

# DE MINIMIS

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## Insight into Living Below the Line



Photo of chickpeas by Maggie Hoffman on Flickr

Just how much money are you eating today?

The average Australian lives on \$95 a day. Granted, that might not be *quite* what the average law student spends (except maybe on textbook-buying days. Actually, definitely on textbook-buying days), but we still spend a good deal more a day than our Papua New Guinean neighbours who live just north of us.

This week Georgina Wu, Lauren McInnes and Chelsea Driessen are trading Coke for carrots\*, choice for cheap, and comfort food for, well, any food. From 7 – 11 May, they are *Living Below the Line*.

And just to prove they've actually done their research, here's a table comparing the meals the girls are used to with what they will be eating this week.

The startling, awful truth of it is, whilst Chelsea still has (technically) \$76.11 left over on a typical day to pay for transport, housing, health care, clothes and any extra things she may want,

Georgina (if she was living in Papua New Guinea) would be left with \$0.17 to cover the same costs.

Through their Live Below the Line campaign, the ladies are trying to change this situation and raise money for the provision of education in PNG, where the majority of children drop out of school in year 6.

Chelsea, Lauren and Georgina should be easily identifiable this week by their pained expressions and rumbly tummies. Also by their LBtL wristbands and stickers. Please feel free to approach them to discuss the challenge, the charity and how you too can get involved!

Any donations would be very much appreciated. To show your support, please visit [www.livebelowtheline.com/team/mls](http://www.livebelowtheline.com/team/mls).

*\*Take this how you will*

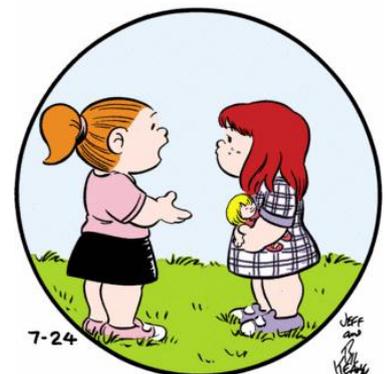
*\*\* All quantities are as accurate as possible, and prices have been calculated accordingly. Chelsea even got a scale out to weigh a cup of Special K. True story.*

	Chelsea's typical menu**		Georgina's LBtL menu	
<b>Breakfast</b>	1 cup Special K	\$0.55	150g oats	\$0.20
	½ cup All Bran	\$0.34	10g raw sugar	\$0.01
	100ml skim milk	\$0.10		
	Lipton decaffeinated tea (1 bag)	\$0.11		
	1 tsp sweetener	\$0.04		
	<b>Subtotal Breakfast:</b>	<b>\$1.14</b>	<b>Subtotal Breakfast:</b>	<b>\$0.21</b>
<b>Lunch</b>	Beef Bourguignon (sachet, 350g)	\$3.33	200g rice	\$0.40
	Banana	\$0.72	100g peas	\$0.15
	<b>Subtotal Lunch:</b>	<b>\$4.05</b>	<b>Subtotal Lunch:</b>	<b>\$0.55</b>
<b>Snack</b>	Veggie chips	\$0.69	1 celery stick	\$0.20
	Hot chocolate	\$3.50		
	Snickers bar	\$2.40		
	<b>Subtotal Snack:</b>	<b>\$6.59</b>	<b>Subtotal Dinner:</b>	<b>\$0.20</b>
<b>Dinner</b>	Lamb cutlets (2)	\$4.48	100g mashed potato	\$0.20
	1 cup steamed veggies	\$0.46	100g peas	\$0.15
	1 cup mashed potato	\$0.34	80g chickpeas	\$0.18
	1 yoghurt tub	\$0.83	80g lentils	\$0.18
			Pinch salt	\$0.01
	<b>Subtotal Dinner:</b>	<b>\$6.11</b>	<b>Subtotal Dinner:</b>	<b>\$0.72</b>
	<b>TOTAL:</b>	<b>\$17.89</b>	<b>TOTAL:</b>	<b>\$1.68</b>

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search ID: de0620



7-24

"We can't be friends anymore, Irma.  
You're too poor."

## NSW Chief Justice decries commercialisation in the law

In a speech at the Commonwealth Law Association's Regional Conference in late April, the Chief Justice of New South Wales, the Honourable Thomas Bathurst, said "at the heart of concerns about commercialisation is the question of whether profit motivations compromise the core values and obligations of professional conduct."

According to the Chief Justice, 'mega-firms', of necessity, adopt 'inherently commercial' organisational policies. The sheer mass of employees impacts on client relations, resulting in a state of anonymity for the clients. Furthermore, these clients become known only as a number, representing the amount of revenue they generate.

