, *2024 National Profile of Solicitors* (Final Report, 13 June 2025) i.

⁶ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (University of Minnesota Press, 2015) (*The White Possessive*); Eve Tuck and K Wayne Yang, ‘Decolonisation is Not a Metaphor’ (2012) 1(1) *Decolonisation: Indigeneity, Education & Society* 1; Irene Watson, *Aboriginal Peoples, Colonialism and International Law: Raw Law* (Routledge, 2014); Irene Watson, ‘Re-Centring First Nations Knowledge and Places in a Terra Nullius Space’ (2014) 10(5) *AlterNative: An International Journal of Indigenous Peoples* 508 (‘Re-Centring First Nations Knowledge and Places in a Terra Nullius Space’); Patrick Wolfe, ‘Settler Colonialism and the Elimination of the Native’ (2006) 8(4) *Journal of Genocide Research* 387.

constraining and regulating relations across society, utilised for the strategic purposes of gaining control and power through processes of assimilation, dispossession, and segregation.

Despite this colonial violence, Aboriginal and Torres Strait Islander peoples have engaged in the dominant legal system, utilising diverse legal strategies, advocacy and avenues to seek recourse for colonial harms and injury, and to seek out reforms that align with Indigenous justice and respect the authority of Indigenous peoples. Yet, these historical and contemporary efforts continue to reveal the inherent limitations of the dominant legal system to serve and protect the interests of Aboriginal and Torres Strait Islander peoples and communities. Ultimately, Aboriginal and Torres Strait Islander peoples, communities and Country/s have remained steadfast and determined in their resistance and refusal of colonial power, and in their restoration, custodianship and revitalisation of culture, law, and connection. Resistance which has included utilising dominant legal processes and international law mechanisms to seek justice.

Critical to the assertion of colonial sovereignty, particularly through laws and legal structures, is the ongoing exclusion and erosion of First Nations ways of Knowing, Being and Doing, and the aggressive and exclusive advancement of colonial narratives to cement white privilege and power. This exclusion of Aboriginal and Torres Strait Islander knowledge systems has been achieved through the intentional restriction of First Nations participation within learning, and legal settings, which has ensured that Eurocentric knowledges remain privileged, and First Nations knowledges excluded.⁷ Effectively excluding First Nations peoples from participating in formal legal education for over 150 years has denied First Nations peoples a place within colonial legal institutions as professionals — ultimately restricting the presence of First Nations lawyers, barristers, magistrates, academics, learners, judges and legal policy and law makers. This has contributed to legal education, law schools, legal practices and processes being predominantly, and arguably exclusively, developed by white men, cementing and privileging white interests, visions, knowledges, pedagogies

⁷ See Nina Burridge and Andrew Chodkiewicz, 'An Historical Overview of Aboriginal Education Policies in the Australian Context' in Nina Burridge, Frances Whalan and Karen Vaughan (eds), *Indigenous Education* (SensePublishers, 2012) 11, 11–6; Allison Cadzow, 'A NSW Aboriginal Education Timeline: 1788–2007' (Research Paper, Board of Studies NSW, 1 January 2007); JJ Fletcher, *Clean, Clad, and Courteous: A History of Aboriginal Education in New South Wales* (Southwood Press, 1989); Aileen Moreton-Robinson, *Talkin' Up to the White Woman: Indigenous Women and White Feminism* (University of Queensland Press, 2000) ('Talkin' Up to the White Woman'); Gary Partington, *Perspectives on Aboriginal and Torres Strait Islander Education* (Social Science Press, 1998); Jay Phillips, 'Foundations of Teacher Knowledge in Indigenous Education' in Marnee Shay and Rhonda Oliver (eds), *Indigenous Education in Australia, Learning and Teaching for Deadly Futures* (Routledge, 2021) 7, 7–20. See also Asmi Wood and Nicole Watson, 'Mirror Mirror on the Wall, Who is the Fairest of Them All?' (2019) 28(2) *Legal Education Review* 1, 5–6; Lilly Brown, 'Indigenous Young People, Disadvantage and the Violence of Settler Colonial Education Policy and Curriculum' (2019) 55(1) *Journal of Sociology* 54.

and ways of Knowing, Being and Doing which have become embedded into contemporary legal institutions.⁸

B First Nations Peoples' Engagement in Legal Institutions as Learners and Professionals

Despite these practices of exclusion, Aboriginal and Torres Strait Islander peoples have actively sought to engage in colonial legal institutions as law students and professionals. While the experience of First Nations lawyers remains constrained in the literature, studies evidence the critical role of Indigenous peoples in the profession, particularly for First Nations clients and community,⁹ while also evidencing experiences of racism, harms, and conflicts in the profession.¹⁰ These findings resonate with more substantive bodies of work which have investigated

⁸ See generally John Littrich and Karina Murray, *Lawyers in Australia* (Federation Press, 4th ed, 2019); Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Fernwood Publishing, 1995). Across this paper the term 'white' is used. Utilization of this term is informed by First Nations scholars, critical race scholars, and whiteness studies/theorists. I find resonance with the utilization and application of Michelle Bishop's use of the term in her work who observes, 'I use the term "White" to describe structural and discursive practices of domination, drawing on the work of Aileen Moreton-Robinson (2004, p.78): "whiteness is not just about bodies and skin colour"'': (n 79) 422 n 4. Further, in their work Moreton-Robinson observes, 'Whiteness in its dominant contemporary form in Australian society is Anglicized, institutionalized, and culturally based. Australian culture is less white than it used to be, but Anglicized whiteness forms the centre where white men established institutions encouraging a possessive investment in whiteness': *The White Possessive* (n 6) 124. My use is further guided by the discourse of Walter and Baltra-Ulloa in the social work field, who identify dimensions of whiteness as 'structural', 'standpoint' and 'cultural'. Within their work they observe the following in their table 'Doing whiteness in social work across dimensions of whiteness': 'Structural: At the societal and profession governance level, whiteness operates as the primary relations of power. Standpoint: Whiteness is the standpoint from which social workers see themselves and their relationship to those who are not white. Cultural: Whiteness operates within the profession and its practices as a set of unmarked, unnamed cultural practices that assumers whiteness as the taken for granted neutrality': (n 73) 71.

⁹ Kevin Dolman, 'Indigenous Lawyers: Success or Sacrifice?' (1997) 4(4) *Indigenous Law Bulletin* 4, 4; Angela Melville, 'Educational Disadvantages and Indigenous Law Students: Barriers and Potential Solutions' (2017) 4(2) *Asian Journal of Legal Education* 95, 98; Megan Williams and Mark Ragg, *Evaluation of Legal Aid NSW Civil Law Service for Aboriginal Communities* (Report, May 2019) 45–8. See also Judicial Council on Cultural Diversity, *The Path to Justice: Aboriginal and Torres Strait Islander Women's Experience of the Courts* (Report, 2016) 34–5; Samantha Newman, 'Talking Point: A Conversation between an Indigenous Woman Lawyer and an Indigenous Woman Law Student' (2004) 6(2) *Indigenous Law Bulletin* 6.

¹⁰ See Dolman (n 9) 6; Jerome Doraisamy, 'The Myriad Challenges Facing First Nations Lawyers', *Lawyers Weekly* (online, 30 July 2020) <<https://www.lawyersweekly.com.au/biglaw/29045-the-myriad-challenges-facing-first-nations-lawyers>>; Hagar Cohen and Raven Hunjan, 'Three Lawyers Speak Out with Allegations of Racism inside Legal Aid', *ABC News* (online, 7 June 2022) <<https://www.abc.net.au/news/2022-06-07/allegations-of-racism-inside-legal-aid-three-lawyers-speak-out/101132048>>; Liana Whitten, 'Indigenous Lawyers: Does "Culture Clash" Negate the Benefits?' (LLB(Hons) Thesis, University of Wollongong, 2001) 73–84; Newman (n 9) 7; 'Episode 36, *Let's Talk: Social Justice* (Triple A, 14 March 2023) <<https://jaynechristian.com/radio%2Fpodcast%2Fspeaking>>; Williams and Ragg (n 9) 35–7.

First Nations peoples' experiences within legal education as law students, specifically the research led by Heather Douglas, Phillip Rodgers-Falk (also Falk), and Melanie Schwartz on Indigenous law student experiences in Queensland and New South Wales ('NSW').¹¹

Within the broader literature on law schools and legal education, First Nations peoples have reported experiences of racism, cultural disrespect, mental health challenges, lateral violence, alienation, intimidation, isolation and dislocation in law schools.¹² These studies explore the racism and marginalisation experienced by First Nations law students as a consequence of legal education pedagogies, curriculum content and structuring, as well as harmful interactions with teachers and students.¹³ While useful, much of this work remains narrowly focused on investigating this complex issue in relation to 'completion' of studies, mostly seeking to address the issue of Indigenous under-representation within law school, and responding to attrition rates.¹⁴ This has narrowed the scope of the field, particularly limiting critical discussions on colonialism and whiteness, and exploring the holistic and long-term impacts of colonial legal institutions grounded with/in Indigenous standpoints.

While useful and critical work, the limitations in the dominant literature are arguably most clear when engaging with, and centring, the self-reflexive discourses undertaken by First Nations legal scholars who have critically reflected

¹¹ See Cate Banks and Heather Douglas, "'From a Different Place Altogether': Indigenous Students and Cultural Exclusion at Law School" (2000) 15 *Australian Journal of Law and Society* 42; Heather Douglas, 'Indigenous Australians and Legal Education: Looking to the Future' (1996) 7(2) *Legal Education Review* 1 ('Indigenous Australians and Legal Education'); Heather Douglas, "'This is Not Just about Me': Indigenous Students' Insights about Law School Study" (1998) 20(2) *Adelaide Law Review* 315 ('This is Not Just about Me'); Heather Douglas, 'The Participation of Indigenous Australians in Legal Education 1991–2000' (2001) 24(2) *University of New South Wales Law Journal* 485 ('The Participation of Indigenous Australians in Legal Education'); Heather Douglas, 'Indigenous Legal Education: Towards Indigenisation' (2005) 6(8) *Indigenous Law Bulletin* 12 ('Indigenous Legal Education: Towards Indigenisation'); Phil Falk, 'Law school and the Indigenous Student experience' (2005) 6(8) *Indigenous Law Bulletin* 8; Phillip Rodgers-Falk, 'The Pathways Model, Pathways to Indigenous Inclusive Teaching and Learning Practices' (Griffith University, 2007); Harriet Morley, 'Breaking the Barriers: Victorian Indigenous Lawyers' (2007) 81(18) *Law Institute Journal* 18; Phillip Rodgers-Falk, 'Growing the Number of Aboriginal and Torres Strait Islander Law Graduates: Barriers to the Profession' (Research Paper, Griffith University, September 2011); Melanie Schwartz, 'Retaining Our Best: Imposter Syndrome, Cultural Safety, Complex Lives and Indigenous Student Experiences of Law School' (2019) 28(2) *Legal Education Review* 1; Asmi Wood, 'Law Studies and Indigenous Students' Wellbeing: Closing the (Many) Gap(s)' (2011) 21(2) *Legal Education Review* 251.

¹² Dolman (n 9) 5; Banks and Douglas (n 11); Douglas, 'This is Not Just about Me' (n 11) 321–32, 348; Rodgers-Falk (n 11) 7, 8, 26–7, 52; Carolyn Penfold, 'Indigenous Students' Perceptions of Factors Contributing to Successful Law Studies' (1996) 7(2) *Legal Education Review* 2, 8; Falk (n 11) 2–4; Schwartz (n 11) 7–15; Elizabeth Stevens et al, 'Equity, Diversity and Student Engagement in a Law School: A Case Study Approach' (2006) 16(1) *Legal Education Review* 1, 10–12; Wood (n 11) 261–2.

¹³ Banks and Douglas (n 11) 46–9; Douglas, 'This is Not Just about Me' (n 11) 322–32, 346–7; Rodgers-Falk (n 11) 26–32; Penfold (n 12); Falk (n 11) 2–4; Schwartz (n 11) 11–15; Stevens et al (n 12) 10–12.

¹⁴ See also Wood and Watson (n 7) 9.

on their own experiences navigating within colonial legal institutions, evidencing colonial harm and violence.¹⁵ For example, in her reflection on experiences of racism in legal education, Birri Gubba and Munanjali woman and law scholar Nicole Watson writes,¹⁶

Even though the experience a decade ago lasted for little more than a minute, it remains indelibly etched on my mind ... I don't remember any other event from that day. I have no recollection of the inevitable tears that would have burnt my face, or the sullen journey home, but I often reflect upon how that brief moment of powerlessness defined my legal education, and how it continues to find resonance in my experiences as an academic.

These works are critical in comprehending the nuance and complexities of engaging with colonial legal institutions, particularly in developing our collective understanding of colonialism and racism at institutional and interpersonal levels. This self-reflexive literature offers insight into the ways in which knowledge is contested, uncovering how Eurocentric knowledge and knowledge-production is embedded into colonial legal education. These works demonstrate the need for updated research to be undertaken that is centred with/in an Indigenous Standpoint and draws upon the power of Indigenous 'storying',¹⁷ and meaning-making, which can work towards deepening our collective understanding and visions for positive change towards justice.

This article tends to this call by disseminating key findings from research which explored how First Nations law graduates navigate colonial legal institutions in NSW. In doing so, we as a collective have the honour and privilege of listening and learning from First Nations lived experiences, which produces crucial insights into the nature and impact of contemporary colonial legal

¹⁵ Larissa Behrendt, 'At the Back of the Class. At the Front of the Class: Experiences as Aboriginal Student and Aboriginal Teacher' (1996) 52(1) *Feminist Review* 27; Marcelle Burns and Jennifer Nielsen, 'Dealing with the "Wicked" Problem of Race and the Law: A Critical Journey for Students (and Academics)' (2019) 28(2) *Legal Education Review* 1; *Criminal Justice System Hearing: Day 8* (Yoorrook Justice Commission, 2022) <<https://www.yoorrook.org.au/hearings/public-hearings-12-to-16-december-2022>>; Falk (n 11); Tracey Lindberg, 'What Do You Call an Indian Woman with a Law Degree? Nine Aboriginal Women at the University of Saskatchewan College of Law Speak Out' (1997) 9(2) *Canadian Journal of Women and the Law* 301; Hannah McGlade, 'The Day of the Minstrel Show' (2005) 6(8) *Indigenous Law Bulletin* 16; Oscar Monaghan, 'Legal Education in the Australian Settler Colonial Context: Decolonising the Law School' [2014] (9) *Dissent: Social Justice Journal* 27; Monture-Angus (n 8); Irene Watson, 'Some Reflections on Teaching Law: Whose Law, Yours or Mine?' (2005) 6(8) *Indigenous Law Bulletin* 23 ('Some Reflections on Teaching Law'); Nicole Watson, 'Indigenous People in Legal Education: Staring into a Mirror without Reflection' (2005) 6(8) *Indigenous Law Bulletin* 4; Triple A (n 10).

