

De Minimis

Tuesday, 24 May 2016

Volume 9, Issue 12 | **Bumper Edition**

www.deminimis.com.au



Practitioners and Students Rally Against Further Cuts to Legal Aid Funding

Duncan Willis

The Australian public, in particular the readers of a certain Melbourne tabloid, aren't particularly fond of giving people things for free. Politicians don't run on the platform of more handouts, especially legal advice.

Victorian Legal Aid funds free legal advice for some of the most disadvantaged people in our society. Legal Aid can manage disputes, provide defence counsel in criminal trials and help families resolve separation issues without going to court. Legal Aid is funded by both the Federal and State Governments.

Since 1997 the Commonwealth Government has steadily reduced its contribution to Legal Aid funding. In 1997 the Commonwealth chipped in \$11 per head but by 2019 their contribution will be a mere

\$7.50. The 2014 Commonwealth budget removed a further \$15 million from Legal Aid commissions around the country.

David Neal, the Chair of the Law Council Legal Aid Committee, calls successive reductions in Legal Aid funding 'appalling'. Each round of cuts has meant that Legal Aid Commissions are forced to reduce eligibility for Legal Aid. According to Mr Neal only 8% of the population qualifies for Legal Aid, effectively disenfranchising a significant portion of the community who do not qualify for assistance yet will struggle to afford legal representation on their own.

The potential effects of these reductions are very dire according to Mr Neal. In criminal cases it is no longer possible to have legal representation unless the accused is likely to go to jail. In Family Violence hearings, the

lack of affordable counsel can mean that victims have to cross-examine their abusers.

The justice system is supposed to afford equality to everybody. Yet the burgeoning costs of legal representation force a significant proportion of the population to navigate the justice system unaided, placing them at a significant disadvantage.

Legal Aid is designed to correct power imbalances, and when it cannot it is the justice system as a whole which suffers. It's high time the public looked past the indignation of the gutter press and demanded restored funding for legal aid commissions in Australia.

Duncan Willis is a first-year JD student

Images courtesy of third-year JD student Mary Kozlovski

The Mask

A fable by Henry HL

The Student enters the University. It is their first time. They feel awed by both it and themselves, and hope to do bright and beautiful things.

But those things are not going to pay for themselves, the Student realises, some time after the first time they enter the University. They require some sort of job. A job that is neither bright nor beautiful, but might be interesting, and useful as a springboard on the Student's way to the heights.

The Student looks in the mirror. They must apply for Internships now, to audition for the jobs that are neither bright nor beautiful that they will use to get to the jobs that are. The person they see in the mirror does not seem like they will get them though — too unprofessional, too independent, too much of a pinner for the bright and beautiful. The Student's eyes drop to the floor.

On the floor, at their feet, they see the mask. Physically, it is their face in every detail. But there is something else about it, something in the eyes, or maybe the corners of the mouth. This is a face of a professional, but also a team player, someone who does not pine for the bright and beautiful. The face of a winner.

The Student picks up the mask. It is much heavier than it looks. They hesitantly, gingerly, reticently place it over their face. They do not like it. But they write a resume, then a few cover letters, then a dozen applications. Then their hands move to the sides of their face, they feel a seam where the mask fits, and they take it off.

The applications go well. The Employers are satisfied that the Student is professional, and a team player, and does not pine for the bright/beautiful to such an extent as would jeopardise professionalism or team player-hood, or that could not be channelled into an appropriate corporate-social-responsibility-program.

The Student leaves the mask off for the first interview. The Employers do not seem to recognise the Student, and wonder how this entirely unsuitable person managed to walk in off the street. Both leave confused. The Student puts the mask on for the next interview. It is only an hour, after all. It's on for a few cocktail evenings too. Only a few hours here and there.

The Student puts the mask on, and enters the Firm, not for the first time but for the first time as an Intern. It feels heavier than ever. They have never worn it for so long before: at work, at lunch, at Firm drinks. Every night though, the student remembers to take it off, feeling the seam where it fits and placing it back on the floor.

There are other Interns, and the Student sometimes wonders whether they are wearing masks too. They must be — some are finding the masks too heavy to wear, casting them off. The Employers no longer recognise them after that, the Student notices, recalling unpleasant memories. The Student suspects that some of the other

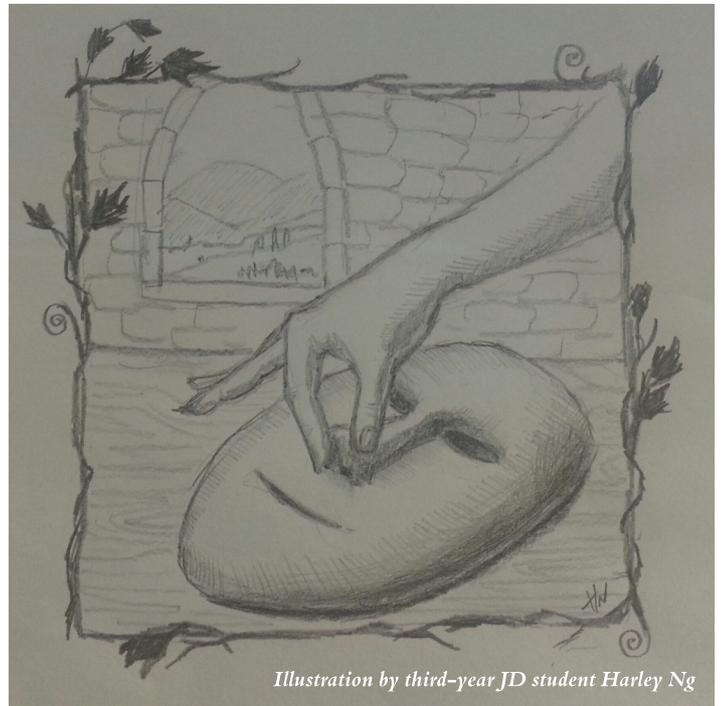


Illustration by third-year JD student Harley Ng

Interns do not need to wear masks at all, and wonders whether that should be envied. The Student keeps the mask on. After all, there are great and wonderful things to be done after this internship secures a job that will be a springboard to bright and beautiful things. Besides, it's beginning to feel lighter.