Chief Justice Bathurst lamented that, "in some cases young lawyers are left with the impression that the be-all and end-all of legal practice is the billable hour. The ethical future of an industry in which young people are exploited and indoctrinated into a culture in which professional duties may be superseded by personal gain, is of real concern. ... Talented and enthusiastic young lawyers these days are wary of firms governed by the billable hour. They try to avoid them and often will not stay for very long if they find that is the prevailing culture."

The New South Wales judge also took aim at litigation funders, pointing out that they do not owe duties to the court in the same way that lawyers do. He highlighted that 'litigation funders have, as their primary concern, the pursuit of profit by means of litigation (or settlement), while remaining one step removed from the oversight and inherent regulatory jurisdiction of the court. ... [T]he entrance

into the legal market of entities that exist solely to profit from the promotion of litigation marks the dawn of a new era in the commercialisation of legal practice, which must be watched, debated and regulated very, very carefully'.

In conclusion, the Chief Justice noted that ethical conflicts have been part of legal practice since it began. Though many conflicts appear both age-old and insoluble, he noted that 'openly discussing and debating the resolution of these conflicts is, in itself, an expression of ethical practice. Indeed, it is an essential act, on which the continued effectiveness of professional duties depends'.

You can access the full speech at;

[http://www.lawlink.nsw.gov.au/lawlink/Supreme\\_Court/ll\\_sc.nsf/vwFiles/Bathurst210412.pdf/\\$file/Bathurst210412.pdf](http://www.lawlink.nsw.gov.au/lawlink/Supreme_Court/ll_sc.nsf/vwFiles/Bathurst210412.pdf/$file/Bathurst210412.pdf)

Bronwen Ewens



## L IS FOR...

### L is for leaving law friends at law school

This week I had a *De Minimis* staffer question the premise of this weekly column. This is problematic. I figured a law-school based readership would be astute enough to get it, nevertheless it seems I should clarify: L is for Loser is the prompt, ipso facto L is for '\_\_\_\_' makes '\_\_\_\_' a losery practice to engage in.

L is for lack of understanding of a simple premise?

I explained it to my 3 year old brother and he said he got it! Though he is a compulsive liar and at the time I was holding a bowl of vanilla ice-cream with hundreds and thousands... and chocolate topping...

Anyway, I digress (which is like digressing and diverging, but to a greater extent, like what I'm doing right now). This week I'm condemning that practice of making friends at law school, but never taking those relationships to the next level.

I've charted the ascendance of a law-friendship to actual-friendship as thus: two people meet in week one, which progresses to regular banter about the woes of that class through to week three, by week five they're Facebook friends, and in week seven they go for a non-obligatory coffee at Seven Seeds. At law ball they had an opportunity to get drunk together which has broken the ice somewhat, but a fortnight has passed which has allowed the ice to freeze over again, reinforcing the wall between them. And now there's a three inch thick wall of ice that's see through and they can each see the other on the other side of the ice-wall and if they leave it any longer it'll freeze for good and they-, nup this metaphor isn't working.

It's week ten now! The next step is to catch up in an

entirely non-law context; like on the weekend, during the night time or at Revolver at 5am on a Tuesday.

I appreciate that it can be hard taking that next step. You've been hurt before and the cuts to the heart are the hardest to heal. But you need to get back out there on the scene because happiness doesn't come to those who beware, it comes to those who get out there (I read that on a fortune cookie that I dreamt up).

There are, of course, risks.

The first arises where your target friend is of a sex to which you are attracted and vice versa (can I get a 'what what!' from the gays for that fine display of non-gender-specific-framing-of-romance-reference). In this instance, any further offer could be construed as an advance, of the sexual kind. I suggest faking having a significant other (cue: 'what what!') or telling the person you do a really non-sexual sport, like badminton or archery.

The second risk is that you take this mantra too far and ditch your non-law friends. This becomes problematic because you get to the summer holidays, and all your over-achieving law friends are either overseas or working full-time so you spend your holiday playing *Banjo Kazooie* and watching porn.

So long as you manage these risks, you should go for it! I understand taking this next step can be tricky though, so here I make a proposal. Post this article ([http://mudemimimis.com/category/l\\_is\\_for/](http://mudemimimis.com/category/l_is_for/)) on their Facebook wall and direct them to the following paragraph:

"Hey there law-friend, what's happening in your world? I'm ready to take things to the next level, so let's go for mojitos at Cookie next Friday night."

*Charles Hopkins is hosting a seminar on viral marketing next week; details to follow through an assortment of social networking media.*

## ALUMNI INTERVIEWS: CHARLOTTE FREW

**Charlotte Frew**, 29, was in the first class to graduate from the Melbourne JD, having completed it in two years. She now is employed as an associate to a judge at the County Court, working in the field of criminal law with the ambition of becoming a criminal law advocate in the future.

