



# DE MINIMIS

A newspaper for the students of Melbourne Law School. Established 1948. Revived 2012. Made officially unofficial 2015.  
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## Personal statements axed

In the last issue of *De Minimis*, we reported on an interview between two editors of this publication and the Associate Dean, Alison Duxbury, relating to the removal of the personal statement as part of the application process for the Juris Doctor.

The article provoked extended discussion on the Facebook pages to which the article was posted. One first-year student was motivated to write an open letter to the Dean protesting the change.

In acknowledgement of the strong feelings of some members of the student body about this matter, *De Minimis* has agreed to publish his letter in full (Ed.)

Dear Dean Carolyn Evans,

I recently learnt that the Law School now no longer requires a personal statement as part of its application process. In an interview with *De Minimis* (04/05/2015), the Assistant Dean explained the reasons for the decision. Unfortunately, I did not find them satisfactory.

The personal statement gives candidates an opportunity to demonstrate an aspect of their skill, ability and sophistication that is otherwise unexamined.

It has the potential to encourage a mutually stimulating and diverse student body. Its consideration, as part of the admissions process, reflects a qualitative, holistic approach, whereas its absence creates a faceless, mechanical process. Finally, the act of writing a personal statement can be of great personal benefit, as candidates are required to reflect on their motivations and aspirations. The students are the Law School and the Law School is its students. For this reason, I feel not only entitled but obliged to write this open letter.

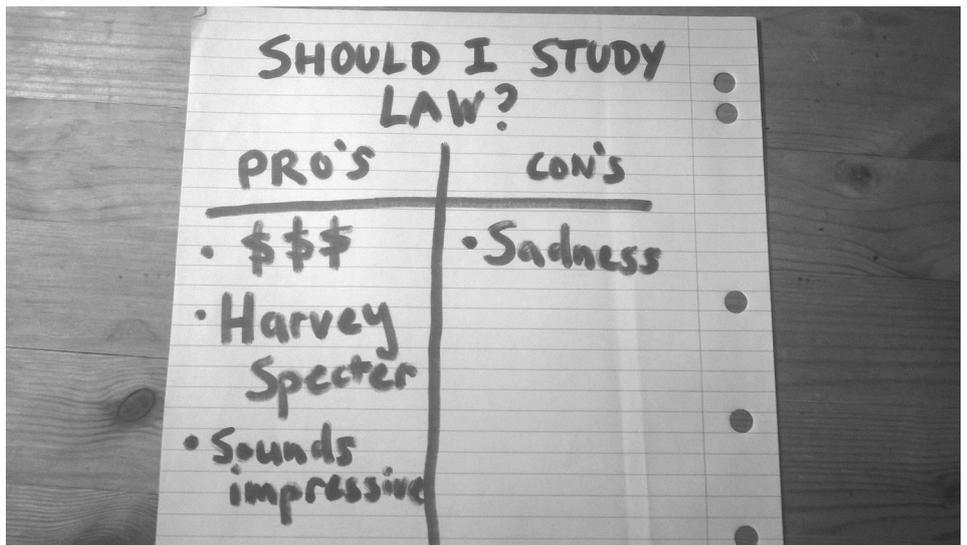


Photo credit: The Editor

We each have a stake in the quality of the Law School, the students it attracts, and those whom it admits.

Below, I elaborate on the reasons why the personal statement plays an important part in creating a culture that I am proud to be part of, while removing it from the application process will undermine that culture.

### 1. Quality of writing

It is said 'that the personal statement had been used to see how prospective students articulated their motivation, rather than what the motivation itself might be.

The personal statement was therefore unnecessary because this could be gleaned from the written aspect of the LSAT.' (This, and all of the following quotations, come from the interview reported in *De Minimis*).

I reject that the written aspect of the LSAT may serve as an adequate substitute for the personal statement. It is self-evident that the quality and type

of articulation that may be demonstrated in an essay, hand-written in 35 minutes, at the end of what is, for most people, a particularly gruelling two hours of examination (the LSAT essay is always the fifth of the five 35-minute sections), is completely different from that which may be demonstrated in a considered, reflective, drafted and re-written personal statement.

