

# DE MINIMIS

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**LAW BALL TICKETS ON SALE TODAY!**

*With the Corrs Chambers Westgarth Law Ball 2012 fast approaching, we asked current and former students for some of their favourite things about balls gone past. We were surprised at how hazy memories were, but here are some of the highlights.*

In **2007**, the ball was held at Flemington Racecourse. Famously, the Law Students Society was able to hire two trains exclusively for the purpose of taking everybody to the after-party in the city.

Notoriously, in **2008** a student was involved in an incident with a bouncer. Less widely reported was the core group of revellers who patriotically turned out for the Anzac Day dawn service the following morning, after staying out all night.

The **2009** ball was memorable for some, but perhaps less so for others. Four ambulances were called that night, and the Treasurer of the LSS was taken away in one of them. Nudge Perera ~~takes~~ denies all responsibility.

A close encounter between a male member of the student body and a female member of Victoria Police stands out for some as the highlight of **2010**; we prefer not to ask too many questions.

In **2011**, a group of intrepid student explorers discovered the venue's Green Room, and proceeded to make full use of facilities, including the showers! On a different note, one student did his career prospects a world of hurt in a verbal stoush with the sponsors - and we never did find out who broke that mirror. We also asked Harith Nordin for comment, but he declined.

**FUN FACT:** The 2008 ball was the first university ball held at Peninsula, in Docklands. We set the precedent! This year, the ball celebrates five years at this venue, unisex hand-washing areas and all.

## Hong Kong Law Fair

The Careers Office organises the Hong Kong Law Fair every year. It is aimed at students who find the idea of going overseas to work intriguing and want to find out more, and at those who are already passionate about working in Hong Kong.

We are privileged at Melbourne Law School that law firms are willing to travel all the way from Hong Kong to talk to our students. It reflects the law school's pride in being "Australia's first, Australia's global". The sheer variety of law firms in Hong Kong (whether they originated in

Australia, the UK or the US) cover a wide variety of practice areas, and each law firm brings with them particular cultures and values. The strong turnout at the fair each year seems to confirm that in all likelihood, there is a law firm in Hong Kong suited to you.

The fair this year was a bustling and lively affair. Taking place on the first floor, it was more accessible than ever before.

Students and firms alike were busy finding out more about each other; many walked away with business cards and smiles.

The Global Law Students

Association assisted by hosting smaller and more intimate presentations throughout the day. Skadden, in particular, one of the biggest US law firms in Hong Kong, conducted an informative breakfast session that attracted not only students from our own law school, but Monash as well. In the afternoon, a variety of firms held interviews that the Careers Office organised whilst other firms presented to enthusiastic students. It was a productive day for all involved.

We are all looking forward to an even bigger and better law fair next year.

## Hong Kong Cocktail Event

-Bronwen Ewens

**This year's Hong Kong Law Fair did not include a cocktail networking event following feedback from firms that they were dissatisfied with the event.**

In response to allegations the firms were disappointed with the calibre of students at last years cocktail event GLSA Vice-President Tom Ho said the GLSA do their best to please the students and the firms.

"It's always a difficult balance. On one hand you want to say to students you're welcome as long as you are enthusiastic and have a passion for working in Hong Kong ... we're here to represent all students not just the top 10 per cent of students. Then on the other hand you have to be completely sympathetic to what the firms are thinking. It's not cheap for them to come over to Melbourne and they want to poach the best Australian students."

Mr Ho said the GLSA, in partnership with the Careers Office, attempted to better prepare students for the fair with a seminar held prior to the event and a GLSA-produced fact sheet.

"We tried to answer some of the common questions students have before the fair so when the firms come the students have the basics down so they can get straight into asking what are your practice areas, what are you good at, what do you look for in students," Mr Ho said.

But Mr Ho said it is important that the fair is open to all students even those who are mildly curious about working in Hong Kong.

Mr Ho said students didn't miss out as the fair and the cocktail event served the same purpose: networking opportunities.

He said the GLSA was looking into providing a complementary event to the fair next year that served a different purpose.

"We'll always be looking to improve," Mr Ho said.