### Charlotte's work

Charlotte relishes many aspects of her job: "I like that it is a very people-focused area of law; I also think it offers an opportunity to assist some of the most marginalised people in our community. And working as an associate gives me a great insight into the practice of criminal law, and in particular, advocacy. I love being able to gain wisdom and experience from the judge I work with. As someone who aspires to be an advocate in criminal law, the chance to spend every day in court, observing, discussing, and dissecting the proceedings with a hugely experienced advocate is an immense privilege."

She contrasts her work with those of her peers in firms: "I don't bill hours and I don't have to meet targets. This is not to say the court's workload isn't massive — it is!" However, Charlotte appreciates the mental stimulation her work provides, as well as the supportive, non-competitive work environment.

### A stopover at The Hague

Charlotte's path from Melbourne Law School to the County Court included a stint at The Hague. "As my final subject for the JD I undertook what was to be a three month internship in the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY). I left sunny Melbourne in November, expecting to return to a graduate position in a big commercial law firm in February the following year. After an incredibly interesting three months at the ICTY, I was offered a number of rolling contracts to stay. After a bit of soul-searching, I decided to forgo my graduate position in commercial law and ended up spending a full year at the ICTY. After those 12 months at the ICTY, I realised that I really wanted to be an advocate, so returned to Australia to get admitted to practice and build up my domestic experience in criminal law."

Her advice for students who want to forge a career in criminal law is: "Go to the Magistrates' Court and watch the advocates there. Bail applications, contests, and committals are all excellent for getting an understanding of the day to day work of criminal lawyers. I'd also recommend trying to get voluntary or paid experience with a criminal defence firm or Victorian Legal Aid."

### Advice for law students

Passionate about her beliefs and also about her job, Charlotte admits that it can still be stressful at times, owing to the 'lose-lose' nature of many criminal matters. Charlotte's other advice for JDs: "Follow the area of law that you are interested in and don't get too caught up in the 'must have a clerkship, must get grad position, must do five years of commercial law, etc.' mentality that I think is pretty heavily impressed on law students (or that we impress on ourselves). It's true that the career paths to commercial law are well-established. But the roads leading to other areas of legal practice, or to non-legal roles, though less easily navigated, do exist."

"Above all, be genuine: don't try and pretend that it is your life-long dream to be a banking and finance solicitor when really you want to do criminal defence work."

Charlotte hopes she will still be working in criminal law five years from now, whether in Australia or overseas. Public policy remains a major area of interest for her; "If I ruled the world, I'd re-distribute government spending into education, preventative health — both mental and physical — and rehabilitation programs in prisons."

The County Court can be stressful because of the 'lose-lose' nature of many criminal matters. However, time management is one potential stressor that Charlotte has mastered, and her advice is **also** relevant for students: "Set timeframes for yourself, work only within those timeframes and don't keep tinkering with things right up to the deadlines. Once it's finished, put it down and walk away."

Bronwen Ewens

## STAFF INTERVIEWS: GETTING TO KNOW LISA SARMAS

**Lisa Sarmas** teaches Trusts in the JD program, and taught several classes for the LLB, such as Law and Sexuality, and History and Philosophy of the Law.

### On law school

Lisa said her first interest in law came from watching *Petrocelli*, a TV legal 'whodunit' drama revolving around a criminal lawyer that ran during the mid-70s. After completing her dual Law and Arts degrees at Melbourne, studying history and political science, Lisa went on to earn her articles at a commercial firm, but said that working on an academic level always appealed to her. Lisa said, however, that she "stumbled into legal academia". "I always thought if I was going to work in academia, it would probably involve the Arts side of my degree", she said.

Oddly, Lisa told *De Minimis* that, as a student Trusts was her "least favourite subject". "I sort of fell into teaching Trusts by accident", Lisa said, "but I was lucky enough to teach it with some great lecturers, and I developed a love for it".

### On being a lawyer

Lisa said that the best thing about being a lawyer is that you develop skills of analytical clarity which you can apply to everyday social and political issues. It is both reflective of prevailing social and political conditions and a powerful instrument that can be used to help change those conditions. "The law is a barometer about social conditions, and you can see the social context in the case law, including the cases in subjects like Trusts, which are often wrongly viewed as purely doctrinal and 'black letter'", she explained. At its best, law, "can provide the necessary tools to help people realise their rights and even to achieve broader social justice objectives", while "at its worst, on the other hand, it can obfuscate and actually be used against the achievement of these ends"

Lisa's personal academic interests in legal theory range from the theoretical and political to interdisciplinary approaches. Despite some inevitable difference of opinion with other academics regarding legal theories, Lisa said that "colleagues here do respect each other's views."