¹⁶ Nicole Watson (n 15) 4.

¹⁷ Louise Gwenneth Phillips and Tracey Bunda, *Research Through, With and As Storying* (Routledge, 2020) 7–9. In this article I use 'with/in' to reflect that researchers undertake work *with* Indigenous standpoints, *in* (ie, written by) an Indigenous standpoint, or arguably *within* such (ie, proximately located within an Indigenous Standpoint by being predominantly informed by discourse led by Indigenous peoples). It is this inside/outside and interconnected notion that is reflected by 'with/in'.

institutions, evidencing the critical importance of First Nations ways of lawyering and learning. This listening and learning is nurtured through a rigorous, valid and effective Indigenous Research Methodological framework.

II GROUNDING THE RESEARCH PROJECT

Informed by the inherent limitations in the discourse and ongoing challenges and harm evidenced by First Nations peoples engaging with the colonial legal system, this project seeks to break through the boundaries of what is currently known about dominant legal institutions to develop a wider and more nuanced understanding of the nature of legal education, law school and legal professionalism in NSW. It seeks to powerfully contribute to a truth-telling in the field of law by investigating the long-term and wide-ranging impacts of these institutions, while also resisting deficit narratives through centring and honouring the ways in which First Nations law graduates navigate, respond to, resist and enact their agency across these sites. In doing so, it takes the time and space to explore and honour how First Nations law graduates embody their ways of Knowing, Being and Doing. Through this storying we, as a collective, are gifted the opportunity to listen and learn from Indigenous Standpoints — a gift that gently guides us forward towards First Nations law and justice.

This research is grounded in my relationality and experiences as a Wiradyuri queer woman, mother, and researcher with family and Ancestral connections to the Mudgee region of Central West NSW, living off-Country on the lands of the Awabakal Nation. It is informed by my lived experience studying as a law student and practising as a legal professional in colonial legal institutions in NSW, as well as engaging in legal processes as a community member. The methodological framework I have adopted in this research is embedded within my relationality and responsibilities informed by my ongoing restoration of connections to Country, language, culture, community, Ancestors, and family. It is also informed by my history and positionality shaped by whiteness through my white familial and Ancestral connections and heritage. This dictates my obligations and responsibilities towards decolonisation, particularly responding to power and privilege. This reality grounds my work and my worldview, and it is from this unique standpoint that I have come to and do this research.

The powerful storying shared through this article breaks through the containment limiting and holding what we currently know in the field — like dams controlling, shaping and eroding. This literature at times has been shown to be outdated, and to re-enforce deficit narratives and/or misplaced Indigenous standpoints and Indigenous aspirations, knowledges, priorities, relationality, and law. Instead, the findings shared in this article release the firm grasp around our collective knowledge, generating the momentum needed to break through and break down the harms, violence and injustices which persist in and across

these institutions, towards a future that is embedded with/in Indigenous ways of Knowing, Being and Doing.

A Note on Terminology

I consistently use the term ‘colonial legal institutions’ across this article to encompass state, federal and public institutions, organisations, agencies, legal bodies and courts. It also seeks to capture legal education, law schools, admissions boards/bodies, professionalism, ethics, legislation relating to the legal profession, the legal profession itself, legal procedure and practice, funding regimes, organisations, and agencies that provide legal services. I use the term ‘colonial legal institutions’ to distinguish the bodies just mentioned from the existing laws and governance bodies of Indigenous Nations. Thus, the term ‘colonial’ used before the terms ‘legal institutions’ seeks to recognise this distinction, and honour the diverse legal systems, knowledges and learning systems that continue to operate within Indigenous Nation groups. This terminology recognises that colonialism is an ongoing structure rather than a singular historical event, and therefore that the inherent nature of dominant contemporary legal institutions is ‘colonial’, and should be named and labelled as such. This challenges dominant notions that suggest colonialism is finished or in the past. Rather, colonisation is continuing. Further, colonial legal institutions and laws are just one of multiple diverse legal traditions and structures that exist across this continent.

B Methodology

In undertaking this research, I used a rigorous and innovative Indigenous Research Methodology,¹⁸ grounded in relationality¹⁹ that sought to privilege Indigenous ‘storying’,²⁰ tending to our holistic, contextual and cyclic processes of knowledge sharing. This approach disrupted, through decolonising practices, the harmful power imbalances and practices which continue to persist within Western research paradigms,²¹ which make misplaced and false claims of

¹⁸ Gemma Sentance, ‘Exploring the Experiences of First Nations Law Graduates in Colonial Legal Institutions’ (PhD Thesis, University of Technology Sydney, 2024) 40–62. See Linda Tuhiwai Smith, *Decolonising Methodologies: Research and Indigenous Peoples* (Zed Books, 2nd ed, 2012) 239–52; Shawn Wilson, *Research Is Ceremony: Indigenous Research Methods* (Fernwood Publishing, 2008); Margart Kovach, *Indigenous Methodologies: Characteristics, Conversations and Contexts* (University of Toronto Press, 2010).

¹⁹ Mary Graham, ‘Aboriginal Notions of Relationality and Positionalism: A Reply to Weber’ (2014) 4(1) *Global Discourse* 17; Lauren Tynan, ‘What is Relationality? Indigenous Knowledges, Practices and Responsibilities with Kin’ (2021) 28(4) *Cultural Geographies* 597.

²⁰ Phillips and Bunda (n 17) 7–9.

²¹ See Smith (n 18) 21–122; Juanita Sherwood, ‘Do No Harm: Decolonising Aboriginal Health Research’ (PhD Thesis, University of New South Wales, 2010) 37–55.

‘objectivity’ and superiority that operate and contribute to the ongoing silencing, subordination and oppression of Indigenous communities in research.²²

The design of this research was guided by Rigney’s three principles of Indigenist research,²³ specifically resisting the status quo through centring Indigenous voices, relationality, experiences, histories and priorities. In doing so, I wove together Indigenous Standpoint Theory,²⁴ Dadirri,²⁵ and Indigenous Storywork.²⁶ I have captured this woven methodology in Figure 1 below.

Figure 1: Visual Representation of Woven Indigenous Methodology Framework



²² Smith (n 18) 21–122; Lester–Irabinna Rigney, ‘Internationalization of an Indigenous Anticolonial Cultural Critique of Research Methodologies: A Guide to Indigenist Research Methodology and Its Principles’ (1999) 14(2) *Wicazo Sa Review* 109; Sherwood (n 21) 37–55.

²³ Rigney (n 22) 116.

²⁴ See Aileen Moreton–Robinson, ‘Towards an Australian Indigenous Women’s Standpoint Theory: A Methodological Tool’ (2013) 28(78) *Australian Feminist Studies* 331; Martin Nakata, *Disciplining the Savages, Savaging the Disciplines* (Aboriginal Studies Press, 2007) 214.

²⁵ Miriam–Rose Ungunmerr–Baumann, ‘Dadirri: A Reflection By Miriam–Rose Ungunmerr–Baumann’, *Dadirri Disability Services* (Web Page, 2002) <www.dadirri.org.au/dadirri-meaning/>; Miriam–Rose Ungunmerr–Baumann et al, ‘Dadirri: An Indigenous Place–Based Research Methodology’ (2022) 18(1) *AlterNative: An International Journal of Indigenous Peoples* 94; Judy Atkinson, *Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia* (Spinifex Press, 2002); We Al–li, *Dadirri: Ancient Aboriginal Mindfulness Traditions* (Web Page) <www.wealli.com.au/product/dadirri-ancient-aboriginal-mindfulness-traditions-3/>.

²⁶ See Jo–Ann Archibald Q’um Q’um Xiiem, *Indigenous Storywork: Educating the Heart, Mind, Body, and Spirit* (UBC Press, 2008); Jo–Ann Archibald Q’um Q’um Xiiem, Jenny Bol Jun Lee–Morgan and Jason De Santolo (eds), *Decolonising Research: Indigenous Storywork as Methodology* (Zed Books, 2019).

Indigenous Standpoint Theory ('IST') is a decolonising approach to research which privileges Indigenous voices, experiences, histories and interpretations, thus 'speaking back' to power relations. As Ambelin Kwaymullina who belongs to the Palyku people of the eastern Pilbara region states in her doctoral work: 'part of decolonisation — and in many ways of standpoint theory — is to create spaces for equitable engagement between knowledge-systems and peoples that opens way to new understandings'.²⁷ Critical to my understanding, the usage and application of IST in this research came through humble lessons shared through sitting, listening and learning from Country, who gently reminded me of the inherent bind spots, limitations, and gaps that exist in our knowing, as well as the interconnectedness, subjectivity, history and holism embedded into the ways we come to know. This highlighted for me the critical importance of deep listening,²⁸ and being open to learning from the existence and experience of all beings — disrupting and challenging desires to be 'all knowing' — instead carving out space for humility, respect, inclusivity and sharing.

This methodological approach has been grounded in listening to and from Indigenous lawyers, an important process recognised by Lawrence and Shanks which informed this methodology and emphasised for me the importance of listening and shifting beyond binaries.²⁹ This developed a rigorous framework that challenges and rejects dominant oppressive positivist research processes and paradigms that label Indigenous peoples as 'objects' of research,³⁰ instead working with First Nations law graduates to honour and elevate their voices and stories.

Core to this project was embodying Dadirri, meaning 'inner, deep listening and quiet, still awareness',³¹ a concept, practice and word belonging to the Ngan'gikrunggur and Ngen'giwumirri languages of the Aboriginal peoples of the Daly River and shared widely with us by senior knowledge holder and Aunty, Dr. Miriam-Rose Ungunmerr-Baumann AM. Across the literature, Dadirri as a methodology has been used by several Indigenous scholars across a diverse range of research projects.³² From my experience embodying Dadirri and re-connecting with Wiradyuri language, I see strong resonance with our Wiradyuri ways of

²⁷ Ambelin Kwaymullina, 'Indigenous Standpoints, Indigenous Stories, Indigenous Futures: Narrative from an Indigenous Standpoint in the Twenty-First Century and Beyond' (PhD thesis, University of Western Australia, 2017) 17.

²⁸ Sentence (n 18) 44–7.

²⁹ Sonia Lawrence and Signa A Daum Shanks, 'Indigenous Lawyers in Canada: Identity, Professionalisation, Law' (2015) 38(2) *Dalhousie Law Journal* 503, 519.

³⁰ See Smith (n 18); Sherwood (n 21).

³¹ Ungunmerr-Baumann (n 25) 1.

³² See, eg, Atkinson (n 25); Tess Ryan, 'Deadly Women: An Analysis of Indigenous Women's Leadership in Australia' (PhD thesis, University of Canberra, 2018).

yindyamarra (to respect, to be gentle, to honour, to do slowly, to be polite),³³ winhangarra (hear, think, listen),³⁴ and winhangadilinya (feel, know one's self).³⁵ I also observe deep connections with the Indigenous Storywork principles of reverence, interrelatedness, respect and responsibility.³⁶ Within my work, Dadirri has nurtured and centred relationality, reflexivity, honesty, openness, humility, reciprocity, community, deep listening, non-judgment and respect.

In doing so, Dadirri enabled opportunities for deep self-reflection to make meanings from experiences that are not constrained by colonial ideologies, instead nurturing spaces for healing through listening to self and others so as to deepen learning and growth. Dadirri cultivated a research process that rejected artificial time-constraint processes and practices that can create disharmony and re-enforce the status quo. Furthermore, Dadirri held space and prioritised a process that could move intentionally and slowly to honour holism, and ensured that I as researcher was not creating fractures or tensions between our individual and collective mental, emotional, spiritual and physical selves, as storytellers, story-listeners and as custodians of the stories. Here, I was led by the sacred internal timing mechanisms which often we must suppress and make subservient to external timekeeping practices, especially in the field of law. Instead, I undertook a research process that sought to encapsulate peace, harmony and balance, and valued processes alongside outcomes.

Indigenous Storywork provided strong guidance in how I could honour, respect and centre Indigenous Storytelling through tending to the seven principles of reverence, responsibility, respect, reciprocity, interrelatedness, holism, and synergy.³⁷ These principles grounded the research process, informing and shaping relationality between myself as researcher, the storytellers, story-listeners and stories. The principles of responsibility, reciprocity, reverence and respect were particularly powerful in disrupting dominant harmful research practices through ensuring an ethical praxis. These principles valued and centred relationships that sought to nurture accountability, safety, custodianship, and empowerment.

Within the research, Indigenous Storywork shaped my decision to utilise innovative and creative mediums to share and honour the stories, such as my utilisation of poetic transcription³⁸ and story-maps.³⁹ In doing so, I sought to

³³ Stan Grant and John Rudder, *A New Wiradjuri Dictionary: English to Wiradjuri, Wiradjuri to English* (Restoration House, 2010) 485.

³⁴ *Ibid* 469.

³⁵ *Ibid*.

³⁶ Q'um Q'um Xiim (n 26).

³⁷ Q'um Q'um Xiim, Lee-Morgan and De Santolo (n 26) 1–5.

³⁸ Corrine Glesne, 'That Rare Feeling: Re-presenting Research Through Poetic Transcription' (1997) 3(2) *Qualitative Inquiry* 202; Patricia Rocha, 'Stories of School and the Storied Lives of Latina/o Elementary Principals: A Narrative Inquiry' (PhD thesis, Texas State University, 2016).