I do not, by this point, mean that the ability to write a response to an essay question under time pressure is not important. However, the ability to produce 'polished' writing is at least equally so. Furthermore, in most disciplines, the writing of responses to essay questions comprises a large portion of students' examinations, so that this ability is already reflected in students' examination transcripts.

By contrast, the personal statement provides a vehicle for the demonstration of powers of articulation and self-exegesis that are rarely — if ever — exhibited in the normal course of tertiary studies.

# Opinion

## A STUDENT'S OPEN LETTER TO DEAN CAROLYN EVANS

*Continued from the first page...*

### Diversity

Students have expressed a concern 'that removing the personal statement from the [selection] criteria might have the effect of homogenising the student population.'

The Assistant Dean has responded that that diversity will be 'ensured by the Graduate Access Melbourne Scheme (GAMS)'.

GAMS provides funding to students who fall into one of various categories that are relevant to the JD: indigeneity, refugee status, rural background, socio-economic disadvantage, disability and personal difficulties.

These are categories of social disadvantage, and it is imperative that such disadvantage is not a barrier to entry to the Melbourne JD. But diversity in the student population requires more than this.

A diverse student cohort will include not only students on the tram tracks to a city firm, but those whose passion is for the legal reform of animal welfare, those called to a career in civil litigation by their parents' fence dispute, those whose interest lies in the intersection of law and popular culture. GAMS is blind to this.

It becomes apparent, from these examples, that it is important not only that the student body be socially diverse, but also that individual students be interesting.

And yet it is quite possible that individuals with idiosyncratic interests and values — those we must endeavour to encourage and celebrate — will be disadvantaged by a mechanical selection process.

I believe that we all want to work and study in an interesting and stimulating environment, but a place like this is no more or less than the sum of its individual faces, the majority of whom are, of course, JD students.

Without the personal statement, the entire culture of the law school is at

risk of being compromised in the long-term.

### Predictor of success

It has been said 'that studies had found that the best predictor of success in the JD was the LSAT combined with tertiary results. As such, it has been deemed unnecessary to consider a prospective student's personal statement as well.'

If it is accepted that the personal statement plays an important role in fostering a stimulating environment in the Law School, the argument that the personal statement provides a relatively weak indicator of success in the JD is at best irrelevant: interesting students make interesting classrooms, and what does it matter if the most interesting students are evenly spread across the bell curve of exam results?

However, the logic of the argument may be more insidious. One is forced to presume, as I have, that 'success in the JD' is measured in terms of exam results, the primary quantitative measure.

The concomitant marginalisation of qualitative factors — collegiality, positivity, friendliness — is a worrying step towards conveyor belt pedagogy.

To respond to the assertion that personal statements offered little insight into candidate's potentials, one must also ask how the personal statements of applicants were evaluated.

I have already noted 'that the personal statement had been used to see how prospective students articulated their motivation, rather than what the motivation itself might be.'

If this is truly the case, the contended correlation (or lack thereof) between the quality of personal statements and performance in exams appears even less compelling.

### Self-reflection

A final argument in support of the personal statement is that it promotes self-reflection.

At the beginning of the semester, President Chris Maxwell implored first-year JD students to remember what they'd written in their personal statements, to re-read their personal statements in three years' time, and to ensure that they wouldn't be disappointed when they did so.

In the same vein, Justice Michelle Gordon 2 has recently

urged law students to stay true to themselves. Meanwhile, posters around the Law School extol the benefits of 'mindfulness', a central aspect of which is a certain kind of self-awareness. The process of writing a personal statement can be uniquely edifying.

This is not to say that in the absence of a personal statement candidates will give no thought as to why they want to study law: this surely is not the case. But to produce a balanced, concise exposition on who you are, why you want to study law, and why Melbourne Law School should want you to study law at Melbourne is to dwell on fundamental questions that, in spite of their importance, may not be so deliberately probed when a personal statement is no longer required.

It is a lamentable fact, but no criticism of the individual, that the effort expended when work needs to be presented tends to be greater than when there is no obligation or external pressure.