The Student gets a job in the Firm. Years go by, and the mask feels lighter, is worn for longer. They make friends at the Firm, friends whom the Student met while wearing the mask, and who are accustomed to it. They meet their partner at the Firm too. And those friends and that partner view this masked student not just as a great professional but also as a great person to get along with etc etc. Sometimes the Student is tempted to disclose that their friends/partner have befriended/fallen in love with a mask, but never finds the words. It becomes harder and harder to find times where the mask is unnecessary. Sometimes it stays on at night.

20 years later the Student looks in the mirror. They're home from the Firm. Deep inside, perhaps, maybe, something feels wrong. Something is ever so slightly off-centre. Their hands move to the side of their face, almost absentmindedly. There is no seam anymore. Nor do they really recall what their hands were searching for. If they did, there is no longer a mask to feel anyway, or, maybe, there is a mask but it can no longer be taken off. The Student, now the Employer, recalls something about bright and beautiful things, with a smirk, and a laugh.

They turn the light off.

Henry HL is a third-year JD student

Stress Less: Embrace Mediocrity

Katy Hampson

I don't intend in this article to rehash tips and tricks you can learn from a quick google on how to reduce stress. Beyond simple behavioural changes or developing more effective study techniques, the attitude students bring to studying law in general (and to exams in particular) can be a huge barrier for ensuring student wellbeing.

I describe myself as a mediocre student in the JD, but this is neither false modesty nor an under-estimation of my intelligence and abilities. If you look at my academic transcript it's there in plain, cold, indisputable numbers. I'm middle of the road: average- no failures, a

few close calls and my GPA is nothing to write home about. My resume isn't much better - I haven't had any of those highly coveted unpaid internships either.

By our very being in this program together we all share certain qualities; we are hardworking high achievers, have similar personality traits and still have nightmares about the LSAT. To make a wild generalisation: the average JD student is a person who, early(?) on in their schooling, was already at a much higher grade of reading than the other students. They are used to being the top of the class for all of their childhood, and then at university, got H1s and H2As (or Ds and HDs for non-unimelb folk) with relatively

little effort. They also have an ability to motivate themselves — an intrinsic motivation that requires neither immediate carrot nor stick, but rather, a discipline and desire to succeed. They jumped through the hoops to get into law school. Then they are surrounded by people exactly like themselves.

We then get spread out like the butter churned off the top of the pail, and most of us are going to be more in the middle than at the top, which is such an unfamiliar place. We think, if only I motivated myself more, if only I tried harder, if only I spent all waking hours in the library, I could be at the top again. This is just another hoop I have to jump through in order to make it to the next stage — but it isn't. It should be a relief to know that you can now just do your best, take your place in the order of things, and get your qualification.

Continued page 3

Where Can Legal Training Take You?

Tess McPhail interviews the man who's done it all, Nicholas Reece

Feeling overwhelmed by the workload at law school? Questioning whether you even want to practice? Wondering where else this hard-earned and expensive degree can get you?

These are just a few of the questions floating around my head as SWOTVAC looms. So I sat down with Nick Reece to get some advice on how to handle the stresses of law school and discuss how his law degree helped him throughout his career.

Nick Reece started working as a solicitor after graduating with a Bachelor of Arts/Law. After working as a journalist for the Australian Financial Review, Nick worked as Premier Steve Bracks' Director of Economic Policy, Premier John Brumby's Head of Policy, and PM Julia Gillard's Director of Strategy. Nick is now the University of Melbourne Strategy Director.

Nick, I know you have had a highly successful career and a very busy one at that. What advice would you give to law students on how to handle stress?

Well, I would start by saying that many people think that the life of the student is a carefree one. In fact, the life of the student is quite stressful. But what I would say to students is that even though you might not know it, the stress you experience as a student in many ways will prepare you for the stress that comes in later life.

I do find cycling a great source of stress relief and I try to ride my bike to work when I can. And look, as I've gotten further into my career I've learnt to keep things in perspective. So the sorts of things that earlier on in my life would have caused me sleepless nights, now I'll sleep like a baby dealing with them.

While we are on the topic of your career change from law to journalism, was this something you had in mind when you were in law school?

Well I mean, they [writing and law] had always been equal passions. I loved studying law, and I'm so glad I got the opportunity. I

also enjoyed writing and I used to write articles for the student newspaper and edited the law school journal. I was working as a solicitor at Maurice Blackburn and I saw that the Australian Financial Review were advertising for cadetships and I thought this would be an interesting thing to go for - so I submitted an application and lo and behold they ended up offering me the job.

I really agonised over the decision but thought I could always come back to the law. So I jumped into journalism and I really loved it. But my law degree actually set me up really well to be a good writer and a good communicator because it teaches you a methodology around argument and how to look at an argument from your opponent's perspective. You know, there are some deep philosophical underpinnings to the law which you might not appreciate while you're studying it. But, when you then get into your career you realise you've got all these tools and methods for approaching problems which your law degree has taught you - almost in an unwitting way.

From journalism I moved into government and politics.

Was your career move into politics planned?