³⁹ Story mapping is a method learnt during the author's participation in a We Al-li workshop titled 'Dadirri: Ancient Aboriginal Mindfulness Traditions', facilitated by Professor Judy Atkinson and

ensure the stories remained largely intact and contextualised, and further sought to honour their holistic nature, tending to the principles of respect, responsibility, holism and reverence. Indigenous Storywork principles guided every facet of the process, including decisions to work with a smaller cohort, manually transcribe interviews, critically reflect as the researcher, and undertake in-depth one-on-one interviews which centred Deep Listening, reverence and reciprocity. Furthermore, meaning-making and theming were guided by the principles of reverence, synergy and interrelatedness between and across stories, and between story-listeners, storytellers and stories. This is reflected in the re-presentation of stories in this article which has sought to centre the stories to enable audiences to connect deeply with Indigenous lived experiences, voices, and perspectives.

Indigenous Storywork reminds us to listen with our hearts, not just our ears,⁴⁰ and in doing so, disrupts colonial legal processes that dissect, discover, decontextualise, and seek out pre-determined objectives. Instead, Indigenous Storywork invites opportunities for us as humans to listen to one another so that we can heal, grow and transform towards harmony, balance and justice. This process involves honouring our holistic nature of being, and our diverse, interconnected and cyclic ways of knowing, while also ensuring we fulfil our responsibilities to one another. Through Indigenous Storywork we de-stabilise hierarchies of knowledge, and lean into learnings from Country, community, self, history, non-human kin and Ancestors. In doing so, we look backwards and tread carefully forwards, being mindful to honour our role and responsibility as custodians with/in research.

C Research Process

Eight First Nations law graduates agreed to participate in this project, with 33 interviews taking place over several months. At the commencement of each interview, each graduate lawyer/storyteller from the outset was given the decision on where and how they told their story. In some instances, the law graduates led the storying, and I was taken on a journey, whilst other storytellers preferred to be led by questions prompted by me as the researcher. The questions I raised were grounded in the issues and priorities identified in the literature that had been written by First Nations legal scholars regarding their lived experiences. However, it should be noted that, although an initial question may have been asked, upon commencing their storying the graduate lawyers took control and directed the flow and nature of the interview. In the interview I asked questions

Tanietta DeLauney (Lismore, New South Wales, 4–5 May 2021). This method was adapted in this project.

⁴⁰ Q'um Q'um Xiiem (n 26) 8. See also National Centre for Collaboration in Indigenous Education, 'Dr Jo-Ann Archibald on Indigenous Storytelling' (YouTube, 4 October 2019) 0:08:03 <<https://www.youtube.com/watch?v=5rSHifM35i4>>.

grounded in the stories being shared, a process of Deep Listening centred on understanding and uncovering lived experiences and meanings. Similarly, the follow-up interviews commenced with the option for the graduate to lead with their own direction to storying; in many instances the second interview was centred on the follow-up questions identified from the previous interviews.

The interviews took place over many months, an embodiment of the Storywork principle of responsibility, ensuring that relationships between the storyteller, stories and story-listener were built over time and the research process of storying and meaning-making was given time to develop.⁴¹ In doing so, I as the researcher and story-listener could listen deeply to and through the stories.⁴² This ensured that the storytellers and stories were not obscured through a time-constrained process. Additionally, this tended to the Storywork principle of reverence as it attempted to eliminate undue pressure on storytellers through prioritising relationships and process over research outcomes.

For data analysis, I utilised mixed creative and storytelling practices drawing on story-mapping, poetic transcription and thematic analysis. The practice of poetic transcription has been defined by Corrine Glesne as '[t]he creation of poemlike compositions from the words of interviewees ... [recognising] poetic transcription is also filtered through the researcher but involves word reduction while illuminating the wholeness and interconnections of thoughts'.⁴³ Poetry as a research method is recognised as a rigorous and effective tool used by several First Nations scholars.⁴⁴

IST informed my approach to thematic analysis, which sought to honour and respect Indigenous relationality, agency and collectivity. This article privileges and centres the key findings arising from the collective thematic analysis. In doing so, the extracts shared in this article from the original poetic transcriptions have been strategically, carefully and intentionally filtered back through the collective themes, and woven together to produce a First Nations law graduate 'collective standpoint poetic transcription'. Importantly, the extracts used in this article belong to, and fit within, the wider storying shared by the First Nations law graduates which are presented in the full dissertation which is available online.⁴⁵ This recognises and places the 'collective standpoint poetic transcription' within its wider context and body of work.

⁴¹ See generally *ibid.*

⁴² See Atkinson (n 25); Phillips and Bunda (n 17).

⁴³ Glesne (n 38) 202, 206.

⁴⁴ See, eg, Samantha Cooms and Vicki Saunders, 'Poetic Inquiry: A Tool for Decolonising Qualitative Research' (2024) 24(1) *Qualitative Research Journal* 3; Jessa Rogers, 'Waya Yindyamarra: A Wiradjuri Songspiral Methodology for Indigenous Poetic Inquiry' (2025) 24 *International Journal of Qualitative Methods* 1; Amy Thunig, 'Sovereign Women: Why Academia? A Journey Gathering Word-Gifts and Heart Berries' (2023) 35(2) *Gender and Education* 129.

⁴⁵ See Sentence (n 18).

D Storytellers: First Nations Law Graduates

It is critical to acknowledge that the First Nations law graduates engaged with this project belong to diverse and unique Nations, Kin, families and communities. In recognising their critical role and responsibilities in colonial legal institutions and particularly to community, they have been de-identified. The decision to de-identify the graduates was to engage in and facilitate safe and open spaces for truth-telling. This decision is done with great respect, and rejects homogenising discourses, thus recognising and honouring each First Nations graduate's relationality, particularly their belonging to Country, family and community, and their unceded sovereignty. I also recognise each graduate/storyteller's strength, diversity, gifts, courage, and resistance embodied through their participation in this research, particularly their bravery and generosity in contributing to a truth-telling in law.

Within this project, I also made the intentional decision to exclude identification of specific workplaces, organisations and institutions. This decision aligned with the research project's aim which sought to centre and challenge colonialism as a structure that exists and is embedded across dominant legal institutions, rather than engaging in a process of spotlighting 'bad apples', which does not reflect or recognise the core and root of the problem — colonialism.

E Scope

Across Part III of this article, I share a re-presentation of the First Nations law graduates' stories through utilising a 'collective standpoint poetic transcription', which evidences the key aggregated research findings. In doing so, I have shared small extracts that I have taken from each graduate's story and woven these together to form three poetic transcriptions titled 'Indoctrinated', 'None of This is Justice' and 'Connected'. Poem lines have been numbered for ease of reference, and. The use of ellipsis (...) throughout the re-presentation in the poetic transcription highlights the extracts as belonging within a wider context, ie, being 'unfinished' or 'incomplete', as well as belonging to individual voices. These woven extracts are like the branches and leaves of individual trees with their own belonging and story, and through this article the wind moves powerfully through them to create a collective song.

In re-presenting the findings, I recognise my ongoing responsibilities to respect and honour the stories and my duty to undertake strategic approaches to disseminating Indigenous knowledges in a way that honours their relationality, teachings, complexity, holism and power — particularly, the power of these stories to challenge and inform work and initiatives within legal education and legal professionalism. In alignment with the methodological framework, which is embedded with Indigenous ways of Knowing, Being and Doing, particularly responsibilities towards custodianship, the full poetic transcriptions are shared

in their entirety in the dissertation which includes critical context constrained from inclusion here due to the nature of publishing. I encourage the reader to engage with the full poetic transcriptions for deeper connection and learning.⁴⁶

III KEY RESEARCH FINDINGS: COLLECTIVE STANDPOINT POETIC TRANSCRIPTIONS

This Part commences with three collective standpoint poetic transcriptions: 'Indoctrinated', 'None of This is Justice', and 'Connected'. The extracts shared in this Part have been intentionally and carefully woven together and disseminate the following three key findings. First, legal education and legal professionalism continue a 237-year legacy of colonial displacement, extraction and indoctrination. Secondly, these colonial legal institutions have long-term and wide-ranging impacts for community, especially First Nations law graduates who experience colonial violence and harm. Thirdly, despite this colonial violence, First Nations law graduates resist and refuse colonial power and control through deploying several strategies. Importantly, these strategies embody their ways of Knowing, Being and Doing grounded in their relationality while navigating across these institutions.

⁴⁶

See Sentence (n 18).

Indoctrinated

1 The law that's being taught,
 what we're indoctrinated to think in terms of
 white legal process and white institutions.

5 There's none of that pushing back against The Beast,
 it's all how we work within The Beast.

 ...

 Understanding First Nations laws or perspectives,
 Pretty narrow within it,
 not surprised.

10 First Nations law or history,
 novel or interesting reference,
 more than anything of substance to focus on,
 a relic of history,
 interesting in an academic or theoretical way,

15 but
 not anything that could be
 substantive enough to
 be delved into in a more long-term way.

 ...

20 Super white,
 Expectedly,
 Everything about this world is white,
 I never thought we would be at the centre.

 Aboriginal perspectives
 Coming into things,
 Criminal law, child protection,
 Disadvantage perspective.

25 ...

 Legal education,
 feeling,
 talking about social justice
 I was the only one who had any
 lived experience of what that meant in reality,
 high school,

30 same.

35

Absolute failing of education.
Makes me deeply upset,
The institution doesn't see that as being a massive gap
quality of education.

40 Instead,
 see it as a threat to their own
 expertise
 and knowledge being superior.

45 ...
 Memory,
 this presentation,
I was looking at the intervention in the Northern Territory
 how it contravenes human rights.

50 At the end, students get to ask questions,
 this guy in the class,
 academically very brilliant,
 was like:
'Well, I just don't like understand what the problem is,
 because we're not the one's raping our children'.

55 I was so taken aback,
 Looking at the teacher:
 Are you going to step in here?
 And he was just like:
 'Go on, engage with this',
60 The whole thing of 'The Discussion'.

 I was just like:
 'I don't know what goes on in your community,
 so I can't comment on what goes on in your community'.
 Isolating experience.

65 ...
 I don't feel the cohort
 I graduated with
 woke to the issues in Indigenous Australia,
 even if they did,
70 what they learnt from an academic perspective.

 ...
 Weren't enough people
 capability in my law school
 to introduce those types of critical disciplines,

75

or
bring that into the pedagogies,
only way was in relation to Indigenous legal work,
always non-Indigenous people teaching it,

80

so
always limited
in terms of the criticalness
Non-Indigenous teaching using non-Indigenous scholars.

85

...
Didn't feel empowered
in law school,
felt,
passive.

90

...
Big imbalance
between how much importance
assigned to your Indigeneity by organisations,
eager to help,
fulfil their reconciliation action plans,
prove to their clients they were a progressive company,
but,
no substance to back that up.

95

100

...
White guilt,
Deficit approach,
Seeing us as poor little black people
Who need white people to help them.

105

They need to listen to us,
Fit into our box,
We can assist them in ways,
We define what assistance is.

110

...
Your identity became,
Sort of,
Commodified.

115

...
Western lens,
Western view of the world,
Implying
To
Students
The priority.

120	Total impact, Reinforce Prioritisation Western focus on law.
125	Going into practice, Natural consequence, Non-Indigenous lawyers Going to be prioritising Western law, That approach of substance Over anything else. ...

None of This is Justice

1 The law's very black and white,
 policies reflect that,
 you're then hamstrung or constrained.

 ...

5 As Aboriginal people we go into these things
 thinking we're going to make a difference,
 contribute to change.

 Once you get in,
 you're treading water,
10 system is designed to do this.

 There's no system change,
 no cutting away,
 or
 changing colonial power structures.

15 ...

 In the legal team as an Aboriginal person can be
 pretty isolating,
 I would try and push the point a bit,
 in my submissions,
20 the facts of colonisation
 that was something my boss would shut down.

 ...

 A lot of work coming through that office,
 intersected with First Nations rights,
25 issues,
 I was interested in,
 could provide
 valuable insight into,
even if it wasn't necessarily insight into the law,
30 contextual insight,
 could have been really valuable.

 But
 not recognised,
 perhaps even dismissed,
35 that it would be something useful,
 to seek out or to involve me with,
 big aspect.

40 It's a disadvantage for the legal community,
not to be accessing or
leveraging that information,
perspective and knowledge,
skillset and knowledge.

45 ...
Professionally,
some of their worst experiences of racism
being in the system,
in the profession.

50 My story,
conditions
environment
not safe to stay.
Every single Indigenous lawyer I've spoken to who has left
had that experience.

55 ...
All judges white presenting in the court,
huge racial diversity in the clients,
not much racial diversity in the profession.

60 It comes through,
I haven't seen one adjustment
for the different type of client
lawyers speaking to.

65 ...
A white institution,
they've been doing it forever,
come along, pass judgment on how
we identify.
Set guidelines.
How are we going to prove it
to a white standard?

70 You've destroyed records.
So rich for a white court,
pass judgment:
'We're divorced from our history'.

75 You can't be divorced from that history,
you're the court.
The state removed Aboriginal children.

The court stamped the removal of Aboriginal children.

...

80 I remember this [person] was standing before [my judge],
asked:

‘Where are you from?’

Or

‘Where’s your people from?’

‘Where’s your family from?’

85 [They’re] like:

‘I don’t know’

And [the judge was] like:

‘Well how can you not know?’

To say that is just so ignorant.

90 That experience was repetitive working at the courts.

...

Violent for you to come along and ask somebody

what their language and their mob is,

you think you comply with cultural sensitivity,

95 when sixty years ago you would have been the person being like:

‘Yes, I consent to this removal, fantastic, next case’.

That is violence,

a form of colonial violence.

Because you benefitted from our dispossession,

100 you don’t feel the effects like we do.

...

The power.

Manager,

openly racist,

105 derogatory in treatment,

systemic racism,

blatant racism,

I was taken aback.

Judges wielding misogynistic power,

110 being male

privilege,

not to be exposed.

Eye opener of white men in power,

how that operates.
115 ...

Lawyers can be terribly racist,
lawyers say:
'Culture's not important anymore',
'they've been assimilated'.

120 Another lawyer,
if he were on the bench he would:
'cause the next Stolen Generation'.
...

125 The whiteness I've experienced.
Extreme.

Biggest thing for me,
lack of empathy in my colleagues.
...