### Concluding remarks

It is surely true that the inclusion of personal statements in the application process creates a lot of work for those involved in that process; the appeal of admission-by-algorithm is self-evident.

But the benefits of the personal statement justify this expenditure and more. For this reason, I encourage you to reconsider your decision to remove the personal statement from the applications process, and to reinstate it for applications for courses commencing in 2017.

*Yours sincerely,*

**Marcus Roberts**, first-year JD student.

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# Opinion

## PUTTING STUDENT ENGAGEMENT WITH THE LSS IN CONTEXT, PART 2

*Duncan Wallace continues his discussion of student political engagement in the context of a 'corporatised' tertiary sector.*

In part one of this article I discussed the transition of the University of Melbourne and Melbourne Law School from democratic institutions to authoritarian ones run along corporate lines, a transition imposed upon them by the government.

I will now discuss the role of students in all this, and particularly how it has affected the LSS.

As was stated in part one, student and staff activism in the 1970s created opportunities for popular participation in decision-making at all levels in the University.

In the "village democracy" of the Law School, students had won full membership for two elected student representatives in law faculty meetings, with the LSS president becoming a third student member.

This changed when the faculty itself lost influence over the Law School, with the University, at the direction of the federal government, instituting more authoritarian political structures in the late 1980s.

The role of the LSS changed with the changing circumstances of law students.

In the late 1990s the University made the radical proposal to create an offshoot – Melbourne University Private – the idea being to relieve itself of "over-dependence on public funding" and to create a "more entrepreneurial operating environment".

The new private university was to be situated around University Square, and was to have a graduate law school as part of its rapporteur.

At that point in time the University decided to offer to relocate the Law School from its home on the main campus to a new building at the southern end of University Square.

The Law School buildings were badly in need of an upgrade, and the University had so far refused to provide the \$6 million it needed to do so. For that reason the Law School Dean, Michael Crommelin, jumped at the opportunity of a new \$17 million building.

Not everyone was pleased, however. The LSS organised a campaign against the move, and alerted Ron Castan QC. In a letter to the vice-chancellor he asked why the upgrades couldn't be funded, but a new building could. He went on:

*There is some fakery going on here. You either have the money available or you don't.*

*If you have the money available, it is iniquitous for you to force the Law School off-campus, thereby depriving the faculty and students of the benefit of being at the heart of the University...*

*The kind of 'bribe' being offered to the faculty to move off-campus is offensive.*

The move nevertheless went ahead. *Continued on the next page...*

And whilst Melbourne University Private never came to fruition, the abolition of the LLB, so that law was now taught solely as a postgraduate course, achieved something similar.

Student fees are deregulated for postgraduate students, and the income received therefrom is comparable to what they would have received from any private graduate school.

Students were now to be lumbered with huge debts, creating an increase in pressure to find a job and a concomitant increase in stress levels.

The move to the new building only added to this, one student commenting that "the new building makes you feel like you're in a corporate lawyer factory".

In this context the LSS took on a new role. This role did not involve questioning the authoritarian approach of the University or the Law School, but rather involved helping facilitate the new direction the Law School had taken.

Potential students, or else potential "customers", as they were now thought of by marketing departments, would not be prepared to pay the steep fees required to attend the law school unless they felt there was a job which might come of it. What the Law School Dean calls the "Melbourne Brand" is useful, but in a tight job market can only go so far.

The LSS has had to step in to ensure that students get the necessary exposure to potential employers, and so now has a strong focus on careers in the events it puts on. Corporate sponsors are now an extraordinarily important part of LSS operations.

## Don't like the content? Write your own!

*De Minimis* is written by, and for, the students of Melbourne Law School.

We welcome any and all quality writing that might interest our readers.

If you have insights into the student experience, the legal industry, events on campus, politics, movies, or even fashion, send an email to the editor:

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## PUTTING STUDENT ENGAGEMENT WITH THE LSS IN CONTEXT, PART 2

*Continued from the previous page...*

Of yearly revenue of around \$300 thousand, around \$145 thousand comes from ticket sales for events, around \$35 thousand comes from faculty, and an enormous \$120 thousand comes from corporate sponsors.

