

De Minimis

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How To Fail and Still Be A Boss

Clara Harper

I failed Trusts. I've spent most of the last year being pretty nervous to tell people, because as Henry said, failure is a dirty word around the law school. Unfortunately though, failure and making mistakes is a part of life, and it can happen at any time. Even becoming Prime Minister doesn't guarantee you immunity; regardless of our political leanings I think we would all prefer to remember a Prime Minister for great leadership or innovative policies, rather than a predilection to eat onions in public. So to get a little perspective on grades, the clerkship process and our future job prospects, here are some lessons to follow if you failed a subject.

Lesson 1: It's ok to have a cry

Failing isn't much fun, and taking a wild guess about the average person doing the JD, I'd say our expectations of ourselves are pretty high. Before the JD, I'd always liked learning, and worked hard at it, so it's where I placed a lot of my self-esteem. At law school, I've found the content difficult and even when I work hard, I haven't always performed the way I'm used to. Failing was a massive shock, and it's completely ok not to feel in control.

Lesson 2: You can throw an epic pity party

Failing a subject allows you to wallow to epic proportions. I had convinced myself in a very short period of time that I'd be disowned by my family, shunned in the streets and the 7 o'clock news would read "Clara Harper: The National Failure". Choose your poison, and allow yourself to wallow for at least 48 hours. I binged on cups of tea partly because I'm a badass, but also because all I had at home was Feijoa flavoured vodka, which unfortunately tastes like deep heat and even in my time of crisis, I couldn't force myself to drink.

Lesson 3: Tell someone

I was so nervous to tell anyone from law school. I was embarrassed; I was disappointed in myself and for a long time, ashamed. I felt like if I told people in the JD that they wouldn't respect me anymore, that they wouldn't see me as their equal. As soon as I started telling people, I learnt pretty quickly that it was an unfair assessment to make of my friends. Maybe it's the competitive nature of law school that made me feel like that, or



Illustration by third-year JD student Harley Ng

maybe it was the pressure that I put on myself, but it's a pretty terrible way to feel about your friends. No one I told cared at all that I'd failed. I experienced nothing but support, care and so many offers of notes I may take Anesti out of the business.

Even after I started telling people, I still felt ashamed of myself. I didn't want to bring my Trusts readings into Uni, because then everyone would know I failed a subject. I realised this was ridiculous, I shouldn't feel ashamed of trying again. If I'm going to feel ashamed, it should be over something that is truly terrible, like voting for Pauline Hanson (not me) or crying in the finale of the Bachelorette because Sash and Sam, are like, meant to be (definitely me). Doing some

reading about law school made me realise that we are more likely to finish the degree with an anxiety disorder than H1 average. Which is fucked. Failing, passing subjects and making mistakes is just something that happens sometimes, and we need to be kinder to ourselves when it does.

Lesson 4: Get some perspective

Feeling ashamed about failing only reinforces the idea that our self-esteem should be dependant on our grades. To assume that none of us will experience failure is unrealistic and unhealthy. Maybe it won't happen in the JD, maybe it'll be in the workplace, in a case or with a client, but it will happen. If I'm being

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What Does It Mean To Be A Postgrad Student?



Tim Sarder

One answer: compared to an undergrad, being a postgrad student means you have to pay an extra \$760.49 a year to be able to get around on public transport and access your classes. This is calculated assuming a Myki pass for the whole year on PTV's fare calculator; if Myki money is your poison instead, you're still paying double for your daily fares as a result of paying full-fee.

Unlike undergraduate students, postgraduate students can't get a concession for their transport fares as they can in every other state. In preparation for this article, PTV and the State Transport Minister were contacted. While they did not explain why postgraduates should be treated differently to undergraduates, they pointed out that a supposed safeguard exists - 'postgraduate students who hold a Victorian Health Care Card or Low Income Card issued by Centrelink are eligible for concession fares'. However, it is possible to qualify for Youth Allowance or AUSTUDY without meeting the threshold of the Low Income Test. A single student with no children will have their Low Income Health Care Card revoked

if they earn more than \$4288.00 (or \$536 a week) over an 8-week period.

This might sound reasonable: 'low income' needs to be cut off somewhere. However,

many students - particular in heavy-load courses like the JD - are not able to work a significant amount of hours during the week. During an orientation event, a group of students in my year level were expressly told that working over 12 hours a week would not be manageable with the expected course study load.

In order to get by and have less financial stress, many students work a lot more over the break. Enough that they earn above the Low Income Test Threshold in their holidays, but are usually below it for the rest of the year. This results in having their health care card cancelled before its expiry period, and having to apply and reapply in a continual cycle.