130 There was a lot of conflict around
working with white colleagues,
consultation came after.
...

A lot of non-Aboriginal solicitors just don't allow that,
go in with this structure,
135 colonial thinking,
I can address all these superficial issues,
Without getting to the crux of it.
...

140 Highly competitive,
egotistical.
The dynamics of people being very comfortable
advocating on behalf of others,
this sense of self,
I have this expert knowledge,
145 I have the right to speak for people.
...

I had a really big argument with
a very experienced lawyer,
around this issue of consultation.

150 I sent him literature,
by Aboriginal people,
educate yourself.

155 He was like,
 I'm carrying all of this experience, and
 I know.
 And I'm like,
 but you're not Aboriginal,
 I bring that experience and perspective you don't have.

160 Important.
 It doesn't devalue your experience and knowledge,
 but
 different knowledges.

165 ...
 I remember having a conversation,
 white [male] lawyer,
 felt like he wasn't seeing me,
 because he couldn't,
 understand what I was saying
 from a perspective of an Aboriginal person,
 170 because I wasn't behind
 Perspex glass.

175 ...
 Been working in this jurisdiction for a while,
 difficult space to work,
 colonial processes,
 violence,
 dispossession,
 we're not removed from that history.

180 Often colleagues calling you up,
 bring a First Nations lens,
 constantly the person people come to:
 'Is this decent enough?'
 'What does consultation look like?'
 Happens all the time,
 185 because I'm the black person.

190 We've got a lot of white people
 going out
 we assume are culturally competent,
 culturally safe,
 they're actually doing a shit job.

...

195 A lot of my colleagues come from a very,
white privileged upbringing,
white saviour mentality,
some doing the bare minimum,
not seeing things through the same lens as us,
as community or mob,
come from a very different starting point,
different thinking.

200 If someone's a true believer,
they truly believe in the system,
court process,
hierarchy of the court,
these processes and people do need to be punished,
205 people do need to go to gaol,
they come through that mentality.

...
The number of people,
you can't properly build a relationship,
210 there's not enough lawyers because
there's not enough funding.

...
The work we do is so important.
But why as an organisation we had to slot in
215 to what the government was doing,
even though we were a community organisation,
it didn't feel like we were fighting for the communities.
Don't rock the boat.

...
220 Problems
how we treated our Aboriginal staff,
constantly using the excuse:
'because we have limited funding'
so we can't pay you adequately for the work
225 you're doing.

...
RAP's often get a bad name,
they can come across,
tick box exercise,
230 when organisations are just changing the meeting room name,
celebrating NAIDOC week,
or something.

...

it's white,
based on white logic.

The law is equal for white people,
not for anybody else.

275

...

What really got to me,
clients would point out the failings of the legal system,
having to jump through the government's hoops,
by people who have been harmed by the government.

280

They were just really right.
None of this is justice.

What is justice?

...

Got involved,
student politics,
Aboriginal students got together,
identified racist or discriminatory policies,
40 pushed,
try and change,
created a movement,
protesting.
...
45 I refused to do it,
we stood our ground with a lot of stuff.
...
I was reckoning with a lot of those things,
a lot of my friends were Aboriginal or were people of colour or queer.
50 Connecting over what we cared about,
why we were at law school,
make a difference,
resist different systems.
...
55 Last couple of years,
pick electives,
I chose all Blak subjects,
Blak, Blak, Blak,
We become visible.
60 Bringing my worlds together,
Blak and Law.
...
In law school,
almost felt
65 my responsibility,
mission to educate.
...
Good relationship with
lecturers,
70 Aboriginal lecturer,
took me under
wing,
mentored me.
...
75 Had some really great
non-Indigenous lecturers,
really passionate,

120 experience of being First Nations people,
 having a heightened awareness and understanding
 of issues impacting our communities.
 ...

125 I was very much holding my ground,
 trying to push back.
 ...

 I'd say:
 'Why don't you say, we're not going to act,
130 take instructions from clients who want to destroy
 Aboriginal cultural heritage?'

 ...

 Fighting
 many fronts,
 act defiant own colleagues.

135 ...

 Believing in myself,
 learning more about my family,
 our histories,
 made me believe what I was saying was right,
140 I know the impact that colonisation has had on my family.
 It is a fact,
 it isn't an opinion,
 I know it's right,
 I feel it in a different way.

145 ...

 Client,
 I'm not here to judge you,
 start by relating,
150 trying to understand the underlying trauma,
 the reason,
 what's going on here.
 ...

 You do the work,
 it is for the client.

155 ...

 ... the accuracy of the legal advice
 you're providing
 very much intertwined with the context,
 if you don't have a holistic approach
160 that understands that context
 then the legal advice you're providing

205 we just come to the table
 less of an acceptance
 this is the way it's been done,
 this is the way it should be done.

 ...
 We pushed and pushed,
210 finding ended up coming out,
 substantiate the fact,
 racist practices,
 but
 could not substantiate,
 racist comment.

215 ...
 The biggest thing,
 that helped with my confidence,
 my Aboriginal colleagues,
 when someone older
220 who I really respect,
 says I'm doing a good job
 I really believe it.
 It means a lot to me.

 ...
225 I'm so grateful to have that network,
 feel a lot of privilege
 to be a part of
 group of Aboriginal lawyers.

 Huge sense of belonging.

230 ...
 Way just to debrief,
 a lot of Aboriginal staff around you,
 same boat as you,
 makes a difference,
235 to how you can confront the issues in court,
 help mob in communities.

 ...
 Having mentorship,
 Aboriginal colleague,
240 really useful,
 went to them,
 talk about what was going on.

 ...
 I was talking to Aunty,

245 as an Elder and someone who
worked in a lot of different capacities and just seeing a lot of shit,
but still gives so much.

I'm like:
250 'How do you keep that fire going,
not lose your mind completely?'

Her answer:
'You just do.
You get lots of Auntie hugs,
connect with the people who are important,
255 just try and forget all the rest of it.
You keep speaking up.'

...
Staunchness in the organisation,
makes a massive difference ...
260 ...
Figuring out how I can make the most impact,
bouncing around
job to job
thinking
265 once I get in a particular space I can solve
all these systemic issues.

...
I couldn't be in that work environment anymore,
leave for my own mental health,
270 increased pressure,
targeted.

...
Anti-racism,
my agenda.

275 ...
My plan,
ingratiate myself,
then
start slowly
280 slamming the hard facts on them.

...
Decided,
legal profession wasn't for me,
wasn't of interest for me.

285 ...
Too conscious of the failing of the system

to participate willingly in that,
couldn't hold on to my integrity while working there,
cultural and professional.

290

...

I just feel too fatigued by the system to deal with it in that way,
I just can't see myself being a lawyer
because

295

I don't believe in the legal system,
you have to invest in it to some extent to be a lawyer
because
you are part of the system.

...

300

Come to the point:
Refusal.

Only power I have,
I refuse to validate, or
give them satisfaction, or
contribution that legitimises their power and space.

305

...

IV DISCUSSION

The following discussion explores the three key research findings: (1) Legal institutions in NSW remain colonial in their nature and continue to enact colonial and racial violence and harm; (2) This colonial and racial violence and harm has long-term and wide-ranging impacts for community, especially First Nations law students and legal professionals; and (3) First Nations law graduates resist and refuse colonial power, and navigate these institutions by embodying their ways of Knowing, Being and Doing.

These findings are evidenced across the poetic transcriptions, which deeply explores the experiences of First Nations law students and lawyers engaging in legal education, university, and the legal profession. In doing so, it exposes the nature of colonialism continuing as a structure, which is embedded into knowledge, knowledge production, legal practice, legal process, concepts and attitudes. This demonstrates the ways in which experiences in legal education are mirrored in the legal profession. This storying nurtures a space to critically and deeply understand the ongoing colonial legacy of these institutions, and the wide-spread and long-term harms of engaging with these colonial legal institutions, which has significant implications on 'justice'. Critically, engaging in a powerful truth-telling in the field of law which unveils these institutions from the inside, while also articulating a pathway forward embedded in Indigenous ways of Knowing, Being and Doing that contributes to a First Nations conceptualisation and vision of justice.

A Legal Education and Legal Professionalism: Continuing a 237-Year Legacy of Colonial Displacement, Extraction and Indoctrination

1 Legal Education and Law School as Ongoing Colonial Institutions

This research has found that legal and learning institutions continue as colonial structures that inflict colonial violence and harm against First Nations life. This is explored in the poetic transcriptions above, particularly 'Indoctrinated' which evidences the ways in which legal institutions continue to extract, exclude, and erase Indigenous knowledges and relationships through diverse tools and methods. For example, this is highlighted in the storying which demonstrates the way that legal education curriculum privileges Eurocentric knowledge production and dismisses First Nations issues and knowledges by relegating them to the margins and labelling them as 'relics of history'.⁴⁷ In legal education, this labelling and positioning within the curriculum and by teachers is embedded with colonial narratives that seek to prescribe First Nations peoples, communities, knowledges and laws as primitive and stagnant in the past. This pedagogical

⁴⁷ Indoctrinated, lines 10–27.

approach undermines and limits First Nations knowledges through categorising this knowledge as irrelevant, less civilised or not as important as Western knowledge systems,⁴⁸ thus maintaining and re-enforcing Western knowledge, law, and ways of Being and Doing as superior. As Irene Watson, who belongs to the Tanganekald, Meintangk, Bunganditj and Potaruwutj First Nations peoples, states: 'The embedded colonialist and racist constructs of Indigenous knowledges are the following: Aboriginal knowledge is irrelevant, irrational, unscientific, uncivilised, native story-telling, and "oral tradition" (which provides a flawed record of history).'⁴⁹

Colonial legal education continues a legacy through curriculum and pedagogy which limit, constrain, and marginalise Indigenous knowledges and Indigenous ways of doing knowledge. As reflected in 'Indoctrinated', these methods include but are not limited to excluding lived experience from relevance, positioning Indigenous knowledges as lacking relevance and utility within legal education, and framing Indigenous knowledges through a deficit lens, such as restricting inclusion to disadvantage discourse on criminal law or child protection, thus minimising and restricting substantial engagement across legal education.⁵⁰ This arguably situates white knowledge as superior in legal education,⁵¹ and advances knowledge processes embedded within grand colonial narratives. This operates to exclude and reject Indigenous knowledges and ways of knowing, such as valuing lived experience.

The experiences of First Nations law graduates in this research demonstrate that racial colonial violence can be and is exercised by students and academics within legal education, in conjunction with institutionalised racism. This is evident at interpersonal levels in 'Indoctrinated' where we bear witness to experiences where students make racist remarks in class which remain unaddressed by teachers,⁵² while at institutional levels this is evidenced in the way Indigenous knowledges are positioned within pedagogy and the wider curriculum.⁵³

Racism takes many forms in legal education, such as subscription by white law students and teachers to racist rhetoric grounded in deficit narratives that pathologise First Nations peoples and communities. This is evidenced in the harmful comments that students can make in class about Aboriginal communities despite being outsiders, and the lack of response by white teachers to address these comments, which can then validate and legitimise this form of racial

⁴⁸ See Irene Watson, 'Re-Centring First Nations Knowledge and Places in a Terra Nullius Space' (n 6) 518.

⁴⁹ Ibid.

⁵⁰ Indoctrinated, lines 7–82.

⁵¹ Ibid lines 111–20.

⁵² Ibid lines 1–3, 45–64.

⁵³ Ibid lines 1–3, 7–82, 112–20.

rhetoric and bias.⁵⁴ This in turn illustrates the ways in which grand colonial narratives can become embedded into knowledge production, cementing power imbalances whereby white students assume the role of the white 'expert' and can make unfounded, biased, and harmful racial comments. Arguably, this power imbalance and privileging of white knowledge is further achieved through white over-representation,⁵⁵ due to white teachers drawing on their knowledge grounded in their standpoint, which can further exclude First Nations lived experiences, knowledges, and histories from knowledge production. This can re-enforce and validate white subjectivity and bias under the guise of 'objectivity' and 'neutrality', thus privileging white knowledge and ways of Knowing, Being and Doing — supporting and building on earlier critiques made by First Nations law scholars.⁵⁶

Within law school, 'opportunities' and 'supports' offered to First Nations law graduates have also been found to inflict interpersonal and institutional racism which produces unsafety and harms. For example, some First Nations law graduates highlight the ways in which they experience tokenism and paternalism through different opportunities, including experiences where Aboriginal students are requested to perform 'Aboriginality' and required to conform to narratives of deficit and disadvantage as dictated by white people.⁵⁷ In other instances, graduates share experiences of identity being commodified whereby it is given value and meaning from external Western standpoints that lack cultural grounding.⁵⁸ These experiences are found to be embedded within colonial grand narratives which privilege whiteness and can operate to advance white values, knowing, priorities and interests. These processes re-assert white power and control and seek to indoctrinate First Nations peoples, resonating with Eualeyai Gamillaro woman and law scholar Larissa Behrendt who reflects: 'After over 20 years in the academy I have seen traps for Indigenous researchers and lawyers. The most dangerous trap is to move away from the strong grounding of their culture. That's when they stop being an agent of transformation and merely are co-opted into the system.'⁵⁹

These conditions within colonial legal education and law school shape and constrain relationships with Indigenous knowledges and First Nations peoples and communities, giving precedence, credence and power to positions such as the white 'expert' and white 'saviourism', which has significant implications in the legal profession. Through these findings we observe the ways in which legal

⁵⁴ Ibid lines 45–64.

⁵⁵ Ibid lines 72–82.

⁵⁶ Monture-Angus (n 8) 133; Nicole Watson (n 15) 4.

⁵⁷ Indoctrinated, lines 98–105.

⁵⁸ Ibid lines 89–109.

⁵⁹ Larissa Behrendt, 'Indigenous Storytelling, Decolonising Institutions and Assertive Self-Determination: Implications for Legal Practice' in Jo-Ann Archibald Q'um Q'um Xiiem, Jenny Bol Jun Lee-Morgan and Jason De Santolo (eds), *Decolonising Research: Indigenous Storywork as Methodology* (Zed Books, 2019) 175, 184–5.

education processes condition and train law students to exclude and/or overlook First Nations Knowing, Being and Doing through modes of silencing, absence and contestation, which become 'normalised' as the status quo within legal education, law school and legal professionalism.