That had actually arisen because friends of mine from law school were working in politics and when the Labor Government unexpectedly got elected in 1999 they rang me to offer me a job in the public service. The Treasurer was looking for someone who was good at explaining economic concepts and legal concepts and because I had worked at the Australian Financial Review, I was offered this position as the press secretary. I jumped into that and really loved it and then I spent the next 13 years of my career working in various government roles.

Can you tell me about an opportunity that you decided not to take during your career that you are glad you turned down?

Well, when I left Julia Gillard's office I had an opportunity to work for a very large Australian corporation. Instead, I decided to



take up a position at the University of Melbourne and I am certain that I am a much happier person than I would have been had I taken that other job. The University is a public institution and I like to think that we do really good things in education and in research and in giving back to the community. So I get a lot of personal satisfaction out of that. That has been the case throughout my whole career: I've actually never done a job for the money, I've always done it because I believe in what the organisation does and I believe in the person I am working for.

Finally, what advice can you give to law students?

My advice to law students would be to make the most of the full suite of opportunities that are available to you when you are at university. So get involved in clubs and societies, use your time at university to explore things in life because you will find it a lot harder to do later in life. I didn't study journalism at university, I just volunteered to write articles for the student newspaper and that awoke a passion in me that I had for doing that. So it is really about thinking outside the lecture theatre, thinking about all the opportunities that are available to you while you're here. Don't become a narrow 'study-bot.' Make sure you make the most of the opportunities you have here and have fun as well. It is such a great time in life to have some fun.

Tess McPhail is a first-year JD student

Stress less continued

There is the unfortunate fact that external forces still try to 'motivate' us to do better and better. Implying if we don't try hard enough we'll never get a clerkship and then a traineeship. We'll never get the chance to have a job and everything will be ruined. This sort of motivational attempt is really insulting to our student population. Of course we are doing our best already- we didn't come to Melbourne Law School for the affordability of the degree or to enjoy the occasional free food.

You might be thinking that perhaps the reason I have mediocre grades is precisely because I do not try hard enough to change

that fact. But university doesn't work like that. It's not as simple as Time + Effort + Passion = Grade.

Some subjects I have loved and put the most time into, doing my own research and asking extra questions of the lecturers, I have gotten the worst grades in. Then I took Corporations Law, fell asleep in pretty much every single lecture, struggled to revise for it for more than 15 minutes straight and got a great mark. You can stress and struggle, but University is just not fair.

Once I focused on just doing my best and getting through, I realised that law school is about so much more than dedicated studying and final marks. In 5 years I am not going to

remember what mark I got in Obligations. But I will probably remember bunking off class to go play beer soccer in the rain. I will remember going to The Corkman after class and having conversations about whether bestiality or necrophilia was more heinous. I'll remember posting stupid gifs during all nighter take-homes, and crying on the phone to my dad after not finishing the torts exam, only to be told that you didn't have to finish an exam to pass - and passing is all that counts.

The worst thing is that my dad was actually right - do your best, pass, anything else is a bonus.

Katy Hampson is a third-year JD student

Jessup: This is a Joke, Right?

Anonymous

When I was procrastinating from ‘studying’ during my Arts degree I would often trawl the MLS webpage. I would peruse subject handbook entries, weigh career options and dream of degree partnerships. During my self-indulgent wankery, one thing would always catch my eye: the Jessup Moot.

Like many a JD applicant before me, I considered myself a budding international lawyer. What could be better than single-handedly saving the world—and making a boatload of cash—while jet-setting across it? I had the prerequisites: Internationals relations major? Tick. Public speaking skills? Tick. Private school-instilled self-importance? Tick. Looks good in United Nations Blue? Double tick.

But when I arrived at 185 Pelham Street that dream was tempered by reality within weeks. Law jobs were hard enough to get, let alone international ones. And PPL was painfully dry. So I reset my horizons: I’d aim for just a job, any job, in law.

When the ‘Jessup Moot Information Session’ popped up in my Facebook events, I didn’t hesitate. Here was my chance to distinguish myself from the pack. Here was how I was going to forge my career—and maybe just achieve my loftier ambitions.

So when I left that session swearing I

wouldn’t apply, I was surprised as anyone.

It began unexceptionally. The usual crappy sales-pitch YouTube trailer and introductions to former participants that you get for any old competition. Faculty and a coach explained the program. They pretended not to know that we applicants had hungrily read every word on the MLS website a million times already. Yet, no one had the courage to ask the one question we had come here to answer. Like teenagers at a church social, we awkwardly danced around it, talking of anything but. It took until the final Q&A for someone to pluck up the courage.

“So, what’s the expectation regarding the workload?”

The Jessupers fired up. Like contestants at a dick measuring competition, they boasted in units:

“14 hours, seven days a week, all summer,” said one.

“We did 16,” interjected another.

“Well, of course we gave them a few days off over Christmas,” the coach said, laughing. “But they wouldn’t take them.”

This went on. Eventually, the faculty member interrupted, to halt the braggadocio. Lip service was paid to those whose circumstances could not sustain such hours: brief platitudes about how the university would accommodate for people

who ‘had to work’. The word ‘work’ sounded like a rare and unfortunate ailment coming from their mouths.

I would do nearly anything for the guarantee of a good job after the JD. I think we all would. It’s why we moot, volunteer and intern. That’s what Jessup promises: the Faustian bargain. If you sell your soul to it for a summer—quit your part-time job, move back home, spend every waking moment in the library, eat three meals a day at Porta Via and utterly neglect your friends/lover/mother—it offers such a guarantee.

No rational person would do it. The required workload is utterly mad. It is demonstrably unproductive and unhealthy. Moreover, it could only be sustained by the most privileged people: those with enough money and/or support to delegate cooking, cleaning and the other tasks of normal life for its duration. Who else could give the requisite dedication to what is literally law kid make-believe?

