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Trials and Tabulations: Typed Exams

Jacob T Rodrigo

We Melbourne Law School students love to complain.

The topics we gripe about are varied: the length of our readings, Commerce students in our library, the inscrutability of clerkship applications. So too the forums in which we grumble: seminar breaks, pre-drinks, LMR Facebook groups—even the very pages of this hallowed scandal rag.

But give a JD student a break in conversation, or a few column inches, and they'll fill it with criticism of MLS life every time.

At times our indefatigable predilection towards griping is a force for good. The fusses we have kicked up recently have resulted in deserved fines being levied against rogue developers and a partial backdown of a discriminatory institutional policy against recorded lectures. Our Type A personalities and august training in rhetoric and logic give us what amounts to a magical power: the ability to transmute complaint into crusade in a flash.

But more often than not, our complaints are just that. As is the case with the reaction to the recent announcement that Property students will be piloting computer-typed exams though the use of the 'SoftTest' application.

When news broke of an electronic exam pilot, the second-year cohort leapt straight to Facebook. The cohort's anxiety was palpable in the multiple comment threads that suddenly burst up. Opposition to the change could be measured in the Likes that comments hostile to the pilot received, comparative to those that supported it. Three themes of dissatisfaction emerged: unease about how the SofTest software will work, worries about typing speeds and fears for the pilot's impact on grade distribution. One of the LSS Education Directors committed to take these views to faculty with a view to changing the pilot.

There are, no doubt, legitimate concerns about this move. As a third-year student has informed me, last year's Property exam was excessively long. Many students failed to finish. A typed exam is not a panacea for a poorly designed course. Fears about technology failing mid-examination, and equity for those without laptops, are genuine issues that should also be addressed by faculty.

However, these issues were not the key concerns of the cohort. Our reaction was just another manifestation of the eternal piteousness of the JD student. One fact underlines this: a three-page explanation of the electronic exam policy and procedure was posted on the LMS four days prior to the Facebook breakout. It succinctly explains

nearly all of the issues raised—if you read it.

Maybe we don't want solutions. Perhaps the reason that the smallest controversies at the MLS often escalate is because what we JDers truly desire is the catharsis of a good whine and the opportunity to blame someone else for our woes. Rallying against faculty is an emotional win-win: either they accede to pressure, and we get the satisfaction of victory, or they don't, and we get the security blanket of a straw-man to blame for our failings.

It would be a shame for electronic exams to be another victim of the MLS sacrificial altar, another offering for the sanity of the second-year cohort. Handwriting is no longer a necessary skill in the legal world. In the 21st century, all vital legal work is done on computers. Our course mostly reflects the fact that computer literacy is the new mandatory competency: we applied for the degree electronically, we submit assignments online, students fought hard for access to lecture recordings. Handwritten exams predicate academic success in the JD on a dying skill—one that most of us aren't very proficient in anymore.

Furthermore, handwritten exams are inequitable. People with certain motor disabilities and learning disorders (like dyslexia) are disadvantaged by them. University policy generally allows such students access to typed exams already. However, accessing these exams comes with social stigma: it clearly signals to other students that you have such a condition. Universal adoption of typing would allow these students discreet access to the tools they need.

The JD is a reasonably difficult degree. Releasing some steam with a occasional complaint is no doubt a natural and healthy strategy to cope with its pressures. But if that tendency isn't checked it can devolve from a tendency for advocacy into mere oppositionism—as our reaction to a simple pilot for typed exams illustrates all too clearly.

Jacob T Rodrigo is a Second Year JD Student





DEAR MLS

Virginia Holdenson

Last Tuesday evening as I sat on the tram mindlessly scrolling through Facebook, I was startled to see the headline: "Dear White People of MLS" appear in my Facebook news feed. I looked down at my pasty white skin and asked myself have the "white" people of MLS as a collective done something wrong? Who are the "white" people of MLS? And why is there a need to address them as a sub-sub group of the MLS? With my summer glow fading I opened the article to figure out what I (and my white counterparts) had done wrong.