-Emma Henderson

# Getting to know Arlen Duke

**Day 1 of Obs, Arlen Duke rocks up in a T-shirt and jeans. Clearly he's not your average lecturer.**

Arlen admits that very little about the time since he graduated has been normal. While working at Minter Ellison after graduation, "I didn't have the typical law firm experience. They over-hired that year so we weren't always busy."

It was during his first rotation in employment law that he got his idea of "an escape plan" from Paula O'Brien. Arlen started a Masters degree at Melbourne, while working part-time at Minter Ellison. He then progressed to doing some sessional lecturing. Three years after graduation, Arlen was back at Melbourne Uni full time.

Arlen clearly *loves* teaching. This semester he's teaching four classes (Two Obs, Two Competition). He also gave the typical response of someone who loves teaching to the question of the most hated part of teaching. In the blink of an eye, the answer is "Marking!".

One of the other things Arlen clearly loves is his 3-year-old son Leyton. Not only does a smile overtake his expression when talking about Leyton, but playing with his son is one of the best ways Arlen handles stress.

## Did you know?

- Arlen did not get his driver's licence until September 2011.
- His worst mark during his law degree: contracts. (Yes, the same contracts that he teaches in multiple incarnations each year).
- The best thing about working in law: "It can be quite empowering". The worst thing: "The reputation it has".
- Has Arlen ever considered doing anything with his degree other than working in the law? No. It's apparent to anyone who speaks with Arlen that he feels privileged to be working in academia and would probably only give up the position for the other loves in his life.

-Emma Shortt

## THIS WEEK IN LEGAL HISTORY

### March 27, 1905 – First British Murder Case to admit Fingerprint Evidence

107 years ago to the day, elderly shopkeepers Thomas and Ann Farrow were found dead in their South London home after having been brutally beaten and robbed. Their death would mark the beginning of a new frontier in criminal evidence and proof – forensic science and the solving of high-profile crimes based on fingerprint technology.

Upon finding an empty cash box and two makeshift black masks, Assistant Commissioner (Crime) of the London Metropolitan Police Melville Macnaghten noted a greasy smudge on the box's inner tray. The smudge seemed to contain a partial print. Coincidentally, Macnaghten was a member of the Belper Committee, which had been established in 1900 by

Lord Belper to research the use of fingerprinting as a method for identification. He decided to send the box off to Scotland Yard's fingerprinting bureau for further analysis. By chance, police had also interviewed a local milkman who thought he recognised the Stratton brothers lurking around the Farrow house on the day of the murders. The authorities eventually caught both brothers and fingerprinted them – Alfred's thumb was a perfect match for the greasy cash box print.

At trial, the Crown took a great risk in basing the prosecution solely on the fingerprint evidence when the milkman turned out to be an unreliable witness. The defence called in numerous witnesses of their own and even sought the expert testimony of a renowned anthropometrist (a rivaling field in identification, involving

measurement of the human body by physical anthropology), but could not disprove the fingerprint evidence. The defence further collapsed when it was revealed that the anthropometrist had written to the prosecution only days before, offering his favourable testimony if they paid him more than the defence. The Crown called in Scotland Yard's fingerprinting expert to explain the uniqueness of the fingerprint in layman's terms, which ultimately convinced the jury to find the Stratton brothers guilty of murder. They were sentenced to hanging on May 23<sup>rd</sup> 1905.

Since then, fingerprint evidence has become one of the most invaluable assets to a criminal trial, along with other forensic techniques such as DNA profiling.

-Annie Zheng

## JUDGMENT WATCH

### Cigarettes might not kill you

The big tobacco companies have attempted to block a number of documents from being admitted to the upcoming hearing on the plain packaging dispute between the plaintiffs and the Federal Government. In a preliminary hearing, council for the plaintiffs pleaded an inconsistent line of reasoning between the companies. While British American Tobacco argues that the documents are

inadmissible because the case falls on a constitutional issue rather than on public health, Imperial Tobacco claims they don't agree that smoking is quite as bad for you as the government would like you to think it is. Apparently smoking is only 'linked' to certain diseases, and that link has been erroneously attributed to causing cancers. Guess all this cancer fuss has been a big misunderstanding. In other news, Elvis is alive and working in a milk bar Coburg.