But as I left that room, swearing out loud that I wouldn’t apply, the thought remained in the back of my mind: what if I did? Wouldn’t it all be worth it in the end? Three short months of soul-crushing work for the career I wanted?

What an absurd world we are in where that is a rational thought.

A former Jessuper, Josh Quinn-Watson, has written a considered response to this article. We have included it, in part, below.

A Response From Former Jessuper, Josh Quinn-Watson

Dear Anonymous,

Thanks for your article. I wanted to make a few comments.

First, I’m really disappointed you felt we were glorifying a totalising workload. If we gave that impression, we gave the wrong impression. I’m sorry. In my experience, no-one who has actually worked those hours — and has borne the attendant costs to health and finances and relationships — thinks they are worth celebrating. What you saw as self-aggrandisement was more likely a plea for sympathy. If you knew any of us, or had asked any of us how we felt before writing, you would have realised that ex-Jessupers are more prone to measuring the size of their Jessup-shaped scars than anything else.

Secondly, I felt your article made many general implications about who Jessupers are, and what motivates them. In my view the worst implication is that all Jessupers are creatures of privilege who use either or both of money or a near-sociopathic ability to subcontract out their self-care to others to get through the process. No doubt both of those things help, and for some it might be true, but you were looking at several

people on that panel who supported themselves throughout the process, who didn’t have a familial home to ‘move back to’, and were ‘ailed’ by the requirement of work the whole way through, and still ended up in a financial hole. I was one.

Thirdly, I don’t think it is true that Jessup promises a job. I’m sure it helps in some ways but it’s no guarantee of anything. In my experience, there’s every chance a law firm treats it as a signal you are headed to the bar and a poor investment for a firm. As far as Faustian bargains go, it’s fairly average.

For me, that was the most frustrating part about your article. You start with the assumption that Jessup guarantees a job, work back to the Jessup process, assume rationality, and then arrive at a conclusion about the type of people that must involve themselves in that process. It seemed like your reasoning was: the endpoint is a job; the process is time-consuming and totalising; people would only do it if (a) they thought it wouldn’t affect them too much financially at the time and (b) would lead to a bigger pay off later on; ∴ the people who do it must be privileged law students leveraging their privilege for more privilege down the line.

I can’t say that’s always false, but I do know it’s not generally true. Aside from the assumption that Jessup=job, the biggest problem in my view is the assumption of

rationality. In my experience, many of the people who do Jessup are people who irrationally love mooting, or learning, or international law, or working with their friends on something extraordinary. They bear huge costs for pursuing those loves, and because they have pursued something they love those costs are bearable. At least that’s how I felt.

Finally, you’re right that there are obviously problems with the program. The fact that a passionate and well-credentialed candidate like you walked away at the first hurdle is evidence enough of that. I think a lot of these problems stem from the transition to the JD. Since that transition, MLS teams have been mainly first years, and are expected to be competitive in the toughest regional rounds of the world’s most complex moot against final-year law students from other excellent schools. Melbourne’s been at a huge structural disadvantage since moving to the JD-only Jessup model, and the gap between resources and expectations has largely been bridged by a frenetic summer of work. This is not ideal. Personally, I think it verges on cruel. Believe it or not, many past-Jessupers, and faculty members, have raised these concerns and are working together to fix the program as part of a major review this year...

You can read the rest of Josh’s response online at deminimis.com.au

When You Can't Cedar Wood for the Trees

Holly WR

Let me be the first to admit that any JD student who has an affinity for living things has probably picked the wrong career.

Years of grey-walled, coffee-stained, 17-hour days stretch ahead of you, where the only bit of green likely to give you any sense of relief from that desk-bound hell is an incoming text from your dealer.

While this corporate wasteland may still be one or two years away for many of us, the neo-masochist interior design of Melbourne Law School is fulfilling its role as the perfect training ground.

But I have a secret. It doesn't have to be like this.

Let me introduce you to plants. Plants, meet JD student. You babes don't know each other very well, but you really are a match made in heaven. Let me explain.

JD student is stressed, depressed, reliably anxious, and spends all waking hours in air-conditioned rooms under fluorescent lights (with no chance to escape because their lectures aren't recorded).

Plants are certified chill. They clean the air, reduce symptoms of anxiety, fatigue and confusion, improve cognitive function, and generally make people feel heaps good

(science!). They also do pretty well indoors.

Like, just look at that. Basically, having plants indoors helps to alleviate our suffering. They also look pretty. Why we don't have these fit, leafy jesuses in every classroom is beyond me.



So I decided to make it happen.

Last year, I set up the Classroom Botanica project. My aim has been to run some pilot projects to show that getting plants into our learning spaces is a) really easy and b) really beneficial.

Thanks to the wonderful LSS Enviro

portfolio, there are now plants on Level Three to make your weekly, soul-crushing study sessions in the library slightly more bearable. This semester, we've also started a project in GM16. The weird metal box on the wall in there is measuring air quality, to see how much of a difference the plants make to factors such as carbon dioxide levels, and, consequently, your ability to concentrate. (To do this right, we're also running some surveys – if you have a class in GM16 this semester, please fill them out! The links are at the end of this article).

Eventually, what I'd like to see is the faculty providing ongoing funding for some plant life in our learning spaces.

If you've got any remaining doubts, I am happy to admit that no, plants are not going to solve everything. They can't automatically give you a H1 in Corporations Law, or cure your all-encompassing fear of failure. But they are such an easy way to make your wellbeing a little bit better, and overcome this weird, post-modern delusion that our immediate environment has no effect on us whatsoever.

By the by, the university already provides plants for office staff. If that's not a scandal, I don't know what is.