I navigated my way through this article as it recounted recent political events and highlighted some examples of injustices within our own community. Overwhelmingly, however, I sensed the right to freedom of ideas at an educational institution was all but dead. It is this freedom that the author relies upon to write this piece, it is this freedom that he suggests we assist our persecuted neighbours in gaining, but it is this exact freedom that if exercised a) by a white person and b) in a way that veers anywhere to the right of left, the freedom should not be had (as I understood his article to suggest).

People who are white are more than that, just as those who are any other colour or shade, we are all defined by more than our skin. The whiteness of my skin has not always and does not necessarily endow upon members of my family privilege. Many students at this law school who have been categorised as "white" have parents or grandparents who have survived persecution at the hands of Dictators for none other than their Judeo-Christian faith or their differing political ideologies and belief in democracy. That is to say whiteness does not in itself grant nor does it deny the rights and freedoms protected in this country.

It is in baselessly categorising a group by

nothing other than the colour of their skin and vilifying the members of that group that the author appears to further do a disservice to addressing the injustices he seeks to highlight.

As someone who likes to educate and keep myself abreast of political issues, I recognise that there is great unrest at the moment with the rise of so-called populism. I also recognise that being at a leading law school I am surrounded by educated individuals who not only have the right to their own views, but also have the resources with which to educate themselves and form those views.

Whilst I do not profess to know the author's own personal political views, nor do I seek to challenge them, because I know he formed these himself and has that right – a right I respect. However, I do seek to highlight the inequality that the author seeks to perpetuate by claiming certain views are unacceptable and should not be tolerated.

Anyway, it is my duty to challenge him – he asked that when we see bigoted views around us to call them out – so that is what I am doing: calling out his narrow-minded assertion that some people are allowed to exercise their rights and others cannot.

Specifically, the most remarkable claim in the piece was that: '

'Supporting Trump's policies and being part of the alt-right should be unacceptable positions.'

I am sure because the author has some

economic sense, and understands that some of Trump's policies have sound economic grounding and ought to be considered, that the author attempts to protect himself by claiming:

'This is not to say that right-wing economic populism is an immoral political position.'

It is in addressing the white students of MLS and claiming that a particular position is unacceptable the author effectively denies those students their right, while allowing himself to maintain his right and use it to tar them all with the same brush.

And while some have interpreted this intolerance as a mere metaphorical call for people to respond to such views, when the article is read as a whole with specific attention to the intended audience (white students), the sentiment that some do not deserve their right to freedom of speech and opinion as much as others is overwhelming.

Now I am no fool and can recognise that some of Trump's policies are undeniably targeted towards particular groups whether they be immigrants, Muslims or women. While I would not have endorsed such policies myself, I understand that one has the right to support them if they wish. And whilst I can voice my disdain and attempt to educate them against supporting such policies, I cannot dictate that their position is unacceptable and that therefore my position must be the one true and correct view.

With this in mind, I end by urging all of my MLS peers to stand up and speak out when they see inequalities, to help give a voice to those who have trouble finding their own, and to remember that we may not always be happy with a political outcome. In the case of Trump it was democracy in action (maybe America's version but let's save the electoral college debate for another time).

Whilst there are broad reaching global implications from Trump's Presidency, we cannot just champion democracy when our party wins, we must always continue to champion and respect the institution of democracy and the freedoms it affords us.

Virginia Holdenson is a Second Year JD Student



SELF IMPROVEMENT

Sophie Mether

With week four fast approaching and the year barely started, it's pretty natural to be chasing that aim of self improvement. As someone who is very much on the grade improvement bandwagon, here are some of the key things that have helped me improve so far.

Make mistakes.

One of the best lessons I learned in first year was that when you make a mistake, you should own that mistake, understand why you made it, and then use that mistake to propel you in the right direction to being correct.