### Barristers-to-be, be warned — *Goddard Elliott v Fritsch* [2012] VSC 87 (14 March 2012)

Bell J, residing over a Victorian Supreme Court case where a man had to pay his lawyers fees despite what was described as 'gross negligence' on their part has urged state and federal Attorney-Generals to abolish the advocate's immunity rule. The man was encouraged into a

a property settlement with his ex-wife that resulted in massive fiscal loss, despite his representation knowing he was severely depressed at the time. Bell J was scathing of the hoary rule, decrying a medieval legacy that saw its use-by date in the courts of England in 2002.

**Bad search = bad reputation — *Trkulja v Yahoo ! Inc LLC* [2012] VSC 88 (15 March 2012)**

A Melbourne man has been awarded a quarter of a million dollars in

damages following a successful defamation suit against Yahoo!. An article that appeared on the search page titled 'Melbourne Crime' came up with a photo of the man alongside pictures of Tony Mokbel and other well-known criminals. The large photo of the plaintiff's head was accompanied by an article about a convicted criminal with the same last name, who was subject to an attempted murder by a hitman allegedly offered \$10,000 for the kill. The man in the photo was in fact a well-respected member of his local community and a church elder, the

defendants sheepishly noted that the two men bore something of a resemblance. The plaintiff claimed that following the article's publication his business had markedly suffered and his invitations to community events stopped as people began to associate him with criminal activities. Kaye J awarded damages arising from the impact on his reputation and the ongoing stress caused by the shock of the association. What also caused shock in this case was the finding that some people still use Yahoo!.

-Claire Marshall



## L IS FOR...

### Lift-riding free-loaders.

(It's only week five and already my titles are getting tenuous).

Back to the point though: people who ride the lift from ground to mezzanine are SCUM.

There's only two kinds of people worse than lift-riding free-loaders (lift-loaders for short): people who ride the lift from mezzanine to ground, and One Direction fans. How are tween boy bands still a thing? I can concede that the blonde one rocks the peroxide, and the Indian guy has some moves, and the short one has dreamy eyes... I wonder if there are still concert tickets available...

These lift-loaders are just selfish. They're like the people on trams who take up several seats, or block the doors at peak hour, or have a hot-and-heavy-make-out-

session in front of everyone. Okay, so I wrote this column on the way home from law school; what of it?!

The only circumstances in which it's acceptable to ride from ground to mezzanine in the lift is if you're a handicapped person, a pregnant woman or a bathmophobic. Yes you guessed it; a 'bathmophobic' is someone who is 'afraid of stairs or slopes'. You know what on second thought, it's not okay to be a bathmophobic, it's pathetic; walk up the stairs like normal people should.

It's the worst thing you can do in an elevator. It's worse than farting, it's even worse than having a mundane elevator conversation with someone you kind-of know: "oh hey!", "heeeeyyyyyy," "how are you?", "yeah really well, you?", "yeah swamped at the moment that \_\_\_\_\_ assignment is killing me," "oh my god I know right?" (level 3 arrives) "okay well this is my level," "I'm actually headed up to level 4 so I'll catch you later." Which is obviously a lie because no one goes to level 4 by elevator. NO ONE.

There are so many reasons why it's unacceptable: it wastes everyone else's

time, it's bad for the environment, it fosters obesity, and it fuels terrorism and homophobia.

When speaking to a fellow first year about the issue (and unlike previous 'research' of mine, this did actually happen), she informed me that during orientation she was told this practice was unacceptable.

This is a good start but it's like *telling* people to stop burning fossil fuels – it's just not enough. At the risk of Clive Palmer throwing his weight around at the High Court (ba dum chhhh), I propose an all-out anti-lift-loaders campaign.

I demand public naming and shaming, mob-to-individual confrontations, and floggings.

Note to self: is inciting violence a crime? Probably should spend less time ranting about meaningless rubbish and doing my Criminal Law readings.

*This year Charles Hopkins will be on Dancing with the Stars because he is neither a dancer, nor a star.*

# To go, or not to go, To Law Camp that is

## Ye That Did Not Attend (*Christine Todd*)

There are seven cardinal sins in life. Most have to do with gluttony, pride, and being sloth-like, behaviours perfectly attuned to the law student psyche. However, the commencement of week four has me thinking we ought to add an eighth sin: not attending law camp.