### On changing the world

Given the chance, Lisa said she would “eliminate violence and the violence of poverty”, which she said, are at the root of many societal problems.

### Passions

Lisa's office is adorned with photos of her seven-year-old daughter. Family is central to her life. Another love is books. With a diverse taste in literature, Lisa didn't want to sideline any favourite fiction writers, and veered toward legal works. She recommended American lawyer and Professor Patricia Williams' *The Alchemy of Race and Rights: Diary of a Law Professor*, and Margaret Davies' *Asking the Law Question*.

### Advice for JD students

Lisa encouraged students to “really try to enjoy their degree”. “Students should think laterally about the law, not just about the business of marks and getting a career”, she explained. “Law empowers you with knowledge. I think it's important to give something back to society with that knowledge”.

Dean R. P. Edwards



“Good news. The glue company has offered me a binding contract.”

## THIS WEEK IN LEGAL HISTORY

### May 7, 1995 – US Jury Finds Daytime Talk Show Guilty of Wrongful Death

On this day in 1995, a Michigan jury convicted daytime talk show *The Jenny Jones Show* of negligently causing the death of a man who had been outed on the show as a secret admirer of another male guest. The *Jerry Springer*-esque show featured a segment in March about secret crushes and encouraged Scott Amedure to reveal his secret attraction to his friend, Jonathan Schmitz, on national television. Schmitz had appeared amused and even flattered during the confession, joking around with Amedure and host Jenny Jones.

However, three days after the taping, Schmitz purchased a shotgun and killed Amedure after receiving a sexually suggestive note from him. He was convicted of second-degree murder. Schmitz had unsuccessfully argued the gay panic defence, claiming that Amedure's sexual advances toward him on national television angered and humiliated him. The

jury found that his actions were not an ‘immediate response’ required by the defence, since he waited three days before responding to the revelation. Nonetheless, his became one of the most high-profile uses of the controversial defence.

Concurrently, Amedure's family sued *The Jenny Jones Show* and its owner *Warner Bros* for acting negligently in misleading and humiliating Schmitz, claiming the show's producers set him up in a way that triggered the murderous chain of events. They claimed that Amedure's wrongful death was a ‘direct and proximate result’ of the show. Evidence presented at trial showed that Schmitz had a history of mental illness. He had admitted to friends and family that he had been embarrassed and embarked on a drinking binge. The family argued that the producers deliberately ambushed Schmitz and intentionally withheld the segment topic (‘same-sex crushes revealed’) so that he would think his secret admirer was a woman. They argued that the show had a duty to prevent or refrain from placing

Amedure in a position of unnecessary or unreasonable risk of harm, including criminal conduct by a third party. *The Jenny Jones Show* was ordered to pay \$30 million in damages and the show never went to air.

The judgment had a chilling effect on the talk show entertainment industry. However, in 2002, the Michigan Court of Appeal overturned the decision and held that while the actions of the producers were ‘the epitome of bad taste and sensationalism’, they did not have a legally recognized duty of care to protect against third party criminal acts.

To view the unaired segment, visit <http://www.youtube.com/watch?v=3EvUzzbzFNc>.

For a copy of the appeal judgment, visit [http://coa.courts.mi.gov/documents/OPINIONS/FINAL/COA/20021022\\_C226645\\_64\\_2330.226645.OPN.COA.PDF](http://coa.courts.mi.gov/documents/OPINIONS/FINAL/COA/20021022_C226645_64_2330.226645.OPN.COA.PDF)

Annie Zheng

## ASK AGONY AUNT

Dear Agony Aunts

After struggling to adjust to law school, and dealing with some personal issues, I was given advice to drop one of my subjects. Maybe it is the sensible thing to do, but I feel like a failure, what should I do?

Sincerely, Not Keeping Up

Dear Not Keeping Up

That feeling of falling behind and not keeping up is pretty common law school territory. Because it is so time consuming to study, when life or health issues arise it is going to interfere with course work and make you feel like you're behind. If you've received advice to drop a subject, hopefully it's from the student well being coordinator. If not, it would be a good idea to make an appointment with her so that you can talk it over with someone who has a good grasp of the demands of the course and what options you have available.

If you do need to withdraw from a subject, it doesn't make you a failure. When prospective employers look at your transcript they're going to see your marks, not whether you did three subjects one semester and picked up one in the summer, and they're not going to pat you on the back for sticking with it and barely passing four. So if you do need to drop one, keep in mind that what you're doing is ensuring better marks, as well as making your life a bit easier at a time when you need to.

Sincerely, Aunt Myrtle