From a personal perspective, one of my biggest learning curves in this area was during first year, semester two contracts when I answered a question incorrectly, tried to backtrack and was immediately shut down by my lecturer. What I learnt that day could be boiled down to "if you mean something, say it. If you say something and it's wrong, own up to that. There's more pride to be lost in floundering for the right answer than admitting a mistake and learning from it".

As much as that might seem harsh, it was pretty necessary. After that encounter I never forgot the full PER, and ended up being able to hone in on any areas I wasn't certain on in that class for the rest of semester. It's easy to hide behind thoughts like "oh I just said it

wrong this time, I'm sure I know it correctly" or even "Yeah, if I had've answered that question I would have said the same thing", but if you never actually take the leap and try honestly, you're never going to face your shortcomings enough to improve them.

Don't be afraid to lose face.

This carries on from the first point, but I feel this needs to be consolidated. Presumably, you came to law school to be a lawyer, or to work within the field of law. As much as lawyers are lovely people, and ADR is very much a thing that exists and works, the fact of the matter is that in this area of practise, you expect to be torn apart every now and then.

So with that in mind, when your lecturer absolutely wrecks you, or you're going over a hypo with friends and you realise you went down a path not dissimilar to the one Gollum led Frodo down, admit it. Then note down where you went wrong, and if you need to, ask your lecturer or someone smart that you trust to give you tips on how to prevent making the same mistake again.

Be disciplined

Motivation is great, and at the start of the year it's super easy to keep up. However, at around the week 4 mark that motivation is long gone (thanks MLS for the absolutely bombarding everyone with assignments, yo) and the only thing that will save your sad, overtired, stressed self is espresso and the discipline you built up in the three weeks prior.

For me, this has looked like setting a strict study timetable and foregoing socialising where it would interfere with that timetable. For you, it might look different, but the fundamental concept of this is that you need to be so conditioned into daily study that you feel compelled to do it.

Prioritise

Readings are like a musician's scales, and hypos are the pieces – it's when you get to put that knowledge into practice and have fun with the law. You can always catch up on readings, but you can't really come up with your own arguments for a hypo you've already gone through in class.

With that in mind... do your hypos. (Also go to class. Srsly.)

Take breaks when you need to.

Burn out is a very real thing – don't forget that you need to sleep and eat. There's no point in dying before you graduate.

On the flip side, recognise when you're stressed because you haven't done enough work. If you're 4 weeks behind in week 5, it might be time to engage in a self rescue mission and go HAM for a couple of days to catch up

Basically, the moral of this is – work smarter rather than harder and be honest with yourself. You can't improve by doing the exact same thing over and over – it's by tweaking methods and fixing your mistakes that you can get better.

Sophie Mether is a Second Year JD Student

Not Everything Has To Make Sense

Matt Bradford

It's funny, in the two years since I've been diagnosed with Chronic Fatigue Syndrome, I don't think I've ever properly acknowledged it. It's been a part of me and who I am, without being who I am. Yet, the more I reflect upon it, the more it begins to feel like I've lived the majority of the past two years in denial about my situation. I don't want CFS to define me, yet it has undoubtedly had an impact upon my internal narrative.

It's hard to explain precisely what CFS feels like. If you've ever experienced Glandular Fever, it's sort of like that but 10x worse. There is this malaise that overcomes you. A foggy head followed by a sinus headache. Then the feeling of a total lack of energy in your body. Your legs get heavy and your posture drops. All you want to do is take a giant nap but it doesn't help alleviate much. Without a doubt though, that's nothing compared to having to deal with the story you tell yourself.

We get told on our very first day in this building that we're all here for different reasons; from different backgrounds and from different degrees. In essence, we all

have our own narratives and stories that we bring to the law school. I would hazard a guess that the overwhelming majority of us are here because of our inner narrative.