Consequently, most postgraduate students do not have the ability to access a concession year round. And for what reason? The policy presumes a lot about what it means to be a postgraduate student: 1) that we're either working enough alongside our degrees to pay for such amenities or are being sponsored by parents or others, or that 2) we've been in professional work enough to have saved such an amount that an extra transport cost is not too much of a financial burden. But undergraduate *part-time* students already don't access automatic concession; we could limit a postgraduate concession to *full-time* students in this same way. The JD doesn't

have a true part-time option beyond extending by one or two semesters in any case.

There is no undergraduate option for Law at Unimelb. A first-year JD student who has come through three years of Arts straight into the course is often at approximately the same life-stage as a fourth-year Arts/Law student at Monash, and yet the Monash student will access concession the Melbourne student cannot. While we do have older students and those who took a break from study to work in our course (and in my own view, they should be able to access a concession too), many students including myself have moved immediately through undergraduate degrees into the course. Much in the way getting a good job has over time gone from requiring finishing Year 10, to finishing high school, to getting a degree, it now in many cases requires a graduate certification. So why do we penalise what is becoming an increasing necessity?

A simple reform to allow concessions for all full-time postgraduate students would ease the burden for many. We've known this is a problem for half a decade, and Victoria is alone in not offering postgraduate concessions (example: NSW's policy).

The GSA are running a 'Fares Fair PTV' Facebook page which you can Like in support of this initiative. They've also put up a survey/petition where you can have your perspective heard on the matter.

MULSS President Anna Belgiorno-Nettis was contacted for comment on this article as to the LSS's position. Anna has confirmed that if the GSA's survey is still active, she will propose a motion at the next LSS Committee meeting for official support. Beornn McCarthy of the GSA has advised that the petition and campaign continues to run, and encouraged us to share it here. This is an issue that would benefit all of the current and future postgraduate student body, and not just in the JD but across Victoria. I encourage you to respond to the survey and throw your full support behind this.

Tim Sarder is a second-year JD student

How to fail and still be a boss continued

honest, all that happened was I did an exam and for whatever reason, I didn't perform at my best. I certainly don't think those three hours are going to define my future, except as a lesson learnt that next time I fail, I can take the hit to my ego and move on. The JD, like clerkships and grad jobs, are opportunities, not a guaranteed pathway to success and happiness, and it's important to remember that there are other ways to succeed in our careers.

Lesson 5: Put it behind you and move on

First, focus on your best qualities, the ones that have nothing to do with grades. For

myself, I have great hair AND I can fit my whole hand into a Pringle tin, which not many people can do. Then focus on some of the things you've gained from doing the JD that have nothing to do with grades. From being on the LSS, I gained self-assurance and confidence. From taking all these classes I can give the average citizen some questionable advice about property and contractual disputes, and the word "Chameleon" has taken on a whole new meaning. And best of all, I have excellent friends who give me Oprah badges and donuts when the JD gets me down.

Lesson 6: Watch Legally Blonde

Take a leaf out of Elle Woods' book... and have faith in yourself. At the end of the day,

the only way you can move on from a disappointment is to learn from it and have faith that you won't make the same mistake twice. It's entirely possible to fail and still be a boss at life, but if anyone ever needs any help getting there, let me know. I'll take you out for a cuppa.

Clara Harper is a third-year JD student



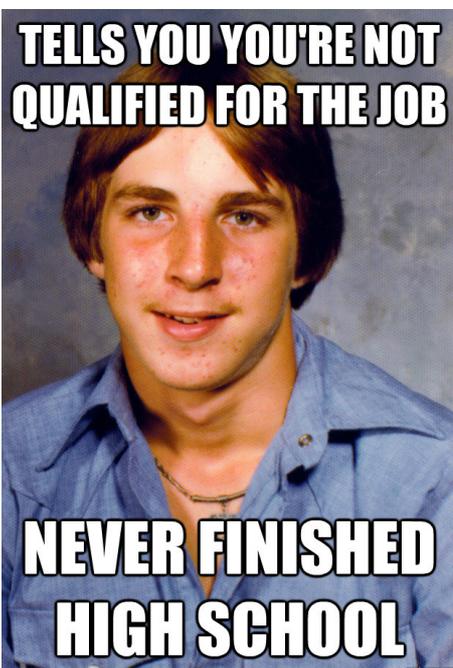
GO8 Speaks; Calls Kettle Black

Nick Parry Jones

Last week, Vicki Thompson, CEO of the prestigious Group of Eight university coalition (read: lobby group) told a group of reporters that “university is not for everyone”.

She pointed to the 47,000 teaching graduates that are looking for the jobs of the currently employed 50,000 teachers in NSW. An interesting figure as usually, the go to stat is the 15,000 law grads versus a job market only five times that size.