Holly WR is a fourth-year JD student

I'm With Crazy

Ayu Astrid Maylinda

I was going to try to find that article where someone said something about law students and incidence of mental health issues but really, no one needs yet another piece of statistical evidence to prove that the pursuit of legal studies can undermine one's mental health. And I, too, have proof. A few weeks ago, I posted a Facebook status lamenting the inanity of the Dispute Resolutions essay and was greeted with a barrage of comments and memes from my fellow students. I took the growing quagmire of procrastination and increasingly bad jokes as a sign that we were all going mad. Prayers were solicited by way of garnering likes.

No one in that crazy thread was even that religious.

Not unless you count worshipping at the Temple of the H1.

Worshipping at the Temple of the H1 and rubbing the cold bald scalp of fat stone Buddhas will eventually drive you crazy, but sometimes there is no explanation for the "crazies". Sometimes, mental health is something that you cannot simply laugh or cry quietly about in the bathroom.

It is easy to gain temporary relief from memes on the Internet, but having mental health issues in law school is like standing on the side of a railroad in a 60s Western as the trains fly by. First, the clouds of dust get swept up into the air in the wake of the flying train. Then it settles on your boots. Then you inhale some. Then you start choking. Except the train (and also hell) is other people answering questions without hesitation in class and seeming really intelligent and you feel like you're just trying to get high off their magical pixie dust.

It is also easy to play someone's issues down as an unfortunate consequence of such a demanding course, without considering that perhaps that someone has had said impediments for far longer than they would have you know. It is even easier to take someone's struggle and place it on the Scale of Well-Adjustment to Law School. Someone's having a mental breakdown? Probably just the lack of sleep. Someone's "stressing out really bad"? Probably just started the essay too late and couldn't deal.

The point of this is to highlight the fact that it is much easier to make assumptions about someone's journey than it is to actually sit down, go beyond giving someone the benefit of the doubt, and listen to that someone's journey as an individual. Maybe it is the lack of time to get coffee during class breaks, let alone giving someone the time of day. Or maybe, and I posit, it is the rather hazardous assumption that everyone has come into this building on an equal footing and should therefore be treated the same.

None of us are built the same way, and sometimes someone needs more TLC than others. If you see someone who's on the verge of tears, pull them aside and give them a hug or some gum so the chewing can distract them from actually crying. Or wear something silly so someone in class can focus on you being an eyesore and forget that they have problems. One of my classmates (shoutout to David) rides a scooter into Uni and has planted the seeds of what is hopefully a revival of the Kid Scooter as a viable mode of transport into Uni. After all, no one journey is superior to another.

I guess we could all take a step back and avoid stressing ourselves and the people around us out by learning how to take the piss at ourselves. The beautiful façades are most applicable at job interviews but do nothing for the beautiful exposition of the vulnerabilities of humanity. For someone with mental health issues and that added bonus of a thinner skin, it would be so much better if we all admitted that we have issues and learn to deal with it in a way that would reduce the stigma attached to being crazy.

Ayu Astrid Maylinda is a first-year JD student

Mental health is an important issue and should not be taken lightly. For mental health support, here are some helpful places to look to:

University of Melbourne's Counselling and Psychological Services: <http://services.unimelb.edu.au/counsel>

BeyondBlue: <https://www.beyondblue.org.au/get-support/get-immediate-support>

The Erasure of Authenticity

Alice Kennedy

Not for the first time, Hollywood has bought the rights to a story that has its roots in another film culture. Paramount Pictures and Dreamworks have agreed to produce and finance a live action adaptation of *Ghost in the Shell*, a project which has been in the pipeline since 2008. It is only now in 2016 that feathers have been ruffled. The action which aroused the ire of many was the choice to cast Scarlett Johansson, a white American woman, in the role of Major Motoko Kusanagi, a Japanese cyborg.

Ghost in the Shell (GITS) is a manga and anime with a large canon of work dating from the 90s. The plot revolves around a Japanese cyberpunk future where most people are partly or wholly cyborgs, and follows the investigations of Unit 9 into Japanese crime and corruption. The series explores what it means to be human in a cybernetic world, and Japan's relationship with a quasi-dystopian digital revolution.

In the past, Hollywood has successfully (and unsuccessfully) remade many foreign films without incident or outcry. Many of these have come from Asia. *Infernal Affairs* gave us *The Departed*, *The Ring* spawned its American namesake and classic westerns such as *The Magnificent Seven* and *A Fistful of Dollars* are, in fact, based on Japanese tales. Although many are successful, remakes often do not live up to their parent film's reputation. Frequently, this can be attributed to poor production, or lackluster acting; Nicholas Cage's performance in *Bangkok Dangerous* being a notable example. In other cases, I submit that the issue is rooted in the retold story's dislocation from its original cultural context, and the resultant loss of nuance or authenticity when the film is translated to Western cinema screens.

The fundamental difference between these adaptations and that of GITS, is that Hollywood has not sought to divorce itself from GITS' cultural context. In order to effect an authentic translation of GITS to the silver screen, vestiges of Japan remain. Perhaps this is because fans of the franchise are highly conscious of the uniquely Japanese context of GITS, and to exclude it entirely would strip away a key aspect of the film's appeal. Despite this nod to authenticity, Scarlett Johansson, a white woman, has been cast as the lead character.

The result is a disjunctive combination of context and casting, which indicates that Western cinema is co-opting, rather than reimagining, a foreign story. Hollywood is attempting to preserve the authenticity of GITS by retaining its cultural context, but is incapable of truly doing so by making a casting decision that acknowledges that this is a Japanese story. Its seemingly respectful nod to Japanese culture is belied by the choice to erase the Japanese identity of the lead character.

In Japan, this move has generated more bemusement than sympathetic outrage.