### Expectations

It's hard to say what I expected in not attending. Sobriety was never going to be guaranteed given I deliberately packed a full bottle of whiskey for my weekend trip to the NSW coast (along with my week four readings). Now that I think about it, my functional memory of that 'study' was agreement, consideration, cider, whiskey, the consideration of more cider, certainty that whiskey was the more appropriate choice, and finally intention to

forget it all in the morning. However, I felt safe in the knowledge that I'd come back magically learned and slightly less alcohol-marinated than my law camp counterparts. Additionally, there was an awkward certainty that I wouldn't be subjected to full-frontal nudity, given both my partner and I had rather unsexy colds.

### Realities

Being a good student: I didn't actually make it through my week four readings, so all that smug I'd stored up over the weekend flew smartly out the window.

Full Front Nudity: Okay, so no full frontal nudity. But one woman did breastfeed her unusually large baby on the plane home to Melbourne, and I may have been hit in the bicep with her giant breast.

**Lessons Learnt**

Go to law camp.



Photo credit: Ben Sturrock's facebook

**Ye That Did Attend (*Lisette Stevens*)****Expectation**

We were pretty damn excited on the bus to law camp. We had high hopes to make hundreds of new friends (a gross overestimation), we had our vodka bottles stashed safely in our handbags, and we were nervously praying that when we arrived there wouldn't be jelly wrestling and broken teeth (stories of engineering camp traveled fast...)

**Realities**

It was pretty clear when we arrived that everyone was hoping to preserve some shred of dignity. We are future lawyers, after all. Unfortunately AND fortunately, it soon became apparent that this hope was naïve in the extreme.

We disgraced ourselves marvellously. The following things may or may not have happened (hint: they happened):

- Beer bong. MANY beer bong.
- Vomit in room. Unknown offender. Left to fester for at least 12 hours.
- More vomit. On the dance floor. From an individual hanging upside down from the rafters.
- Speakers breaking from all the SicKASs PHat BeatSS.
- Strip beer pong.
- Late night spaghetti bolognese.
- Lying on the beach and returning to camp radiating sexy sunburn.

And that's just a sneak peak. There is no denying that the first night was far crazier than the second. But that might have something to do with the fact that we drank 85 percent of the entire weekend's alcohol stock.

**Lessons Learnt**

Jokes aside, law camp certainly wasn't just a weekend devoted to drinking and nursing god-awful hangovers. We learnt lessons. We learnt that nothing cements a friendship like partial (or full frontal...cheers Nick) nudity. We learnt that when you hear the words 'beer bong'... run. Fast. We also learnt that no matter how intimidating the wildly intelligent and articulate student from Obs is, on law camp there is no place for feeling intimidated. I think all who went would definitely recommend it to future first years. And finally – a BIG thank you to all the LSS, particularly Nick and Anna for organising and running the whole thing! You guys were phenomenal.

**ASK AGONY AUNT***Dear Agony Aunts,*

There's a girl I want to ask to the law ball, but I haven't asked anyone out since high school and I'm not sure how to do it. Is there anything I have to do differently?

*Little bit Shy**Dear Little bit Shy,*

Boy, does this take Auntie Ethel back - the awkwardness, the thrill of anticipation, the butterflies, the despair, and most of all

hope... Hope that you will find that perfect dress for the ball.

Getting back on point, first, the logistics. If she is already going to the ball, make sure you are on the same table while you work up the courage to ask, otherwise it would be a very strange date indeed. If she isn't, the question you have to ask yourself is, are you planning on paying for her ticket? 'Yes? That's great, it'll be \$115 for a ticket' doesn't strike Auntie Ethel as a very romantic start to the burgeoning relationship.

The asking part is somewhat similar and somewhat different from high school. It's the same in the sense that you just

have to grown a spine, go out on a limb, and ask. The difference is, if she says yes, she's just saying yes to a date. You can't assume that you are now boyfriend and girlfriend, and will hold hands and make googly eyes at each other all day at school. You are just being given an opportunity to woo her.

Just make sure you make it clear that you are asking her to the ball as a date, and not just if she wants to get there together as friends (because any idiot knows being relegated to friend status is fatal to any romantic aspirations you have).

*Auntie Ethel*