We have a vision for ourselves and our future that, for some, gets reaffirmed through law camp, the LMR journey and the first couple of semesters. Maybe it's the comps and various social outings or perhaps it may just be the study itself. Others though, find it more difficult and we have to confront our expectations, our thoughts and our narratives.

I would also propose that law school gets so much harder than it already is because of the narratives we tell ourselves. After failing Consti last semester, I began to dabble in the narrative that my back was to the wall and I needed to prove myself. So, I doubled down on my recovery, strived to do really well in Torts and set up a plan to ace second year of the JD.

Four weeks into the semester though, I've seen the fallacy of such an assumptive narrative. It assumes that I can push myself. It assumes I can attend every class and concentrate for the full 120 minutes. It assumes I'm on a linear projection where I

won't dip or suffer a relapse. It assumes I'm not going to be hard on myself or that I won't get frustrated. The cold, harsh reality is that none of those assumptions are correct. Like any of our assumptions, they're based on a false perception of reality. The reality is I can feel myself getting more fatigued because of these assumptions and my adopted 'back to the wall' narrative.

Law school is a tough gig and to an extent it should be. We should be trained to question. To explore. To listen. To write and think critically. To do all of that properly, it's an intense labour of love. But if we're willing to tune in, we're also being taught something far more important.

In a weird way, the process of studying the law provides us with an opportunity to confront our internal narratives and tune into ourselves. A chance to look after our own wellbeing and drop the internal narratives. This law school gig is challenging and changing us all – and not in the way we thought it would.

Perhaps though, that is exactly the point.

Matt Bradford is a Second Year JD Student

PALMED AND DANGEROUS

Duncan Willis

What's actually happened to Clive Palmer? Australia's cuddly political buffoon turned enemy of the working class has experienced something of a social media renaissance recently, even going so far as sharing old news clips of himself where the video has been edited to tell everybody to 'smoke weed every day', is that pretty much Clive telling people to smoke weed every day? (Don't smoke weed, it makes your eyes fall out). So what brought this transformation on?

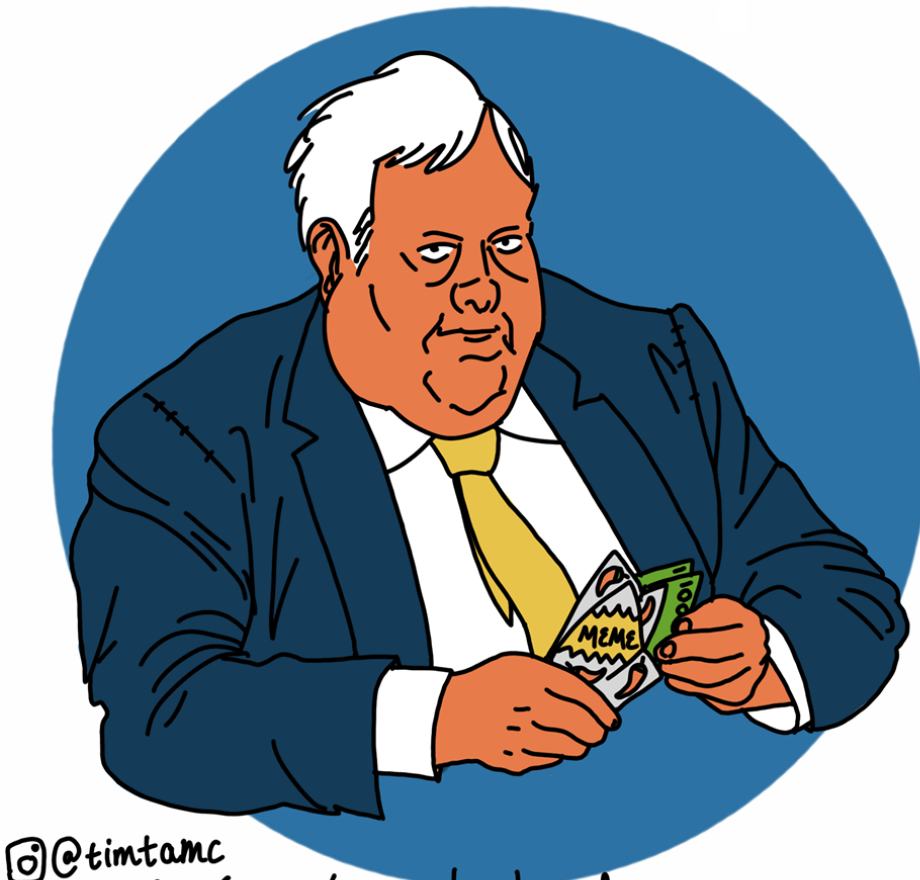
Clive was once Australia's (b)millionaire answer to Donald Trump before Donald Trump was into politics. He put a party together four months before an election and scored 5% of the vote and Lower House seats (for perspective it took the Greens 18 years to come close to this, even then Adam Bandt is a poor substitute for the Palm). He even had some policies, something about changing corporate tax rates to increase the pension, which he articulated in yelling matches to Karl Stefanovic in between calling Wendy Deng a Chinese spy and telling Rupert Murdoch that he should piss off back to where he came from, (where he came from in the short term America, not where he came from a while ago..because you know that would just defeat the point).