This is not a criticism of the LSS. It is only to point out that this is the way things are. They were not always so, however.

The LSS has, at different times, taken on a more substantive role in the law school instead of the more facilitative role it has now.

A facilitative role involves accepting the Law School as is, and providing students with services to allow them to cope with the Law School as is. A substantive role goes further: it involves advocating for students by engaging politically with the Law School. Instead of helping students cope with the Law School as is, it looks to change how the Law School is run.

For example, at times, the LSS has been involved in trying to achieve substantive changes to the curriculum.

In the late 1940s the LSS organised a Faculty Bureau Report. The report was the result of an investigation into the course curriculum, the way that subjects were taught, and how students should be assessed. It took submissions from students and academics.

The submissions on the course curriculum were the most interesting. Academics in particular emphasised the importance of putting law in its social and historical context: it was unanimous that subjects which should be studied should include literature and history; that the “law school was *not* the proper place to teach essentially practical work”; and that academic subjects such as jurisprudence should be included in the curriculum. One Professor wrote that:

*Lawyers must not degenerate into mere qualified professional machines... the lawyer should be a legal reformer and should not barricade themselves behind the illusion of legal isolationism.*

Currently, however, the Law School has turned to a technocratic curriculum, focusing more and more on the supposed practical utility of subjects rather than their social importance.

As an example, Waugh writes that “the old intention that students should see law in its social and theoretical context” is currently provided for by the inclusion in the JD curriculum of Dispute Resolution.

As anybody who has taken DR knows, the subject is extraordinarily dry. What’s more, this year the assignment has changed from being a classic research essay to a response to a memorandum from the Attorney-General. The idea is to give the impression this is preparation for professional life; that the student is gaining practical and technical techniques knowledge of which is transferable to a life in employment.



It is a strange notion that the subject is putting law in its social and theoretical context.

The curriculum is not questioned by the current LSS though. The stated aims of the LSS include to “facilitate and improve the quality of education in law”, however the education portfolio is almost entirely restricted to facilitating education, rather than making substantive improvements to quality.

The portfolio includes the Pathfinder Program, the Student Tutorial Service, and the Steeping Stones Program, but activities involving advocacy are restricted to those brought up by individuals via email.

There is no dedicated advocacy program devoted to actively finding out what students want or what positive changes could be made.

Of course advocacy on behalf of students is now made very difficult by the law school. In the 1960s and 70s, when the law school was run more or less democratically, staff meetings allowed discussion of,

says Waugh, “curriculum revision” and “problems raised by the LSS education committee”.

Nowadays, with the Law School’s more authoritarian political structures, it would be very difficult for students to raise substantive problems.

It is for this structural reason that there is student disengagement with the LSS. The role of the LSS is to facilitate the status quo, and not to substantiate change. In this sense it is less an organisation which represents students, than an organisation which provides services to students – in that sense it acts externally of them.

This is not to say that the LSS doesn’t engage in advocacy at all – last year the LSS advocated that the Law School retain the Wellbeing Officer, for example - but it is to say that this is the general tendency.

In the current environment it would be very difficult to change this situation. There is less a feeling of solidarity amongst students than a feeling of competitiveness. It is only with solidarity that change would be possible.

One suggestion could be to replace the money received from corporate sponsors with money provided by students. A small fee paid by each student each year could be levied in order to try and ensure the LSS stays independent of entities other than the students it purports to represent.

This would be around \$200, and could be added onto the HECS debt. This could help build solidarity, and ensure that corporate sponsors and faculty aren’t in a position to make demands of the LSS which may benefit the financiers, but which would be detrimental to the student population.

The LSS has recently taken steps towards building a greater capacity for advocacy. For example this year it has introduced a feedback channel which allows students to email in their concerns (at [lss-feedback@unimelb.edu.au](mailto:lss-feedback@unimelb.edu.au)).

But whilst this may be useful for addressing individualised complaints, it is not conducive to addressing structural issues which affect all students in common. With regard to the latter, there is still more which can be done.

**Duncan Wallace** is a second-year JD student and Managing Editor of De Minimis.