Optimising the New Zealand Law School Experience for Pacific Lawyers

Mara Kawehiwehi Hosoda

2015

A thesis submitted for the degree of Doctor of Philosophy at the University of Otago, New Zealand
ABSTRACT

Law schools are a way to improve the position and status of Pacific peoples in New Zealand. This may be accomplished by increasing legal representation for Pacific peoples and providing Pacific communities with social and economic mobility.

But, is law school a vehicle for improvement and economic gain for Pacific peoples? Or is law school a disheartening torment disconnected from Pacific values and without real outcomes for Pacific peoples? This thesis will address these issues.

This thesis explores the experiences of Pacific law students in New Zealand. First the study aimed to problematise the assumptions and equity programmes prevalent in New Zealand law schools for Pacific students. Second the study aimed to suggest positive ways to re-conceptualise and optimise New Zealand law schools for Pacific students.

The thesis uses a Pacific Teu Le Va paradigm and methodology to explore the relationships between New Zealand law schools and Pacific students. I adopted a case study approach, capturing case studies on four New Zealand law schools to explore the experiences of Pacific students within individual law schools. Each individual case study uses historical archives, quantitative law school data and qualitative data from interviews of staff and students collected in 2012 to investigate the Pacific law student experience. I then examined all case studies together to explore the overall and comparative experiences of Pacific students across New Zealand law schools.

The findings from this thesis challenge the assumption that equity programmes in law schools are a purely positive experience for Pacific students. Instead the findings from this thesis indicate that New Zealand law schools shape, or attempt to shape, Pacific students into an ideal “law student” and “lawyer” prototype, who is disconnected from morality, religion, sharing of resources, communal values and sense of justice. There remains a huge mismatch between Pacific peoples’ values and law schools’ cultures.

This thesis suggests that the assumptions surrounding remedial equity programmes, while sometimes helpful in attaining the numbers for substantive equality in outcomes and in assisting Pacific students navigate a foreign environment, are not enough. To truly improve the position and status of Pacific peoples in New Zealand, law schools should 1) reconsider and re-evaluate the purpose and function of its equity programmes, 2) educate and train academics and administrators to effectively serve Pacific students’ actual needs, and 3) adjust the curriculum and pedagogy so it is relevant and appropriate to Pacific students and communities.

ACKNOWLEDGEMENTS

Mahalo e na Akua, mahalo e na kupuna. mahalo me ke aloha.

This thesis could not be accomplished without the love and support of many people.

I would like to acknowledge the University of Otago for the scholarship they granted me. I wish to acknowledge the following financial supporters that provided me with work to sustain this thesis: University of Otago Division of Humanities, Studholme College, Maori Indigenous Health Institute, and University of Auckland Faculty of Law.

To my supervisors, Ms. Selene Mize from the University of Otago Faculty of Law and Misatau'uve Dr Melani Anae from the University of Auckland Pacific Studies, thank you for all your hard work and efforts. Without you this thesis would never have been completed. Thank you for your understanding, tough love and patience.

To all the student and staff participants who took part in the interviews, thank you for giving unselfishly of your time, knowledge and experience. To the law school administrative staff and Ministry of Education staff thank you for taking the time to pull large amounts of law school data. Your contributions are the foundations of this thesis.

To the Pacific student support staff that contributed to this thesis topic, thank you Tofilau Nina Kirifi Alai, Christine Anesone, Audrey Santana, Dr Fanaafi Aiono Letagaloa, Ana Rangi, Helena Kaho, Associate Professor Treasa Dunworth, Andrew Stockley, Ella Risati, Professor Tony Angelo, Gordon Stewart, Matiu Dickson, Bradford Morse, Joel Manyam, Doug Tennent and Mylene Rakena for working hard to create, develop and run programmes that encourage Pacific law student success.

To Brian Niven, statistician extraordinaire, thank you for constructive feedback and consultation regarding quantitative data and analysis.

To all the academics who assisted in conceptualizing this thesis into a reality through thought-provoking conversations, thank you Professor Mark Henaghan, Professor Nicola Peart, Professor John Dawson, Mrs Jessica Palmer, Dr Suzanne Pitama, Dr Allamanda Faatoese, Ms Melbourne Mauiliu, and Dr Nalani Wilson-Hokowhitu for your support and guidance.