This research found pathway programs to be critical in providing access and producing a sense of belonging for First Nations law graduates in law school, as illuminated in 'Connected' which explores the importance of Aboriginal and Torres Strait Islander collectives.⁶⁰ This research has found that this alone cannot address institutional racism, specifically Indigenous exclusion, racial violence, paternalism, tokenism and white superiority, which exist and persist across legal education institutions and sites as documented through the extracts shared in 'Indoctrinated'.

2 Legal Professionalism and Practice as Ongoing Colonial Institutions

Legal professionalism, workplaces, and institutions are embedded with whiteness that privileges white ways of Knowing, Being and Doing, thus enacting colonial violence at interpersonal, organisational and institutional levels which advances the colonial project. Through this project, First Nations law graduates have shared experiences of being constantly and violently challenged, silenced, undermined and under-valued at interpersonal levels by colleagues, judicial officers and managers, as well as at structural levels through organisational processes and guidelines, funding arrangements, and legal processes. For example, this was highlighted in 'None of This is Justice', where a First Nations law graduate shares their experiences of being shut down by their boss from including critical dialogue on colonisation within written submissions.⁶¹ Furthermore, this was explored in the ways First Nations law graduates share their experiences of their knowledge and expertise being undermined and/or marginalised from legal matters in preference to Western legal lenses, and where they experience colleagues under-valuing and challenging the significance and value of Indigenous expertise.⁶² These interpersonal and structural conditions operate to eliminate First Nations lived experiences, expectations, priorities, approaches and truth-telling.

These findings demonstrate the ways that 'legal professionalism' privileges Western Eurocentric knowledge and knowledge processes as taught in legal education.⁶³ These white ways of doing professionalism are embedded in 'legal duties' which prevent First Nations holistic processes based in relationality.⁶⁴ This approach to white legal professionalism inflicts violence and fails to meet

⁶⁰ Connected, lines 29–34.

⁶¹ None of This is Justice, lines 16–21.

⁶² Ibid lines 23–42, 129–71.

⁶³ Indoctrinated, lines 111–26.

⁶⁴ None of This is Justice, lines 1–14, 253–82.

the needs of clients because it excludes critical context, truth, and story.⁶⁵ As Behrendt reminds us: 'The colonial legal system is dismissive of storytelling because it is deeply challenged by it. Disconnecting law from story disconnects law from personal story. Storytelling humanises. It gives voice to people'.⁶⁶ Further, Mohawk woman and legal scholar Patricia Monture-Angus observed:

I had to think some more about what was the matter with the law and why Canadian law is not working for Aboriginal peoples. It is simple why it is not working. It is because we have taken the responsibility out of it. Even more importantly, read some court judgments and hear them talk about impartiality and objectivity. It is not about your head. Where the answer lives is in your heart. Law is not about how you feel. And where is fairness? Fairness requires feeling.⁶⁷

Consequently, this form of professionalism and practice can produce legal processes that respond to superficial symptomatic issues, without interrogating and responding to colonialism and racism, thus limiting and lacking effective responses and outcomes.⁶⁸ Within this research project, the prevalence of whiteness and the privileging of white knowledge and processes within the legal profession have been found as contributing to, enforcing and feeding the role of the white 'expert', which reflects the conditions whereby white legal professionals consume the role of the 'authority' on Indigenous peoples and experiences, thus retaining the power to determine, limit and control knowledge, authority and advocacy.⁶⁹ In doing so, white people set the terms and define, limit and dictate what is and can be known, whilst simultaneously erasing history. This is evidenced in 'None of This is Justice' where the graduates speak to the harmful ways legal professionals seek to remove history from relevance, set and uphold white legal standards, engage in forms of 'cultural sensitivity', approach consultation, and advocate on behalf of other people.⁷⁰ This whiteness and racism embodied and exercised by white legal actors within legal practice operates to deny, undermine, silence and exclude First Nations knowledges and experiences. Further, this research has exposed the sexist, racist and classist prejudices that shape legal and judicial officers, creating disconnect and blindness which permeates colonial violence, including racial microaggressions and micro-invalidations.⁷¹ This whiteness and racism produce unsafe and unsupported environments for First Nations legal professionals, clients and community members.

⁶⁵ Ibid lines 1–3, 16–42, 63–100, 129–37.

⁶⁶ Behrendt (n 59) 180.

⁶⁷ Monture-Angus (n 8) 148.

⁶⁸ None of This is Justice, lines 16–42, 55–100, 129–37, 200–18, 235–82.

⁶⁹ Ibid lines 16–42, 63–100, 116–22, 129–37, 139–71, 234–82.

⁷⁰ Ibid lines 11–21, 23–42, 63–100, 141–78, 224–51, 186–190.

⁷¹ See Debbie Bargallie, *Unmasking the Racial Contract: Indigenous Voices on Racism in the Australian Public Service* (Aboriginal Studies Press, 2020) 94–8, 103–10; Nicole Tujague and Kelleigh Ryan, *Cultural Safety in Trauma-Informed Practice from a First Nations Perspective: Billabongs of Knowledge* (Springer International Publishing, 2023) 170–8.

Within this research, findings suggest white privilege exists within the legal profession, informed by white people's relationships and positionality with the legal system, which mould and inform their approaches to professionalism. This positionality is arguably shaped by the colonial historical context that can contribute to a blind adherence to the status quo that protects white Knowing, Being and Doing. For example, in 'None of This is Justice' this is explored in relation to white 'saviour' approaches and the way white legal professionals conceptualise the legal system, punishment, justice, amorality and equality.⁷² Arguably, this positioning is a privileged and protected relationship/location within the legal system that can result in disconnection from First Nations experiences, histories, critiques and realities. This white privilege and 'blindness' are inscribed as the status quo, thus masking the subjectivity of whiteness under the guise of 'objectivity'.⁷³

This research suggests that legal structures maintain the status quo which can operate to safeguard the colonial project at both interpersonal and structural levels. This occurs through professionalism, practices and processes which engage in silencing, dismissing, undermining and/or excluding First Nations knowledges, and ways of Being and Doing. This is evidenced in the way First Nations lawyers' standpoints, experiences and expertise are undervalued in legal practice and shut down, and/or remain excluded by colleagues, viewing it as less relevant.⁷⁴ Further, this is demonstrated by the conceptualisation of key principles and values in the legal system such as 'justice', 'amorality' and 'equality' that operate in practice to favour and privilege certain facets of society. Structural and organisational conditions are also reflected in rigid policies and guidelines that do not reflect Indigenous experiences, knowledges and ways of working. At interpersonal levels, these findings evidence the ignorant, biased, and overtly racialised logics and rhetorics expressed by colleagues, including lawyers, managers and judicial officers.⁷⁵ They also reflect the lack of diversity on the Bench,⁷⁶ which arguably has implications at interpersonal levels between people, and at a higher institutional levels in relation to the development of laws, precedent, principles, practice standards and professionalism.

The silencing experienced by First Nations legal professionals and the exclusion of First Nations knowledges in the legal profession resonate with findings in respect of legal education, particularly the ways in which First Nations knowledges are largely excluded from relevance. This approach to doing 'professionalism', which primarily excludes and marginalises First Nations

⁷² None of This is Justice, lines 133–46, 192–206, 234–82.

⁷³ See Margaret Walter and Ann Joselynn Baltra-Ulloa, 'Australian Social Work is White' in Bindi Bennett and Sue Green (eds), *Our Voices: Aboriginal Social Work* (Red Globe Press, 2nd ed, 2019) 65. See also Monture-Angus (n 8); Nicole Watson (n 15).

⁷⁴ None of This is Justice, lines 16–42, 147–71.

⁷⁵ Ibid lines 16–53, 63–125, 129–71, 186–90, 191–206, 234–51.

⁷⁶ Ibid lines 55–61.

knowledges, is further evidenced and legitimised through core legal concepts embedded into the legal system, such as ‘justice’, ‘amorality’ and ‘equality’. This suggests that in practice these concepts operate to privilege certain groups of people through regimes of access, while hindering access to specific clients and communities. This issue of access is further highlighted through the experiences of First Nations clients and professionals, who encounter silencing and dismissal of their ways of Knowing, Being and Doing. Thus, this severely limits and constrains the capacity for First Nations clients’ and communities’ needs to be met when accessing these legal services.

These findings suggest that legal institutions within NSW remain colonial in their nature as demonstrated across the experiences of First Nations law graduates who have shared their stories in this research. These stories highlight the ways in which these legal institutions and the practices, processes and profession continue to enact colonial and racial violence and harm against First Nations law graduates and community members. They correlate with the small yet critical self-reflexive works undertaken by First Nations legal scholars in the field,⁷⁷ and extend on the existing research undertaken in Australia with Indigenous law students.⁷⁸ Moreover, these findings contribute to a more in-depth, nuanced and contemporary exploration of First Nations law graduate experiences across legal education and the profession, centred within Indigenous storytelling. In doing so, it documents the ongoing, widespread, relentless and insidious nature of colonial racism, exclusion, alienation, conflict and barriers that is experienced by First Nations peoples within these institutions, and exposes the interconnections that exist across contemporary colonial institutions, such as between legal education and the legal profession. Moreover, these stories provide insight into the ways in which whiteness exists and is embodied, cemented, maintained and exercised through diverse regimes and methods that contribute to an ongoing colonial legacy.

⁷⁷ Behrendt (n 15); Burns and Nielsen, ‘Dealing with the “Wicked” Problem of Race and the Law’ (n 15); Yoorrook Justice Commission (n 15); Falk (n 11); Lindberg (n 15); McGlade (n 15); Monaghan (n 15); Monture-Angus (n 8); Irene Watson, ‘Some Reflections on Teaching Law’ (n 15); Nicole Watson (n 15); Triple A (n 10).

⁷⁸ Banks and Douglas (n 11); Douglas, ‘Indigenous Australians and Legal Education’ (n 11); Douglas, ‘This is Not Just about Me’ (n 11); Douglas, ‘The participation of Indigenous Australians in legal education’ (n 11); Douglas, ‘Indigenous Legal Education: Towards Indigenisation’ (n 11); Falk (n 11); Rodgers-Falk (n 11); Harriet Morley, ‘Breaking the Barriers: Victorian Indigenous Lawyers’ (2007) 81(18) *Law Institute Journal* 18; Schwartz (n 11) 1; Wood (n 11).

B The Chronic Conditions and Wounding of Colonial Legal Education and Professionalism

1 Attempted Indoctrination through Contemporary Processes of Displacement and Disconnection

Legal institutions enact colonial violence through processes which seek to indoctrinate First Nations law students and professionals into white ways of Knowing, Being and Doing. This resonates with findings made by Gamilaroi woman and scholar Michelle Bishop in the field of education: ‘I have also listened to (and witnessed) abhorrent accounts from young people today whose educational experiences left them feeling coerced into compliance — institutionalisation, indoctrination and attempted assimilation — under the pretense of “‘getting a good education”’.⁷⁹

Within legal institutions, indoctrination takes place across sites, including legal education, law schools, internships, legal professionalism, workplaces, opportunities and funding regimes. This is observed in the First Nations law graduates’ experiences of engaging with legal education which seeks to condition students into thinking in a particular way, marginalising and excluding Indigenous interests, experiences and aspirations;⁸⁰ evidenced also across other sites, such as experiences of identity being commodified, and support being defined and limited exclusively from non-Indigenous perspectives;⁸¹ and observed further within the legal profession and wider legal processes. For example, it is evidenced in the ways in which First Nations lawyers voices, perspectives and expertise are silenced and undermined, predominantly excluded from legal practice,⁸² as well as the ways in which First Nations lived experiences, voices and histories are marginalised.⁸³ This indoctrination is embedded within practices of assimilation, exclusion and colonial grand narratives of deficit, ensuring white control and power — arguably methods falling within Mi’kmaq woman and scholar Marie Battiste’s description of ‘cognitive imperialism’, as well as Moira Pérez’s description of ‘epistemic violence’.⁸⁴

These experiences produce tensions and conflicts which challenge the abilities of First Nations law graduates to fulfil their responsibilities. Processes which are deployed to displace and disconnect First Nations peoples from their

⁷⁹ Michelle Bishop, ‘A Rationale for the Urgency of Indigenous Education Sovereignty: Enough’s Enough’ (2021) 48(3) *Australian Educational Researcher* 420.

⁸⁰ Indoctrinated, lines 1–87, 111–26.

⁸¹ Ibid lines 89–109.

⁸² None of This is Justice, lines 8–54, 146–71, 212–25, 234–82.

⁸³ Ibid lines 63–100, 116–37, 139–71, 186–90, 191–206, 234–82.

⁸⁴ Marie Battiste, ‘Enabling the Autumn Seed: Toward a Decolonised Approach to Aboriginal Knowledge, Language, and Education’ (1998) 22(1) *Canadian Journal of Native Education* 16, 20–2; Moira Pérez, ‘Epistemic violence: reflections between the invisible and the ignorable’ (2019) 1(1) *El lugar sin límites*, 1, 1, 81–98.

relationality, have long- and short-term impacts which continually shape relationships between people and institutions, placing First Nations law students and professionals in unsafe and disempowering environments that arguably seek to eliminate the native.⁸⁵ This undermines First Nations sovereignty and seeks to limit First Nations agency and resistance. This indoctrination resonates with historical assimilative processes which have sought to erode and sever connections to Country, culture, community and family, impacting significantly on First Nations social and emotional wellbeing, causing trauma.⁸⁶ Here, we bear witness to the impact of racism and whiteness on First Nations law graduates engaging with legal institutions, who use some of the following terms when describing their experiences — ‘isolating’, ‘passive’, ‘commodified’, ‘super white’, ‘hamstrung’, ‘treading water’, ‘dismissed’, ‘not safe’, ‘racism’, ‘ignorant’, ‘colonial violence’, ‘deeply upset’, ‘systemic racism’, ‘blatant racism’, ‘terribly racist’, ‘lack of empathy’, ‘colonial thinking’, ‘egotistical’, ‘difficult’, ‘white saviour mentality’, ‘white logic’, ‘None of this is justice’, ‘unlearn’, ‘targeted’, ‘fatigued’, ‘couldn’t hold on to my integrity while working there’ and ‘failing of the system’.⁸⁷ These experiences result in some First Nations law graduates leaving the profession.⁸⁸

2 Exposing Whiteness

This research has found that colonial legal institutions and individuals exercise violence and harm against First Nations peoples through methods that seek to reject and exclude First Nations lived experiences and histories,⁸⁹ whilst advancing colonial grand narratives that ensure the maintenance of ‘the great Australian silence’.⁹⁰ This resonates with a contemporary form of ‘terra nullius syndrome’,⁹¹ contributing to ‘invisibility’,⁹² and entrenching deficit narratives that mask colonialism and whiteness. Through a rejection and dismissal of truth-telling and collective histories within knowledge production, whiteness is

⁸⁵ See Wolfe (n 6).