Furthermore, the publisher of GITS, Kodansha, has endorsed the casting of Scarlett Johansson, stating it never envisaged that a Japanese actress would be cast in the role of the Major.

However, the transposition of GITS into the realm of Western cinema means that the relevant perspective is no longer that of the GITS creators, or Japanese people alone. It is impossible to divorce the casting choice from its impact on Asian actors. After all, why cast a white person in a role that seems suited to an Asian actor? The answer feeds into the discourse of the long-term marginalization of non-white actors in Western film, a discourse notably absent from the Japanese experience.

Put simply: in Hollywood, white-centric films are the norm. Underpinning this fact is the notion that a successful story requires the insertion of a white main character in order that the film resonate with its (white) audience. As a consequence, Asian actors have historically been relegated to the periphery of a production, or feature as stock characters. They materialize as the ascetic martial arts expert, the comedic caperer or the exotic love interest. The consequence of this action is the displacement of non-white actors by white-centric casting choices, ultimately allowing Hollywood to justify its choice to cast white leads and maintain the status quo.

Hollywood claims that the failure to cast an Asian lead is an economic decision: a necessary consequence of limiting its lead roles to billable actors. However, billable actors are generally white because of the wide range of acting opportunities available to them, while non-white actors are sidelined. And Hollywood, fearful of losing money, will not risk casting a lesser-known, non-white actor in a big-budget production. The fundamental problem is that this situation is not organic - it is a direct consequence of systemic racism.

Therefore, Hollywood's erasure of the Asian identity of the Major in GITS by casting Scarlett Johansson is more than a question of authenticity, or economic expedience. This casting choice reinforces the message that Asian actors do not belong in mainstream Hollywood roles. Furthermore, it reinforces a pattern of racial marginalization that traps Asian actors in subsidiary roles by failing to challenge the status quo and foster new talent.

Dishearteningly, this is a formula whose success overrules the injustice it perpetrates. There is no light at the end of the tunnel, there is no new chapter being written. Like many films before it, *Ghost in the Shell* continues the practice of erasing non-white identities from film. Meanwhile, Asian actors will continue to sit on the cinematic sidelines, wondering what it will take for them to be given a chance to shine.

Alice Kennedy is a second-year JD student

Sushi is Just a Rice Salad Rolled in Seaweed & Other Obvious Things

S.A. Lad

Once upon a time, on an unassuming Thursday not long before lunchtime, a proposal to Dominique Logan* that she buy a salad for lunch was all-too swiftly rebuffed by the misinformed proclamation that she had a 'problem' with 'paying money for salads.' Salads, continued Ms Logan, like a freight train hurtling down a path of philological devastation, are not worthy of her currency due to their lack of substance. It was at that moment that Ms Logan, bless her ignorance, showed her true colours as another cog in the anti-linguistic salad conspiracy.

This misuse of the term 'salad', regrettably, is not confined to the above anecdote. It has become a widespread issue among the food-consuming population of the English-speaking world and, second only to climate change (a likely UN conspiracy), poses the greatest risk to our way of life since the advent of the immigrant.

I have therefore decided to take the matter of this 'word terrorism' into my own hands. I am writing to set the record straight: a salad is not just an open assortment of cold vegetables.

In these calamitous postmodern times, there are those language descriptivists who would openly posit the above definition. These language saboteurs, known in context as 'salad compositionists', disparage not only the hallowed salad tradition, but their Latin-speaking ancestors who conceived the very term they purport to comprehend.

Salads are more prevalent in the food world than the Big Sandwich cartel would have you believe. We need only look to the etymological root of the term to learn its true meaning. 'Salad' is a derivation of 'sal', the Latin word for salt. It can thus be inferred that it is not the composition of a dish that gives it a 'saladic' nature, but it's salty seasoning - added at the moment of completion.

The implications are clear: any food onto which salt is peppered (a pun for your pleasure) qualifies as salad. Salted tofu is a salad. Pumpkin soup shortly becomes a salad. That popcorn you purchased last weekend at the pictures? Salad. And sushi, the ever-popular Japanese delicacy, onto which soy sauce (the saltiest condiment of all) is customarily poured, is, undoubtedly, a salad.

If I have managed to persuade even one noble soul through this humble letter, I would consider it a great success to this worthy cause.

In the spirited hope that this world will once again come to know the true meaning of salad,

Yours truly,

S.A. Lad

*Not a fictional name. We must name and shame such subversive agents as is required. Salad is not a game for the fainthearted. Dominique Logan is one of many and must be stopped.

Admin Getting You Down? Blame Glyn Davis

Jacob Debets

Time and time again I've heard the same old complaint. Whether it's about picking up reading materials, releasing assessment marks or publishing the exam timetable. MLS staff are always in the line of fire.

"Fucking admins" I heard a student cry out in the beginning of semester, lamenting the fact that that the designated "pick up" time for materials didn't align with his schedule.

"They take so longgggg" another complained loudly in a lecture, referring to interim assessment feedback that was delayed by a single day by members of the ASO.

"It's week 10, WHERE ARE MY MARKS??" A particularly angsty student in the level 2 toilets screamed the other day (mid-stream, might I add).

And it's not as though I don't sympathise with the complaints. In 2016, students have been subject to a smorgasbord of rage-inducing administrative processes, largely the product of cost cutting – ahem, "efficiency boosting" – measures introduced as part of the BIP.

The measures include reduced administrative support for subject coordinators, which has resulted in an apparent decrease in the quality of reading packs. They include the aforementioned "pick up" times that told students, loudly and clearly, that their responsibilities (employment, caring or otherwise) weren't as important as the university saving a few bucks on the payroll.

And, of course, they include the decimation of our beloved student centre, once lauded as a primary justification for the enormous cost of the JD degree relative to its LLB predecessor.