So what's actually happened to Clive? Why is he suddenly sharing Memes for the Urban Gentleman? De Minimis has obtained a confidential briefing with Clive's Dog and can reveal now to you the inner workings of Mr Palmer's mind.

The turning point was really when Clive started to diet, his dramatic and quite successful, weight loss. Clive showed that a bodily transformation can bring about a mental epiphany. New body, new Clive. He started seeing the world in a whole new way and he wasn't quite sure how to express it his new feelings.

Then his deer got shot, Clive posted his outrage on social media and he got something he hadn't had for a while: attention. He's been pouring out his positive vibes with FB posts such as 'Give somebody you love a hug', 'Help pensioners, they deserve our sympathy' and 'Don't rip off your employees by acting as a shadow director donating all profits into a fledgling political party such that when your company hits an economic downturn you have to lay them all off without pay'.

That last one might not be true, Doggo



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informs me, he's been on the Grog again. In Clive's sudden upsurge in popularity, his dog wonders if the bigger picture has been missed by the legions of meme-adoring fans. Even so, Doggo isn't really sure what Clive is really looking for but he's narrowed it down to 3 potential options:

1. A juicy hamburger
2. Sustainable business enterprise
3. Relevance

So what's next for the Palm? Surely he can't share meme videos about himself for ever, they'd eventually lose popularity?!

'I dunno m8' Doggo says 'If Clive's political career proved one thing it's that he doesn't have a very good hold on what the public are thinking'.

Doggo, however, thinks that Clive has other plans:

'He changed his Facebook Bio to include Australian National Living Treasure, I reckon he's going to have himself frozen in Carbonite Han Solo style and stored in the National Gallery of Australia as some sort of monument to himself'

I ask Doggo if he's been hitting the grog again and he nods slowly, then adds:

'He reckons he'll survive a millennia, he wants a future civilisation to be able to clone his DNA to start a theme park with his clones.' 'They'll need a million chicken parmas every day just to keep them all fed.'

As Doggo rolls over giggling into the shade of a palm tree, this correspondent sees himself off the premises of Clive's stunning, soon to be foreclosed, golf course, quietly pondering how history will place Clive's incoherent stream of consciousness Facebook poems in the pantheon of English language poets. Surely above Shakespeare, he never wrote about lettuce and watermelon sauce.

What the hell is watermelon sauce anyway?

(As stated before Clive's Dog is frequently on the Grog and this should not be taken seriously in any way).

Duncan Willis is a Second Year JD Student