⁸⁶ See Pat Dudgeon, Helen Milroy and Roz Walker (eds), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Commonwealth of Australia, 2nd ed, 2014); Larrakia Healing Group, ‘Caring for Country, Caring for Each Other: Larrakia Healing Group Resources’ (Northern Territory Primary Health Network, 2015); Tujague and Ryan (n 71).

⁸⁷ Indoctrinated, lines 20, 37, 64, 87, 109; None of This is Justice, lines 3, 9, 17, 34, 45, 51, 89, 98, 106, 107, 116, 127, 135, 140, 174, 194, 272, 281; Connected, lines 82, 271, 291, 286, 289.

⁸⁸ Connected, lines 282–304.

⁸⁹ Indoctrinated, lines 1–87, 111–26; None of This is Justice, lines 8–54, 63–100, 116–37, 139–71, 186–206, 212–25, 234–82.

⁹⁰ WEH Stanner, ‘After The Dreaming: The 1968 Boyer Lectures’ (Speech, Australian Broadcasting Commission, 1968) 18, 25.

⁹¹ Rodgers-Falk (n 11) 13.

⁹² Bargallie (n 71) 103.

cemented, and dispossession is disguised.⁹³ These practices and processes maintain power imbalances which mask white subjectivity and bias through notions of ‘objectivity’ and ‘neutrality’,⁹⁴ rendering whiteness the ‘norm’ — a process which enacts violence through methods of ‘othering’,⁹⁵ paternalism, homogenisation and tokenism.

This exclusion and rejection impacts upon clients and community who are silenced and subjected to pathologising narratives, giving rise to white control.⁹⁶ This creates disconnection for First Nations clients seeking to access the legal system. These processes and practices also harm First Nations law graduates who witness violence, particularly the denial of their own histories, causing widespread trauma which is then compounded by witnessing community members experiencing violence. This significantly impacts upon First Nations social and emotional wellbeing, resonating with observations also made by Rawnsley, Woodroff, Culic, Richards and Clifton:

The Framework led to conversations about how employees at the legal service who identify as Aboriginal and/or Torres Strait Islander are also likely to be affected by trauma including inter-generational trauma at higher levels than other employees, and are likely to have family and social networks who are also affected.

The Framework also led to conversations about how trauma in the context of colonisation, dispossession, the lack of Aboriginal agency in the legal system and ongoing loss (such as languages) has its own impact which is difficult to understand and conceptualise.⁹⁷

This research has found prejudice and bias embedded into legal practice, reflected in the traits, beliefs, and actions of white legal practitioners. This produces harmful environments for First Nations students, professionals, employees, clients and community who are subjected to whiteness and forms of racism. These harmful environments impact detrimentally on wellbeing, access to justice, legal process, legal outcomes, and professional and learning opportunities. This is evidenced through the interpersonal interactions with students and teachers in legal education, and with colleagues who seek to silence and engage in violent methods of control and intimidation embedded with racism.⁹⁸ Further, this is observed in the presence of racial microaggressions and

⁹³ See generally *ibid*; Aileen Moreton-Robinson, *Whitening Race: Essays in Social and Cultural Criticism* (Aboriginal Studies Press, 2004); Moreton-Robinson, *The White Possessive* (n 6); Walter and Baltra-Ulloa (n 73).

⁹⁴ See also Walter and Baltra-Ulloa (n 73); Monture-Angus (n 8) 133; Nicole Watson (n 15) 4.

⁹⁵ See Edward W Said, *Orientalism* (Vintage Books, 1979); Gayatri Chakravorty Spivak, ‘Can the Subaltern Speak?’ (1988) 14(27) *Die Philosophin* 42; Nakata (n 24) 195–6.

⁹⁶ See generally Human Rights and Equal Opportunity Commission, *1996 Social Justice Report*, (Report No 4, 1996); Albert Memmi, *The Coloniser and the Colonised* (Profile Books, 2021) 126.

⁹⁷ John Rawnsley et al, ‘Cultural Competency in a Legal Service and Justice Agency for Aboriginal Peoples’ (2019) 28(2) *Legal Education Review* 1, 6 (citations omitted).

⁹⁸ *Indoctrinated*, lines 45–64; *None of This is Justice*, lines 16–53, 63–171, 186–90, 200–6.

micro invalidations.⁹⁹ As Tujague and Ryan identify: ‘All those small acts of racism, called “racial microaggressions”, continue the racial trauma that colonisation unleashed.’¹⁰⁰

At organisational and institutional levels, this research has identified the impact of harmful processes caused by funding allocations which operate to protect state interests, which guarantees that First Nations standpoints remain excluded from law, thus protecting the colonial project and ensuring that the law remains ‘soft’ in its ability to protect First Nations interests,¹⁰¹ thus producing institutional and organisational silencing. Funding regimes have also been found to create harmful work environments for First Nations lawyers who are exposed to stress, high workloads, under-funding, and time constraints.¹⁰² Moreover, at institutional and organisational levels, silencing is re-enforced through legal processes and procedures, such as time restraints which impact on relationship building with clients.¹⁰³

Institutional silencing occurs not only through legal practice when taking instructions from clients, but also through the lack of diversity on the Bench.¹⁰⁴ The prevalence of interpersonal and systemic racism existing across court institutions produces inequality for First Nations clients and communities. This research has observed that white over-representation and white leadership is given power through court hierarchies and organisational structures and processes,¹⁰⁵ contributing to harmful environments where First Nations legal professionals experience suppression, conflict, unsafety, isolation and repercussions for speaking out against the status quo and racism.¹⁰⁶ Ultimately, it exposes the ways in which First Nations conceptualisations of justice are excluded and denied from colonial legal institutions.

3 Cultivating White ‘Experts’ and Heavy Colonial Loads

This research has found that white ‘saviourism’ and ‘expertise’ is embedded across interpersonal, organisational and institutional levels within colonial legal institutions. This way of doing knowledge excludes First Nations lived experiences and histories and promotes a white entitlement to speak. This positionality and entitlement occurs within legal education, and extends out into the legal profession where white legal professionals’ approaches to knowledge are shaped by assuming the role of ‘authority’.¹⁰⁷ This role of the white ‘expert’ is

⁹⁹ Bargallie (n 71) 94–8, 103–10; Tujague and Ryan (n 71) 170–8.

¹⁰⁰ Tujague and Ryan (n 71) 170.

¹⁰¹ None of This is Justice, lines 212–8.

¹⁰² Ibid lines 208–11, 220–5.

¹⁰³ Ibid lines 208–211.

¹⁰⁴ Ibid lines 55–61. See also 63–100, 109–14.

¹⁰⁵ Ibid lines 1–54, 63–114, 200–6, 234–51, 253–82.

¹⁰⁶ Ibid lines 5–21, 44–54, 147–71; Connected, lines 132–4, 208–14, 268–71.

¹⁰⁷ Ibid lines 16–42, 63–100, 116–71, 192–206. See also Indocctrinated, lines 7–87

evidenced in law school, through the racism exercised by white law students who assume the role of the white 'expert' and adopt deficit narratives about First Nations peoples.¹⁰⁸ It is further evidenced in the way Indigenous knowledges are positioned in the curriculum,¹⁰⁹ and in the way academics teach and approach First Nations perspectives and issues.¹¹⁰ These conditions in legal education shape relationships to knowledge which ultimately informs legal practice and legal professionalism,¹¹¹ contributing to the silencing of First Nations clients. Whilst this white knowledge production is resisted by First Nations legal professionals and students, this resistance is challenged by white fragility and white guilt¹¹² — both violent responses that re-enforce silencing and re-assert white superiority and entitlement to know.¹¹³

Whiteness within institutions also contributes to what has commonly been referred to as 'cultural load' wherein First Nations law students and legal professionals must undertake additional work to respond to the gaps in their colleagues' knowledges, whilst also filling the gaps that exist due to under-representation caused by historical policies of exclusion and contemporary unsafe environments.¹¹⁴ This 'cultural load' contributes to additional stress and is often unrecognised. As evidenced, this load is both a symptom of and an effective colonial tool in perpetuating racism and whiteness to advance the colonial project, thus being a colonial load.

As demonstrated, legal institutions produce unsafe working and learning environments, causing stress, isolation, frustration and fatigue which impact upon relationships to self, community, peers and institutions, which contributes to First Nations peoples leaving the profession or changing professional roles.¹¹⁵ These findings evidence critical issues in relation to community access to legal services and representation, and ultimately the contemporary long-term and wide-ranging impacts for First Nations peoples engaging with colonial legal institutions.

¹⁰⁸ Indoctrinated, lines 45–65.

¹⁰⁹ Ibid lines 1–27, 84–7, 111–26.

¹¹⁰ Ibid lines 10–18, 24–82.

¹¹¹ Ibid lines 1–5, 111–26.

¹¹² See Robin DiAngelo, 'White Fragility' (2011) 3(3) *International Journal of Critical Pedagogy* 54; Sarah Maddison, 'Settler Rage and our Inherited National Guilt', *The Ethics Centre* (Web Page, 21 January 2021) <<https://ethics.org.au/settler-rage-and-our-inherited-national-guilt/>>; Walter and Baltra-Ulloa (n 73).

¹¹³ Indoctrinated, lines 45–64; None of this is Justice 1–14, 16–42, 147–71, 234–51, 265–82; Connected, 36–46, 63–5, 117–44, 153–4, 156–71, 186–224, 276–80.

¹¹⁴ Indoctrinated, lines 45–64, None of this is Justice, lines 16–42, 63–100, 116–37, 147–71, 179–99, 220–5, Connected, lines 1–18, 63–6, 84–94, 124–44, 153–54, 164–223, 261–80.

¹¹⁵ Connected, lines 261–66, 282–304.

C *Standing Strong Proper Way: Towards First Nations Justice*

1 *Relationality as Anchor and Compass*

First Nations law graduates come to the law and experience colonial legal institutions grounded in their histories, relationships, stories and visions. This is reflected in their motivations, in which most graduates overwhelmingly express a strong sense of responsibility as First Nations peoples, and a deep understanding of colonial history and the role of law in that history.¹¹⁶ Relationality is woven across and within the stories and it informs the standpoint and decision-making of the First Nations graduates within colonial legal institutions.¹¹⁷

This relationality transcends human relationships and is intergenerational — cemented in past, present, and future. The graduates follow the footsteps of Ancestors and people who have walked before them, paving new pathways for future generations, whilst also navigating the contemporary colonial context in which they live. They are relationships rooted in history, collective and future experience and action, shaping a different relationship with the colonial legal system which disrupts the dominant meta-narrative of the legal system as ‘objective’ and ‘neutral’,¹¹⁸ instead recognising the nature and impact of colonialism and racism as an ongoing historical and collective experience and a daily lived reality.¹¹⁹ The positionality of these graduates within the law and legal system is unique and unfamiliar to their non-Indigenous peers. The location from which the graduates share their stories and make meaning evidences the power of IST,¹²⁰ and it is from this location that critical knowledge and insights are shared which have been primarily excluded and marginalised.

The storying shared in this research unveils the ongoing nature of colonialism and evidences the strengths, resiliency, gifts, and skills that exist within relationships to family, community, Country, culture, history, stories and collective experiences.¹²¹ The graduates come to the law and legal system knowing and experiencing injustice, seeking transformative change towards a First Nations conceptualisation of justice. This is informed by the ongoing realities of the colonial project. However, most importantly, it is rooted in First Nations ways of Knowing, Being and Doing, spanning a time and space beyond colonisation, existing since time immemorial. Within this storying we witness a critical understanding of the realities of colonial legal institutions as sites which continue

¹¹⁶ None of This is Justice, lines 1–14; *ibid* lines 1–27

¹¹⁷ Indoctrinated, lines 45–64; None of This is Justice, lines 1–53, 129–37, 147–85, 192–206, 276–82; Connected, lines 45–66, 84–100, 186–206, 231–304.

¹¹⁸ Monture-Angus (n 8) 133; Nicole Watson (n 15) 4.

¹¹⁹ Indoctrinated lines, 1–126; None of This is Justice, lines 1–282; Connected, lines 1–27, 36–66, 80–105, 117–80, 186–214, 231–304.

¹²⁰ Nakata (n 24) 213–7.

¹²¹ Connected lines, 1–304.

to harm and exclude First Nations peoples, community, knowledges and culture. We as a collective also witness the power and strength of First Nations ways of Knowing, Being and Doing within colonial legal institutions, resonating with Darug woman and legal practitioner Jayne Christian who asserts: 'Knowing yourself well, and you know, your action leading from that knowing is embodying your sovereignty.'¹²²

Relationality is critical to 'meaningfulness'¹²³ within colonial legal institutions. This is evidenced in First Nations law graduates' approaches to legal professionalism and learning, particularly listening and connecting with clients and community.¹²⁴ It informs their decisions in relation to moving into particular professional roles, engaging in critical discourse and learning, and making decisions to leave the profession.¹²⁵ The First Nations law graduates experiences resonate with literature on 'collective trauma' and social and emotional wellbeing, particularly the ways in which community wellbeing is inextricably tied to individual wellbeing as First Nations conceptualisations of wellbeing extend beyond the individual and are collective and interconnected with culture.¹²⁶ Further, this aligns with First Nations conceptualisations of 'resiliency' and 'protective factors' which shift beyond the individual to be grounded in community and connection to culture and Country.¹²⁷ Within these stories, we observe this resiliency and strength which sits within community.

