THE ‘ACCIDENTAL DOCTOR’

– OR –

FOLLOWING YOUR INTERESTS IN YOUR STUDY AND IN YOUR CAREER

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June this year marked my eighth year as an academic staff member in the Deakin Law School. Over those eight years, I have had the pleasure of working with many hundreds of Deakin Law School students, across a wide number of units. While working in the Deakin Law School, I have also been a student myself – studying for my own PhD in law. In May 2015, I graduated from my PhD studies, and became – officially – Dr. Benjamin Hayward. I am often amazed at how organised and forward-thinking many DLS students are – in planning what they will study across their degree, at what point in time, and what extra-curricular activities they may seek to get involved with. Doing a PhD in law requires a tremendous amount of effort, thought, research, writing, and re-writing – and planning too. But despite all the planning that goes into a PhD, I feel in many ways like an ‘accidental doctor’. Rather than deliberately setting out on a pre-determined plan towards getting a PhD, when I reflect on my own experiences, it is one key chance event that led me to the position I find myself in today. While planning is an indispensable part of any activity we undertake in life, it is also a good idea to be prepared to follow your interests in your study, and in your career – even if they take you in directions that you might not have previously thought you would go.

Many readers will know that one of my key roles in the Deakin Law School is coaching our Willem C. Vis International Commercial Arbitration Moot teams. The Vis Moot is an international mooting competition that takes place in Hong Kong and Vienna each year, where hundreds of universities from around the world argue for both sides of an international commercial law problem. Vis Moot problems cover the international sale of goods and international commercial arbitration as two specific areas of law and legal argument. The Deakin Law School has an enviable reputation at the event – being grand finalists in Hong Kong twice, and also winning the Vienna competition outright on two separate occasions.
(The DLS is currently one of only four universities worldwide that can make the latter claim.) More importantly, though, our participation in the Vis Moot gives a group of DLS students the opportunity, each year, to undertake a program of study very different to what they would experience in an ordinary unit. They work on a large-scale project, having both research and practical elements, in a small team environment, while linking in with past Deakin Vis Moot alumni. In 2005 / 2006, between the penultimate and final years of my own undergraduate law study at Deakin, I was one of those students.

I almost wasn’t, though. I had been approached by the then-coach of the Vis Moot team, Russell Cocks, the year before – inviting me to get involved after doing quite well in MLL327 Property. (The Vis Moot has nothing to do with property law, of course! Russell had read my exam, and thought that I’d make a good contribution to the two sets of written arguments that the Vis Moot team prepares.) Not knowing much about the Vis Moot, and not really having a strategic view about my studies at all, I said that I wasn’t able to – I had some work experience placements lined up, and thought I was generally just a bit too busy over the summer period. I’d heard that the Vis Moot was a lot of work. I told him that I would think about it next year, and didn’t really think about it at all after that – until the next year came around. The new coach of the Vis Moot team, Chris Kee, got in touch. He reminded me that I had said that I would think about it next year, and that next year was now here. Once again without thinking about it too much, I said yes this time, and applied for the team. I was accepted – and amongst a team of 15 participants, represented the Deakin Law School in the competition that year.

Little did I know where that spur-of-the-moment decision would take me! As a Geelong student – back then, the DLS operated out of the Waurn Ponds campus – I got my first exposure to the Burwood campus, by travelling two hours in the morning and two hours in the evening every day (reading and learning a lot about sales law and arbitration while in transit). I met a great group of fellow team members, many of whom I am still in close contact with today. But moreover, I developed a keen interest for international commercial law. The Vis Moot was the first time in my studies where I realised that applying the law sometimes involves a preliminary question as to what law applies in the first place. Cases don’t always involve neat fact patterns where all the parties are from the same jurisdiction. International commercial arbitration is an excellent example of a dispute resolution context
inherently implicating different jurisdictions. And the Vienna Sales Convention was a fascinating introduction to the world of harmonised law.

Following my participation in the Vis Moot, and during my final year at the Deakin Law School, I wrote a 10,000 word paper on arbitration law. This became my first published journal article after joining the DLS as an Associate Lecturer in 2008. My exposure to the Vis Moot led to the opportunity to join Deakin coming about – with my first teaching role in my first Trimester at Deakin being in MLL336 International Commercial Law. My particular interest in international commercial arbitration developed through the Vis Moot, and also led directly into my PhD studies. My PhD topic grew out of the very issues that I had studied as part of the Vis Moot team. Initially enrolling in September 2009, some five years later, my thesis was submitted – and later examined, and passed.

So while I may now be – officially – Dr. Benjamin Hayward, I still think of myself as the ‘accidental doctor’; it was my chance decision to get involved with the Vis Moot that set off a series of events leading up to that point. That decision also took me to my ongoing position as an academic staff member here at the Deakin Law School.

Compared to my own experience as an undergraduate student, I’m constantly amazed at how much planning many of our DLS students do around their degrees and their experiences – often planning several years ahead, or even across the entire expected duration of their degree. Whether that relates to thinking about where and when students will study, what they will study, what work experience they will undertake, what internships or overseas study experiences they might like to try for, and also (of course) whether they might like to get involved with the Deakin Law Students’ Society – the kind of sophistication in that thinking far exceeds what I undertook ‘back in the day’. As the catch-phrase says, ‘planning prevents poor performance’ – and I often wonder, if circumstances had happened a little differently for me (and if luck hadn’t been on my side), whether poor performance would have been the outcome!

However, regardless of what your plans are, it is also important to follow your interests in your study and in your career. One of the best pieces of advice I have ever been given was by our former Head of the Deakin Law School, then-Professor Anne Rees, when she made the observation – ‘life is not a dress rehearsal’. If you’re not doing what you want to do now,
when will you start doing it? Though it might not have been something that I’d planned for, getting involved in the Vis Moot was one example of a choice that involved following my nose, and working out what my interests were as I went along.

There are a tremendous number of opportunities open to Deakin Law School students in terms of both formal study, and extra-curricular activities. It is impossible to take advantage of them all – which in some respects, is a good problem to have! Some opportunities we plan for – and some of them turn up unannounced. For me, it was the latter type of opportunity that gave me the further chance to become an ‘accidental doctor’. So if you’re not one of those students who has the road-map of your degree already planned out – but also even if you are – don’t be afraid to follow your nose, and to follow your interests in your life as a DLS student, and also beyond.