So yeah, I'm pissed off too.

But my anger isn't directed at the poor administrative staff, who said goodbye to 540 of their colleagues and had to re-apply and compete for the diminished pool of post-massacre jobs.

My anger isn't directed at the librarians, who saw their comfortable workspace stripped down and placed naked on the summit of the level three stair case.*

My anger sure as hell isn't directed at the faculty, who are expected to teach and assess up to 120 students per subject; yet still meet massive research output targets to ensure MLS remains the "No.1 Law School in Australia."

And, for the record, my anger isn't directed at non-law students, including international students. As Duncan attempted to point out last week, this latter group are far more exploited than us law students are.

So what is the point that I'm trying to make?

It is this: **Blame Glyn Davis and the rest of the Chancellor.**

It is Glyn Davis who has actively campaigned for deregulation of the tertiary sector, and openly supporting US-style degree factories as the most sustainable business educational model.

It is Glyn Davis who slashed all those administrative jobs, who continues to raise our fees and who did everything he could to ensure that students and faculty were not adequately consulted on the BIP's implementation.

It is Glyn Davis who pours millions of dollars of student tuition fees into marketing and consulting and "goal-directed" research, while the student experience suffers.

It is Glyn Davis who benefits most when student angst is directed to the people who we should be standing in solidarity with.

So if** you're returning to MLS next semester, I merely ask that you do so with a greater appreciation of the other members of your community.

Whether it is library space or anything else, our fellow students are not our enemy.

Whether it is lecture recordings or assessment feedback or poor exam timetables, the administrative and academic staff are not our enemy.

We should be conscious that they are waging their own silent battle(s) against the central administration (and have actually won quite a few of them).

We should do what we can to engage in a respectful dialogue, so that we can help each other.

Because staff and students are not the ones to blame.

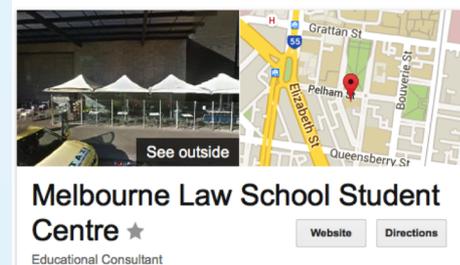
Glyn Davis is.

Jacob Debets is a third-year JD student and Managing Editor of De Minimis. Jacob wrote this article in his personal capacity and it should not be taken to represent the position of the editorial team.

*Those chairs they have to sit on also look quite uncomfortable...

**Congratulations and good luck to the students finishing the JD this semester!

Apparently Google Maps has not been informed of the late student centre's passing



EOX Ticket Price: 'Can't I Just Dance?'

That's a lie, I don't want to dance, I just want to drink – I want to drink away the memories of my exams, I want to drink away the struggles and hardships of the semester just gone, I want to drink so I don't have to think about the semester to come; but how can I when there's an entry fee to EOX?

EOX has always been a great equaliser of law school, the academically superior are brought down a rung or two or found wasted on a sidewalk with spew trickling down their chin, and the academically challenged can enhance their reputation with some crazy dance moves or two. The beer goggles raise everyone's attractiveness a few points – enough, possibly, to land even the hottest chicks or guys (whatever takes your fancy) for one special night.

But how can it be when the entry fee means that people like myself, entitled

individuals who may or may not be able to afford the entry fee (cause you can't make the assumption that I could just pick up an extra shift or be more scrupulous with my spending so I can save up the entry fee), won't be able to go.

In any case, it's not about the entry fee, it's about the principle (because it's always about the principle, not that I just want to whinge). The entry fee reemphasises the dichotomy that exists at law school between the haves and have nots – those that have been brought up with mattresses padded with hundred dollar bills and those that didn't have two cents to put into the conversation (I exaggerate a bit, but I'm all for making wild accusations).

Now I'm not blaming the LSS (but really I am), they do a great job (they don't), they do tireless and thankless work (I see them patting themselves on the back all the time) for the law students of this university, however, they have clearly dropped the ball on this one. I don't want to name names (but I will – Dom and Henry, your elected LSS

Activities Directors), should have really done better on this one. There are plenty of other things that they could have done – they could have looked for sponsors (because law firms definitely want to sponsor the drunken behaviour of students); they could have looked at discounted tickets for those that won't be drinking wine – because why should beer drinkers have to subsidise (again) the privileged alcohol consumers? They could have also just been more creative with their finances (I don't know what this might be, but I'm sure that they could definitely have done something).

And going back to the title of this piece (cause it ain't a rant), what about those that just want to dance and don't want to drink? (cause those people exist, even if I've never seen or heard about them) We should definitely make the whole process more cumbersome to accommodate these (non-existent) individuals, because law school should be an inclusive place where people like me get their way.

Signed: Pompous Arse



Clerkship Diaries | I'm Not Mad, I'm Just Disappointed

I went into the Clerkship Process as many do: not really sure that it's what I wanted, but convinced that it was my best option. Even if I didn't want to do it long-term I could stick it out for a year and a half, have my PLT paid for, and use my transferable skills to do something else down the line.

I wasn't enamoured with the moral implications of the whole thing, but I thought it was justifiable. The problem: like Mayor Tommy Carcetti in *The Wire*, how much of yourself are you willing to give away to become what you want to become? Spoiler: as he pursues power in order to do the right thing, he eventually sells out everything he ever stood for. Entirely possible, but a risk worth running.

In the interim, I was content with the moral tradeoffs of commercial law as a young practitioner. In Projects, for every five prisons you help build, you might help build a hospital. In Commercial Disputes, you're really helping one big company slug it out with another big company; mostly a moral net neutral.