2 The Power of First Nations Resistance and Refusal in Challenging Colonial Power

First Nations law graduates resist colonial power structures by disrupting the status quo through challenging racism and whiteness at institutional,

¹²² Triple A (n 10) 21:23.

¹²³ For discussion on 'meaningfulness', see Monture-Angus (n 8) 91.

¹²⁴ Indoctrinated lines, 45–70; None of This is Justice, lines 1–37, 63–100, 129–137, 141–185, 196–206, 213–8, 234–51, 265–82; Connected, lines 1–27, 36–43, 48–66, 84–180, 195–206, 231–56, 261–66, 273–304.

¹²⁵ None of This is Justice, lines 265–75; Connected, lines 48–61, 80–7, 136–44, 261–66, 273–4, 282–304.

¹²⁶ See Brenda Dobia et al, *Aboriginal Girls Circle: Enhancing Connectedness and Promoting Resilience for Aboriginal Girls* (Final Pilot Report, 2014); Pat Dudgeon et al, 'Decolonising Psychology: Validating Social and Emotional Wellbeing' (2017) 52(2) *Australian Psychologist* 316; Graham Gee et al 'Aboriginal and Torres Strait Islander Social and Emotional Wellbeing' in Pat Dudgeon, Helen Milroy and Roz Walker (eds), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Commonwealth of Australia, 2nd ed, 2014) 55; Amy Kennedy, 'Resilience: An Aboriginal Perspective' in Bindi Bennett and Sue Green (eds), *Our Voices: Aboriginal Social Work* (Red Globe Press, 2nd ed, 2019) 117; Laurence J Kirmayer et al, 'Toward an Ecology of Stories: Indigenous Perspectives on Resilience' in Michael Ungar (ed), *The Social Ecology of Resilience: A Handbook of Theory and Practice* (Springer New York, 2012) 399; Kim Usher et al, 'Indigenous Resilience in Australia: A Scoping Review Using a Reflective Decolonising Collective Dialogue' (2021) 9 (March) *Frontiers in Public Health* 1.

¹²⁷ See Kennedy (n 126); Marion Kickett, 'Examination of How a Culturally-Appropriate Definition of Resilience Affects the Physical and Mental Health of Aboriginal People' (PhD Thesis, The University of Western Australia, 2011); Kirmayer et al (n 126); Usher et al (n 126).

organisational and interpersonal levels. This is reflected in the way graduates reject indoctrination and conceptualise their role and purpose in studying and practicing law as being tied to disrupting colonial power from the inside towards a collective vision of 'justice', embedded in historical and contemporary lived experiences engaging with the legal system.¹²⁸

Collectively, through the stories we observe a strong critique and resistance towards dominant knowledge production and 'truths',¹²⁹ as well as strong resistance and refusal to privilege whiteness, including dominant approaches undertaken by people, organisations and institutions in assuming white 'saviour' and white 'expert' roles that act and speak on behalf of First Nations peoples and communities as the authority. This resistance includes calling out and challenging colleagues, rejecting deficit narratives and white control, requesting involvement in legal matters, valuing their own contributions and responsibilities as First Nations peoples within the legal profession and education, engaging in formal advocacy, adopting alternative approaches to legal process and practice, and challenging their colleagues' and peers' whiteness and blind spots which plague legal professionalism and education.¹³⁰ This resonates with wider literature on First Nations acts of resistance and refusal.¹³¹

Resistance is evidenced in the way many graduates resist colonial power, and privilege and value First Nations ways of Knowing, Being and Doing. This is demonstrated through engaging in truth-telling and in-depth critique, being led by community action, and recognising knowledge as relational — valuing lived experience and a recognition of knowledge as located and sitting in community, and re-enforcing communities as cultural authorities.¹³² Overall, finding

¹²⁸ Indoctrinated, lines 45–64; None of This is Justice, lines 16–42, 129–37, 146–85, 192–206, 265–82; Connected, lines 1–27, 35–66, 80–100, 117–30, 136–80, 192–214, 261–6, 286–304.

¹²⁹ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed Colin Gordon (Pantheon Books, 1980) 131–3.

¹³⁰ Indoctrinated, lines 45–64; None of This is Justice, lines 16–42, 63–100, 129–31, 147–185, 192–206, 234–81; Connected, lines 1–66, 80–214, 244–66, 273–304.

¹³¹ See Bargallie (n 71); Marcelle Burns, 'Towards Growing Indigenous Culturally Competent Legal Professionals in Australia' (2013) 12(1) *International Education Journal: Comparative Perspectives* 226; Minh Do, 'Salient Indigenous Acts of Resistance in Canada, 2010–2020: Current Trends' (2023) *Canadian Journal of Political Science* 936; Moreton-Robinson, *Talkin' Up to the White Woman* (n 7); Chelsea Watego, *Another Day in the Colony* (University of Queensland Press, 2021); Audra Simpson et al, 'Refusal, Resurgence, Renewal: Indigenous Independence in the 21st century', *The University of Melbourne* (Forum Discussion, 8 March 2018) <<https://arts.unimelb.edu.au/australiancentre/projects-publications-resources/resources/refusal,-resurgence,-renewal-indigenous-independence-in-the-21st-century>>.

¹³² See Atkinson (n 25); Keith H Basso, *Wisdom Sits in Places: Landscape and Language among the Western Apache* (University of New Mexico Press, 1996); Behrendt (n 15); Sherwood et al, 'Who are the Experts Here? Recognition of Aboriginal Women and Community Workers in Research and Beyond' (2015) 11(2) *AlterNative: An International Journal of Indigenous Peoples* 177.

resistance to status quo lawyering and learning that maintains colonial power, instead re-asserting First Nations ways of Knowing, Being and Doing.¹³³

First Nations law graduates also engage in refusal.¹³⁴ This refusal is grounded in the graduates' relationships to family, community, history and Country, and it is a strong opposition to dominant conceptualisations of 'justice',¹³⁵ which oppress and harm First Nations peoples and communities. Refusal to participate and engage in colonial power is a theme that runs across all the graduate stories, and it is a powerful tool in turning away and disrupting colonial control.¹³⁶

Ultimately, the graduates' refusal to validate colonial power is embodied in the decisions made by the graduates to leave the profession, recognising it as conflicting with their cultural responsibilities.¹³⁷ On the other hand, it is also embodied in decisions to shift into differing roles to fulfil their responsibilities or make decisions grounded in their values as First Nations peoples, recognising their responsibilities to community within the legal profession.¹³⁸ This form of refusal gives new meaning to the under-representation of First Nations law graduates in colonial legal institutions, shifting beyond pathologising First Nations peoples and communities and firmly centring colonialism and racism as the root of the issue. These embodiments of resistance and refusal dispel and rigorously erode colonial myths of 'neutrality' and 'objectivity', instead laying strong foundations of First Nations ways of lawyering and learning embedded in relationality and responsibility.

3 Weaving Strong First Nations Collectives

This research has demonstrated the critical importance of First Nations leadership, peers and employees across colonial legal institutions. Through the stories, we observe the power of First Nations relationships and collectives, particularly in asserting agency and aligning with First Nations values and ways of Knowing, Being and Doing.¹³⁹ It is additionally critical in responding to racism and resisting colonial control, working towards collective visions for transformation, strengthening senses of belonging, building relationships and networks which benefit individuals and community, and creating cultural safety.¹⁴⁰

¹³³ Indoctrinated, lines 45–64; None of This is Justice, lines 16–42, 63–100, 129–31, 147–85, 192–206, 234–81; Connected, lines 1–66, 80–214, 244–66, 273–304.

¹³⁴ Connected, lines 45–6; 282–304.

¹³⁵ Leanne Betasamosake Simpson, 'Indigenous Resurgence and Co-Resistance' (2016) 2(2) *Critical Ethnic Studies* 19, 21.

¹³⁶ See, wgl, 'Tully Wheel Exercise "Making Connections" by Wahkohtowin Law and Governance Lodge' (YouTube, 21 April 2023) 08:46–16:32 <<https://www.youtube.com/watch?v=UXmb2F-hF5Q>>.

¹³⁷ Connected, lines 282–304.

¹³⁸ Ibid lines 261–71.

¹³⁹ Ibid lines 20–53, 68–73, 182–259.

¹⁴⁰ Ibid.

This representation is critical on an interpersonal level in providing support and safety for First Nations law graduates, particularly through countering harm and as a place to draw strength and energy.¹⁴¹ It contributes to a growing body of literature that recognises the importance of relationships in strengthening social and emotional wellbeing for First Nations peoples and communities.¹⁴² It shows that First Nations collectives and representation have wide-ranging and positive outcomes for First Nations lawyers, students and colleagues and the First Nations community as well as the wider community. These collectives are critical in challenging whiteness and racism within colonial legal institutions at interpersonal, organisational and institutional levels, and are critical in strengthening First Nations agency as well as strengthening and supporting learning and lawyering that is grounded in First Nations ways of Knowing, Being and Doing.

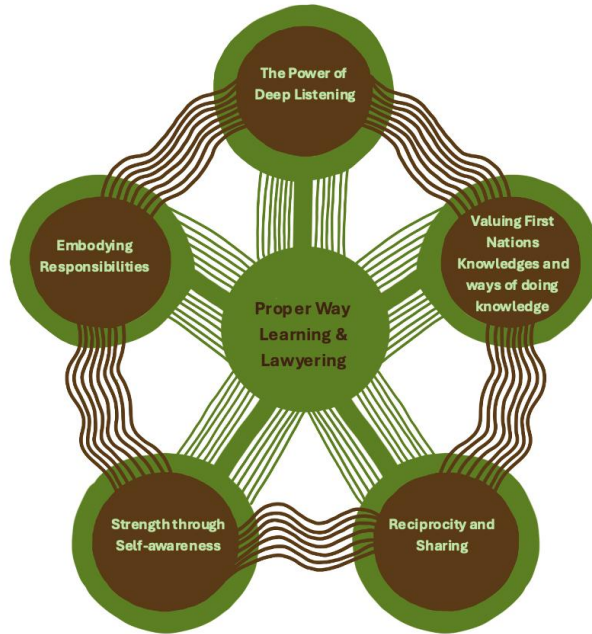
4 Proper Way: Lawyering and Learning

Several core qualities and principles embedded into First Nations embodiments of learning and lawyering have been found in this research. These qualities are critical in beginning to understand more deeply and fully First Nations conceptualisations and practices towards 'justice'. This presents a unique and crucial opportunity embedded in a First Nations standpoint which shares knowledge about transforming beyond the violence and limitations of colonial institutions. These core qualities and principles are depicted in Figure 2 below and should be considered as interconnected and embodied together as a whole.

¹⁴¹ Ibid.

¹⁴² See above n 132.

Figure 2: Proper Way: Learning and Lawyering Visual Representation



(a) Valuing First Nations Knowledge and Ways of Doing Knowledge

The graduates privilege First Nations voices even though they encounter interpersonal, organisational and institutional barriers. This approach brings to the forefront critical insights in relation to ‘situated knowledge’,¹⁴³ valuing lived experience¹⁴⁴ and context. As embodied across the research, the First Nations law graduates centre relationality and value First Nations knowledges and knowledge processes grounded in the lived experiences of clients and community.¹⁴⁵ In doing so, they reject hierarchies, individualism and the role of ‘expert’ and ‘authority’ that is imposed in the legal system.¹⁴⁶ Instead, they value the lived experiences

¹⁴³ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Routledge, 2nd ed, 2000) 270.

¹⁴⁴ See, eg, Behrendt (n 15) 32.

¹⁴⁵ Indocrinated, lines 29–70; None of This is Justice, lines 1–42, 63–100, 129–85, 192–206, 213–18, 234–82; Connected, lines 1–27, 36–66, 80–2, 84–180, 231–36, 244–56, 286–97.

¹⁴⁶ Indocrinated, lines 29–64, 72–82; None of This is Justice, lines 23–42, 63–100, 129–31, 139–71, 234–51; Connected, lines 89–122, 146–62, 201–6.

and knowledges shared by every person and seek to listen to/from each other through being open to learning and understanding, recognising knowledge as being located and connected to experience and place.¹⁴⁷ This knowledge process is not based in university credentials given authority and status through colonial institutions, but rather a deep learning through experience grounded in relationships. In doing so, the graduates fiercely privilege the voices of community and resist the status quo grounded in their values and the responsibility they hold as lawyers, recognising the importance of this position.

(b) The Power of Deep Listening

Through deep listening and valuing their clients' and communities' stories, interests, histories and visions, the First Nations law graduates are in a better position to address the needs of their clients and advocate more effectively.¹⁴⁸ Despite the organisational and institutional barriers which undervalue, resist and challenge this approach, the graduates seek to provide a trauma-informed service through finding ways to work more holistically and wrap around clients, albeit unsupported by their organisation. Within this work, the graduates embody deep listening and demonstrate that listening with clients is achieved through taking the time to understand and build relationships.¹⁴⁹ Across the stories we recognise the elements which embody deep listening, such as having a deep awareness of self, and being aware of how biases can impact relationships and professionalism, as well as the importance of coming from a place of empathy, honesty, openness, non-judgment, empowerment, understanding, holding space, and engaging in 'two-way' sharing.¹⁵⁰

This process is not about simply taking or listening to what is needed by the lawyer and erasing context to fulfil professional requirements and needs; rather, it is about giving time and energy to individuals to hear their stories and to deepen understanding.¹⁵¹ Often, this approach to listening is restrained by legal process and hindered by professional requirements. However, this form of white professionalism silences clients. It is through deep listening that First Nations law graduates can and do advocate for their clients and fulfil their responsibilities and ethical obligations. In approaching listening from this place, it provides a process for trauma-informed lawyering that supports clients, privileges stories and is holistic and centred on concepts of healing.

¹⁴⁷ See Q'um Q'um Xiiem (n 26); Atkinson (n 25); Basso (n 132); Behrendt (n 15); Monture-Angus (n 8); Sherwood et al (n 132).

¹⁴⁸ Connected, lines 96–122.

¹⁴⁹ Ungunmerr-Baumann (n 25); Ungunmerr-Baumann et al (n 25); Atkinson (n 25).