But who is to blame for this glut, not just in the legal market, but in all markets?



The bottleneck we face today can be traced back to a time when many in my year were deaf to the world, 2011. Or as it is colloquially known to those in my class: year 12. In 2011 parliament nixed a cap on university placements for all courses barring medicine.

Thus we moved to a “demand driven model” as opposed to a model which is partly the whim of governments, partly the will of students to apply. That is not to say the government was domineering. For a long time, student demand had long allowed for placements to expand, provided there were seats on which to place bums.

Moreover, to squarely blame the government ignores how government is supposed to work: as a representation of the people's will. And in this case, I'd argue the people whispering in the ear of politicians was the Go8. Fittingly, overall university placements grew 17% across the board the following year.

Most universities opened their doors and fittingly, their bank accounts. Immediately, we saw dropout rates increase and the graduate glut, explained at the time as a run off of the GFC, began.

In the following years it has only become worse. As the University of Melbourne, led by the Law School, justifies the American model of higher fees and lower education outcomes in the undergraduate degrees via sheer popularity, other universities follow suit. More and more universities open up to the JD system, which implicitly devalues their bachelor degree counterparts. If this were not the case, there would be nothing to justify doing the postgraduate course which covers the same material at a higher fee and a

higher degree of difficulty.

Thompson also points to employers and their ridiculous requirements of employment. Here, I feel her assessment is correct. Employers, even in law, complain that graduates are not leaving appropriately skilled, despite the fact that most employers would have gone through the exact same university system we have, if that, thus not having any of the supposedly prerequisite skills.

The Go8 feels it can combat the glut by deregulating university fees. However, this is opposed to Thompson's prior point that students feel (evinced by employer's job posting) they MUST have a degree.

The Go8 see the arbitrage, and they want to profit. There is nothing wrong with this, in a purely economic sense. Morally, however, Vicki Thompson begins to look like a certain Shakespearean lady: previously urging the goals of her patronage and now obsessively washing her hands.

In saying that “university is not for everyone” the CEO of the Group of Eight expresses a wish that all of her coalition have but few articulate: that other universities die on the branch. That an actual elite is brought into Australia, funnelled through education, mitigated by cash.

To encourage a lack of tertiary education is to go against a wealth of research which proves that a better educated population leads to a stronger, more durable economy; that people who receive tertiary education are more politically astute; and that education leads to a reduction of crime in a population.

Nick Parry Jones is a second-year JD student

Perspective: *Taking Stock of the JD in the Wake of Loss*

Claire Poyser

It's taken me a long time to write this article. Partly because I'm so ashamed it took something as significant as the death of a loved one to make me realise just how absorbed in this law degree I have become, and partly because I've needed time to put this into words. But it's time to get a wriggle on with it, because I think it could really help some people.

Last November, I lost my angel of a grandmother. She had been everything from my carer when my mum first went back to work, to my confidant. She cheered the loudest at my graduation and encouraged me to pursue further study, because she never had the chance to receive a tertiary education of her own.

Late last year, her health declined rapidly, and her passing freed her from an immense amount of suffering.

I still think of her and miss her every single day. I often wear her fabulous clothing and jewellery, and carry one of her handbags on the days I know I'll need a little extra luck.

Her death shook our entire family, and we each grieved in different ways.

While I took comfort in knowing she was no longer suffering, what upset me most during this time was something that was said to me repeatedly, by everyone from family, to friends of hers at her service that I didn't even know:

'Thank goodness you got your exams done before she died.'

Were they serious?

I wouldn't have given a damn if I had to delay my degree or sit exams out of session if it meant I could have spent more time with family when it mattered.

Although I knew this comment came from

a place of concern, it held a mirror up, and boy was the reflection harsh.

People I'd never even met knew the importance I placed on my law degree. It was a massive wake up call: my studies had taken over my life, and those that mattered in it had come second for the best part of two years.

In the months before she died, I had thankfully started making a really concerted effort to go and spend more time with my grandmother. But by this stage, she had lost her speech. So we sat together and looked at old photos.

I don't want to live with regret or guilt, because we've all done things that seem ill considered with the 20/20 vision that is hindsight. But I wish I'd seen her as much in the first two years of my law degree as I used to. I wish we'd had even more conversations about anything and everything. I wish I'd

Perspective continued

taken down the recipe for her chicken soup.

Nothing in this world is more important than spending time with family and friends. Not this degree, not clerkship applications, *nothing*. I hope that no one else has to experience grief or tragedy to gain this same perspective.

Times spent with family and friends are one-offs. They don't come round again. You'll only have one chance to celebrate your brother's 21st, or to farewell that friend who is going to live overseas.

Unlike these one-offs, this or that section of the Act, this case or that case, and the principles for next week's lecture will always be there on Austlii waiting for you to look up.