A "passion for commerce" is something that is easily falsified in interviews: talk about a case study of some commercial issue, talk about enjoying "challenge" and "interesting work." The falsification worked: I ended up clerking at firms that proudly self-represent as "top-tier." Of course, they each cherry-pick their stats, but this is a conversation for another time.

But in practice, that passion is much harder to falsify. I encountered a problem I was

unprepared for. I was terribly bored.

Do a couple of research tasks in competition law or construction or whatever, and it gets old pretty quick. And I do understand that there are people that love the law and love commercial law, but it's dry. Objectively, it's really fucking dry. And then grads tell you you're lucky to be doing research tasks, because they've been doing documents management or due diligence (euphemisms for the 5th circle of Hell) for the past 6 weeks and would love a research task. But it's all worth it, they continue, because they were able to sit in on a meeting, and make a phone call to a pro bono client, and oh boy, even transcribe a client interview! Jesus.

I looked to the people who were my mentors, and I didn't want to live their life. There are countless anecdotes I could tell of the decay that corporate life inflicts on the body - too many late nights in front of a computer screen and too many steak dinners take their toll. But I will focus on one. A graduate lawyer pulled me aside when I first got to The Firm and said "the first thing you'll notice about this place: nobody has good skin."

So, if the tasks are rather dull, and the work will take a substantial toll on my physical health, I thought, people must be in it for the long haul, so they can reap the rewards later. Of course there is the money, but people tend to proclaim their motivations go deeper.

A Senior Associate said to me, "There was

once a time that I wanted to work for community law, to really help individuals. I applied for jobs at a few CLCs, but nothing was really kicking, so I applied to Top Tier Firm and I got a job! When I was here I realised, company directors need to be held to account, so that companies and shareholders can have a fair go." I am glad she has found peace doing God's work.

Every single person in every firm's Construction practice will say the same thing: "I love that I can see the work that I do - it's right out there," as they point out the window as if to say, "Simba, everything the light touches..." This seems to miss the fact that the building is done by architects and builders, and all we really did was write contracts.

I asked a Partner I grew close to about whether he planned on doing anything for the community with the money and influence he had accrued in his years of practice. "I used to think about that kind of stuff, but I think I will just grow my practice." Your moral magnanimity knows no bounds.

So I suppose there are people who find intrinsic value in this work, though the cynic inside me sees most of the reasoning as bogus self-justification. So I won't be among the ranks of the self-justifiers. The "conventional wisdom" that you have to work here before you work anywhere is bullshit, and if you don't really enjoy this work, don't try and convince yourself that you do.

Just go and do something that doesn't suck.

Dear Equity Uncle,
I'm worried that De Minimis' recent unprofessionalism will hinder my humble quest for total world domination in the corporate sphere.
Emma-Nay Lover

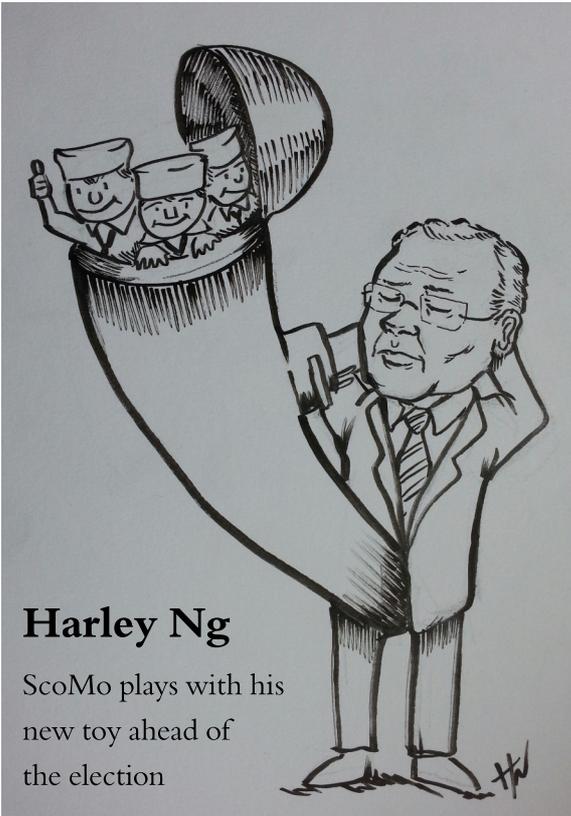
Dear Emma-Nay,
Reinvigorated by your comment under last week's article, Equity has passed many an evening cradling the latest issue of *Purely Equilibrium* while crafting novel schemes to depose the shameless rabble at *DM*. But until Equity is invited to his institutionalised media homeland, he is forced to scribble his response here.

The Courts of Chancery have long viewed as unconscionable the undue interference in another's path to The Big Six. Volumes of case law speak to the law's unnerving willingness - and equity's considered preparedness - to exact vengeance on those who dare drag their heels alongside the conveyor to corporate bliss.

The nerve! The inequity! To think so highly of one's own opinion as to publicly express it - Equity frowns, vigorously.

But wherein lies your remedy? Defamation? This is not Equity's terrain. Breach of fiduciary duty? Equity is cocked, but yearns for a target. Breach of the MLS' marketing guidelines? Ahah! A fail-safe claim against *DM*. After all, nothing burns hotter than the binding gag of one's own institution.

Until next semester. Or possibly not.
Yours Equitably,
EU



Harley Ng

ScoMo plays with his new toy ahead of the election

De Minimis is: Duncan Wallace | Chief Editor, Jacob Debets | Managing Editor, Tim Matthews Staindl | Online Editor, Louella Willis | Layout Editor, Sarah Goegan | Sub-Editor, David Vuong | Secretary, Mariana Estifo | Treasurer

Don't like the content? Create your own! Send an email to the editors at mlsdeminimis@gmail.com