¹⁵⁰ Connected, lines 89–115.

¹⁵¹ See Q'um Q'um Xiiem (n 26).

(c) *Strength Through Self-Awareness*

This process of deep listening requires a deep self-awareness of location, role and history, as demonstrated in this research. Across many of the graduate's stories they recognise the limits of their knowing or the ways in which their lived experiences may impact on their positionality.¹⁵² Instead of masking this subjectivity or gaps, they identify and respond accordingly to ensure they are not blinded by their biases or unknowing.¹⁵³ This commitment towards self-awareness is also illuminated through the graduates' decisions to unlearn and engage in critical discourse, which demonstrates a self-awareness and responsibility towards their ongoing learning.¹⁵⁴

Across the stories the graduates listen deeply to their own needs and act on this listening. For example, many graduates listen to their emotions and the internal conflict they experience whilst lawyering, and instead of silencing this voice — an approach often regarded commonly as 'resiliency' — they value and honour what they are internally experiencing and the messages being shared and make the decision to leave the profession.¹⁵⁵ This is also evidenced when the graduates listen to and value their emotional experiences and their wisdom, through making decisions to shift between roles and practice areas for their wellbeing, or to ensure they are aligning with their values, visions and responsibilities.¹⁵⁶ This is a form of resiliency in which they privilege care, wellbeing and responsibility.

Through the stories we learn important lessons about the limits of our knowing, the diversity of experiences, and the process of listening, understanding and learning through privileging First Nations voices. This practice in humility and the valuing of lived experience is often absent in legal education and the profession. Importantly, through listening and valuing equally the knowledges of all people, we gain a better understanding of legal issues and what needs to change. This valuing process is critical to ethics, particularly in performing duties and responsibilities such as ensuring the community has access to competent and diligent legal services and independent legal representation and is provided with the opportunity to have their legal matters heard before the legal system.

¹⁵² Connected, lines 10–18; 91–115.

¹⁵³ Indoctrinated, lines 45–64; *ibid* lines 96–122, 136–44, see also 156–62.

¹⁵⁴ Connected, lines 20–7, 48–53, 80–2.

¹⁵⁵ *Ibid* lines 282–304.

¹⁵⁶ *Ibid* lines 261–71.

(d) *Reciprocity and Sharing*

The graduates illuminate First Nations approaches to sharing knowledge as responsibility.¹⁵⁷ Ultimately, this is a critical and ongoing process which carries forward lessons, heals traumas and strengthens connections. It is a responsibility to share knowledge, and a responsibility to listen, embody and act on what they have learnt.¹⁵⁸ The graduates' roles are shaped by their responsibility as First Nations peoples who share and give to community, rather than taking or hoarding knowledge. This is reciprocity, in which the graduates give time and energy, whilst sharing their personal and professional knowledge and skills. This also involves a recognition of the limits of the legal system and being honest about this reality. The graduates recognise their role in sharing knowledge and working together, honouring the value of every being.¹⁵⁹ In doing so, they act with care and honesty, approaching their lawyering from a strengths-based lens. Through this approach, they prioritise relationship-building centred in care, respect, safety, custodianship and transparency.¹⁶⁰

Importantly, the graduates do not walk out in front, instead they walk alongside and navigate institutions utilising the shared knowledges available which is valued equally.¹⁶¹ This approach to lawyering adopts a strengths-based strategy centred in empowerment whereby First Nations legal professionals seek to empower clients and community. Importantly, this notion of empowerment also extends to the graduates themselves who undertake their own personal work.

This research has found that the graduates adopt 'trauma-informed' practice through a deep understanding of history and context,¹⁶² rejecting the pathologisation of clients and communities through deficit narratives,¹⁶³ and instead seeking to understand the root of legal issues and their complexity, as opposed to simply responding to surface-level symptoms.¹⁶⁴ This approach is achieved by relating to clients through proximity to shared experiences and/or through a commitment to lifelong learning,¹⁶⁵ as well as an openness to learn from their clients' experiences. This demonstrates the custodianship they undertake

¹⁵⁷ See Interview with Aunty Flo Grant (Bernard Sullivan, 2015) <<https://burambabili.org/yindyamarra-yambuwan/>>; *Indoctrinated*, lines 45–64; *None of This is Justice*, lines 16–42, 147–85; *Connected*, lines 63–73, 91–4, 124–30, 136–44, 146–80, 231–6, 276–80.

¹⁵⁸ See *ibid*; Q'um Q'um Xiiem (n 26); Atkinson (n 25); Ungunmerr-Baumann et al (n 25).

¹⁵⁹ *Connected*, lines 89–115, 146–54.

¹⁶⁰ *Ibid* lines 84–115, 146–80; *Indoctrinated* 275–80.

¹⁶¹ *Connected*, lines 89–115, 146–54.

¹⁶² See Atkinson (n 25).

¹⁶³ See Cressida Fforde et al, 'Discourse, Deficit and Identity: Aboriginality, the Race Paradigm and the Language of Representation in Contemporary Australia' (2013) 149(1) *Media International Australia* 162.

¹⁶⁴ *Indoctrinated*, lines 45–64; *None of This is Justice*, lines 16–42, 63–100, 133–37, 173–85, 192–206, 234–82; *Connected*, lines 91–100, 117–22, 146–62.

¹⁶⁵ See Marie Battiste, 'Nourishing the Learning Spirit: Living Our Way to New Thinking' (2010) 50(1) *Education Canada* 14.

towards community experiences, which they carry forward and privilege within this research — a form of truth-telling.¹⁶⁶

(e) *Embodying Responsibilities*

First Nations law graduates evidence the ways in which they adopt everyday approaches to their legal professionalism which honours their ways of Knowing, Being and Doing through strategically pushing against the parameters enforced upon them through institutions. In doing so, the graduates undertake work towards short and long-term structural change through implementing new policies within organisations and institutions that seek to interrogate and destabilise colonial power.¹⁶⁷

Many of the First Nations law graduates story about their roles and responsibilities on the inside of organisations — pushing for internal changes in policy, processes and guidelines for the collective benefit of future First Nations lawyers and to change legal professionalism to work with First Nations clients and communities.¹⁶⁸ Thus, they carry forward the lessons contained within their own lived experiences, whilst also honouring the work that has been undertaken before them. Across the experiences, we observe First Nations responsibilities to colleagues, peers, community and future generations, whilst also honouring the legacy of those who have walked before. These responsibilities include giving back, engaging in mentorship, and speaking up and speaking out against colonial racial violence and harm.¹⁶⁹ This is a responsibility to share knowledge with their colleagues in the profession through challenging the status quo.

V CONCLUSION

Justice is a concept within Western thought that is intrinsically linked to settler colonialism. Indigenous thought systems conceptualise justice differently.¹⁷⁰

In conclusion, this research reinforced that the dominant legal institution and law exercised and practised across this continent is colonial in nature — it is a structure that has always sought to erase First Nations sovereignty through diverse methods that seek to break down relationality and First Nations knowledges,¹⁷¹ producing harm for First Nations law students, lawyers and community members. Ultimately, it is a legal system that, in its conception and practice,

¹⁶⁶ See Q'um Q'um Xiiem (n 26); Phillips and Bunda (n 17).

¹⁶⁷ Connected, lines 36–43, 124–30, 186–214.

¹⁶⁸ None of This is Justice, lines 16–42, 147–62, 173–85; *ibid* lines 36–43, 124–30, 164–214.

¹⁶⁹ Indoctrinated, lines 45–64; None of This is Justice, lines 16–108, 116–206, 213–82; Connected, lines 1–8, 36–53, 63–6, 125–44, 152–223, 229–66, 276–304.

¹⁷⁰ Simpson (n 135) 21.

¹⁷¹ See also Monaghan (n 15); Moreton-Robinson, *The White Possessive* (n 6); Simpson (n 135); Tuck and Yang (n 6); Irene Watson, 'Re-Centring First Nations Knowledge and Places in a Terra Nullius Space' (n 6).

operates to deny First Nations justice. In doing so, this article unveils the inherent limitations and incapacabilities of ever being able to deliver justice for First Nations peoples and communities. These limitations are evidenced through the in-depth colonial violence enacted by these legal institutions, highlighting the need to intervene, disrupt and abolish the current colonial legal system as it continues to enact violence. This requires a way forward and response that adopts a whole-of-system change.

In disrupting and transforming these institutions that are embedded with, maintain and advance colonial conditions and power, it is critical that all individuals, organisations and institutions undertake their responsibilities towards First Nations peoples, communities, Nations, justice, law, and Country. As explored in Part IV and embodied across the stories, critical to this work is disrupting the systemic whiteness and violent colonial processes of knowledge and knowledge production that have become embedded into legal education, practice, professionalism and institutions, which continue to cultivate white 'experts' and 'saviours' — a legacy of colonial violence. All individuals, organisations and institutions have a responsibility to do this work, particularly through dismantling systemic racism, engaging in truth-telling, cultivating safe workplaces and learning spaces, supporting First Nations students and employees, remunerating First Nations employees for their additional work, developing accountability and reporting mechanisms, and delivering justice. In transforming these institutions and relationships, First Nations knowledges and ways of Knowing, Being and Doing must be privileged and embedded. This needs to be grounded in First Nations leadership, expertise, experiences, visions and knowledges. It also requires building long-term and meaningful reciprocal relationships with First Nations peoples and communities.¹⁷²

Critical in disrupting and challenging colonial power and control which continues to cause harm and violence is the requirement for organisations, institutions and individuals to identify and value the expert knowledge and skills First Nations students and professionals bring to their learning and practice. This includes being guided by Proper Way learning and lawyering, outlined in Part IV, which explores and centres empathy, context, listening, holism, humility, custodianship, responsibility, self-reflection, trauma, history, inclusion, diversity, truth-telling, respect, reciprocity, agency and empowerment. Moreover, it is essential that white legal professionals, scholars, and employees value and respect the diversity of knowledges First Nations clients, employees, practitioners and students bring to their learning and practice. Further, there is a requirement for organisations and institutions to align with First Nations visions

¹⁷² See Annette Gainsford, 'Embedding Indigenous Knowledges in the Design of the Higher Education Curriculum: An International Study in Law Education' (PhD Thesis, Charles Sturt University, 2021); Rauna Kuokkanen, *Reshaping the University Responsibility, Indigenous Epistemes, and the Logic of the Gift* (UBC Press, 2007); Monture-Angus (n 8).

for justice, and in doing so, to undertake First Nations-led advocacy which challenges and dismantles unethical and violent processes and organisational practices that exercise and advance colonial racial violence.

Critically, this work has to be led by First Nations peoples and should include building on the current initiatives being undertaken by First Nations legal scholars.¹⁷³ In the realisation of this work, First Nations leadership within institutions must be developed and nurtured, and meaningful long-term partnerships with local communities need to be strengthened and grown. These relationships are to be built on respect, sharing, accountability, responsibility, commitment, trust, unlearning and listening, which has the potential to uncover new ways of being which can lead to transformation and healing. It is crucial through this process that First Nations be recognised and honoured as the authority for place, and their laws and governance structures be respected and followed. This is an ongoing commitment for First Nations self-determination and requires all people, organisations and institutions to recognise their place, history and positioning as individuals and communities on Country and to respectfully honour First Nations laws, legal traditions, relationships, leadership, governance structures, practices and knowledges.

Institutions, organisations and individuals should challenge their positioning and support and align with First Nations collective actions and visions towards Nation re-building and the revitalisation of Indigenous legal traditions.¹⁷⁴ This can be achieved through building reciprocal and respectful partnerships with First Nations peoples and communities.¹⁷⁵ This process requires individuals, institutions and organisations to support First Nations governance structures and ensure they are operating towards fulfilling their responsibilities whilst working, learning and operating on unceded First Nations Country.¹⁷⁶ This requires a genuine and substantial acknowledgement and response to the reality that there is more than one law on this continent, and that the outcome of *Mabo v*

¹⁷³ See, eg, the work of Irene Watson, Annette Gainsford, Nicole Watson, Larissa Behrendt, Christine Black, Eddie Cubillo, Asmi Wood and Marcelle Burns, and the critical engagement undertaken in Nicole Watson and Heather Douglas, *Indigenous Legal Judgments* (Routledge, 2021) and Nicole Watson and Heather Douglas, *Legal Education Through an Indigenous Lens: Decolonising the Law School* (Routledge, 2025).

¹⁷⁴ See eg, John Borrows 'Outsider Education: Indigenous Law and Land-Based Learning' (2017) 33(1) *Windsor Yearbook of Access to Justice* 1; UVic, 'Indigenous Law Today and Tomorrow with John Borrows and Val Napoleon' (YouTube, 3 October 2018) <<https://www.youtube.com/watch?v=QhxVSYBDD98>>; Hadley Friedland and Val Napoleon, 'Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions' (2015) 1(1) *Lakehead Law Journal* 16; Val Napoleon and Hadley Friedland, 'An Inside Job: Engaging with Indigenous Legal Traditions through Stories' (2016) 6(4) *McGill Law Journal* 725.

¹⁷⁵ See Annette Gainsford, 'Connection to Country: Place-Based Learning Initiatives Embedded in the Charles Sturt University Bachelor of Law' (2018) 28(2) *Legal Education Review* 1.

¹⁷⁶ See Naomi Klein, 'Dancing the World into Being: A Conversation with Idle No More's Leanne Simpson', *Yes Magazine* (online, 6 March 2013) <<https://www.yesmagazine.org/social-justice/2013/03/06/dancing-the-world-into-being-a-conversation-with-idle-no-more-leanne-simpson>>; Kuokkanen (n 172).

*Queensland (No 2)*¹⁷⁷ in relation to terra nullius needs to have flow-on effects into the profession and learning that recognise there are pre-existing and continuing laws/lores, cultures, and knowledges across the continent. This acknowledgement must extend to the fact that white law and justice does not and has never effectively protected First Nations sovereignty, nor does it serve the aspirations, needs, nor interests of First Nations peoples, communities and Country. As a collective, we need to come to terms with this reality and commit to the pathway forward that is embedded and committed to First Nations law and justice.

¹⁷⁷

(1992) 175 CLR 1.