I'm not saying our degrees aren't important. They absolutely are. We've worked hard to get here, and we've invested huge amounts to be here.

But don't ever let your degree be the defining feature in your life. See your friends and family. Look after your physical and mental health, and make time for the things you truly enjoy.

In some ways it's too little, too late for me, but I've made a conscious decision not to let law be the most important thing in my life this year. I've scheduled my classes to fall in the middle of the day, giving me more time before and after to see friends, to read for pleasure or to pursue my new favourite hobby: reformer pilates.

At my grandma's funeral, no one spoke about whether or not she was a fantastic nurse – although I'm sure she was. When all was said and done, her work was just one aspect of her life, and not a defining feature.

We spoke instead about times we'd spent together as a family, about her love of travel and fashion, and other things she really enjoyed.

In the weeks that followed, I realized I'd

want the same kinds of things said for me. So I better get busy making memories, and doing stuff worth talking about.

Claire Poyser is a third-year JD student

De Minimis' Women's Issue

Next week's edition of *De Minimis* will be a Women's Issue.

We've received some wonderful submissions already but would love to hear from more of you!

Female-identifying students are encouraged to send us an article, a poem or any other piece of work.

Get in touch at mlsdeminimis@gmail.com



Clerkship Diaries | The One Where Everyone Did Capitalism

Diary, if there's one thing I've learned during my clerkships, it's this: time is money.

This little golden nugget of knowledge was imparted to me during the overture of the firm's training period. I sat in noble attention as I was instructed that lawyers aren't *used*, they are *utilised*. The distinction, I believe, diary, is one worth noting. One mustn't restrict one's ambitions to being merely useful — anyone can be that; one must instead be *utilisable*. This is a measure of one's ability to be used usefully; or as I came to think of it, *usefulness*. And towards what virtuous purpose was this capacity put? Making money.

I leapt through the rest of the training with this idea as the bedrock for all future learnings, and was ready to put it into practice when, on my first day, I hit the floor. (Fear not, diary: this is not meant in any troubling sense; consider it akin to striding forth valiantly across the battlefield of one's dreams. Similarly, it could be said that I was 'on the floor', which may hold more appeal to those more accustomed to seeing the world from such a vantage point.)

Allow me to cut to the chase: I was ready to perform the alchemy that would transubstantiate time into currency, and display the full breadth of my utilisability. I was peppered with tasks, but responded with aplomb. At the end of the day, I was given a timesheet to fill out, recounting my day's

travails — a chance to prove my usefulness!

The *objet d'art* trembled in my hand, as if I was some nervous child invited to fondle Rodin's *The Thinker*. I took in some contemplation myself, and began crafting a statuesque response. The requirements of the form appeared perennially achievable — record the *who*, the *when* and the *what* of my afternoon's work. I committed it to memory thus: QQQ; *Qui, Quand, Quoi*.

Qui? — delightfully simple! — when I closed my eyes I saw an elegant and rapacious sort of fellow; the kind of legal fiction with whom one could percolate over a glass of *Moët et Chandon*. The kind of legal person as at home in the Australia Club as any natural person. What I mean to say is this: the big 'C'. The Client.

My hand, in a determined act, then traced its way to the when. Though time had felt divorced from any sense in which Mr Einstein may have recognised it, I knew that I had, in fact, spent several hours of mortal concentration upon my tasks. This was duly recorded.

Now only to land the final summersault. And, like the legal gymnast I was learning to be, I had saved the best for last. My pen tore across the page, contorting and twisting as it went. This complete, I, too, tore across the floor. I left the page resting on the desk of my redoubtable secretary.

Having erected my flag so positively thus, I turned to leave, flushed with victory.

Just then a voice rang out behind me, like the seven trumpets of the commercial Christ blithely proclaiming the apocalypse:

“But you've only written ‘Capitalism’ here.”

Mon Dieu! — had I erred? I had been taught to be terse; clear; direct. It seemed to my higher faculties that this distillation of activities had captured the pure essence of motion.

Fearing the worst, I turned my body into an oncoming wave of noise. It echoed loudly as it washed against the hollow walls of that sacrosanct place, enveloping all present.

It was laughter!

If one were to have frozen the panorama before me, one's eye would have invariably noted the following: Lawyers, two, heads thrown back, horse shoe mouths agape; Graduate, one, on the floor, having vacated their chair in some freak accident; Papers and documents, innumerable, flying through the air as if having been tossed with abandon.

Their ad-libbed soundtrack decrescendoded to a speaking volume and one of the lawyers turned to me and said, through face stained with tears:

“That's it! That's exactly what we did!”

Razor's edge is a third-year JD student currently looking for graduate opportunities

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