To my ohana, aiga and anau, thank you for the encouragement and keeping me grounded throughout this long journey. To my grandparents, Tosh Hosoda, Dot Hosoda, Ted Mauliola and Mary Lou Mauliola thank you for serving as excellent role models and pushing me to achieve. To my parents, Lyle Hosoda and Cindy Mauliola thank you for your inspiration and words of wisdom. To my sister, Kelsea Hosoda, thank you for pushing me to complete this thesis. To my loving husband, Bruce Su’a, thank you for supporting me through it all. Thank you for your unconditional love, thoughts and prayers. This thesis would not have been possible without you all.
GLOSSARY

Fa'asamoa: (Samoan) the Samoan way

Faipule (Tokelauan) village head

Fale: (Samoan) house

Hapu: (Maori) kinship group, clan, tribe, subtribe

Kaupapa Maori: (Maori) Maori approach, Maori topic, Maori customary practice, Maori institution, Maori agenda, Maori principles, Maori ideology

Koha: (Maori) gift, present, offering, donation, contribution

Kotahitanga: (Maori) unity, togetherness, solidarity

Manaakitanga: (Maori) hospitality, kindness, generosity

Noho Marae: (Maori) stay at the marae, courtyard

Pakeha: (Maori) New Zealander of European descent

Palagi: (Samoan) Foreigner, someone who does not belong to Samoan culture

Papa’a: (Cook Islands Maori) foreigner

Pulenuku (Tokelauan) elected major

Rangatira: (Maori) chief

Rangatiratanga: (Maori) chieftainship, right to exercise authority, chiefly autonomy, ownership, leadership of a social group, domain of the rangatira, noble birth, attributes of a chief

Tangata Moana: (Maori) people of the sea, Used to refer to Pacific peoples

Tangata Whenua: (Maori) people of the land, Used to refer to Maori

Tuakana: (Maori) Elder sibling

Wairuatanga: (Maori) spirit, soul

Whakama: (Maori) to be ashamed, shy, bashful, embarrassed

Whanaungatanga: (Maori) relationship, kinship, sense of family connection
# Table of Contents

Abstract ........................................................................................................................................... 1

Acknowledgements ............................................................................................................................ 2

Glossary ............................................................................................................................................ 3

Table of Contents .............................................................................................................................. 4

List of Tables .................................................................................................................................... 8

List of Figures ................................................................................................................................... 9

Preface ........................................................................................................................................... 10

PART 1 SETTING .............................................................................................................................. 12

Introduction ..................................................................................................................................... 12

1.1 Pacific Peoples in New Zealand: A Poor Position ..................................................................... 12

1.1.1 New Zealand’s Pacific Relationships .................................................................................. 12

1.1.2 Pacific Peoples in New Zealand ......................................................................................... 20

1.1.3 A Need for Legal Representation ......................................................................................... 24

1.2 New Zealand Law Schools: Rigorous Requirements ................................................................ 25

1.2.1 Becoming a Lawyer ............................................................................................................. 25

1.2.2 Law Schools in New Zealand ............................................................................................. 25

1.2.3 Where are the Pacific Lawyers? ......................................................................................... 27

1.3 Reactive Equity Programmes for Pacific Students .................................................................... 29

1.3.1 A Survey of Equity Programmes ....................................................................................... 29

1.3.2 The Law Permits Equity Programmes ............................................................................... 31

1.4 Previous Studies on Ethnic Minorities in Professional Schools .............................................. 40

1.4.1 “Barriers” and “Success” Factors for Ethnic Minorities ..................................................... 41

1.4.2 “Barriers” and “Success” Factors for Pacific Students at University ................................. 50

1.5 The Purpose of this Thesis ......................................................................................................... 54

1.6 Thesis Structure ........................................................................................................................ 54
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bibliography for Preface and Part 1</td>
<td>56</td>
</tr>
<tr>
<td>PART 2: METHODOLOGY</td>
<td>66</td>
</tr>
<tr>
<td>Introduction</td>
<td>66</td>
</tr>
<tr>
<td>2.1 Methodology</td>
<td>66</td>
</tr>
<tr>
<td>2.1.1 Empirical Legal Research</td>
<td>66</td>
</tr>
<tr>
<td>2.1.2 Mixed Methods</td>
<td>67</td>
</tr>
<tr>
<td>2.1.3 Constructionism &amp; Critical Social Science</td>
<td>70</td>
</tr>
<tr>
<td>2.1.4 Critical Race Theory</td>
<td>71</td>
</tr>
<tr>
<td>2.1.5 Teu Le Va: Pacific Methodology</td>
<td>73</td>
</tr>
<tr>
<td>2.1.6 Ethics</td>
<td>79</td>
</tr>
<tr>
<td>2.2 Data Collection</td>
<td>80</td>
</tr>
<tr>
<td>2.2.1 Historical Archives</td>
<td>80</td>
</tr>
<tr>
<td>2.2.2 Student Records</td>
<td>82</td>
</tr>
<tr>
<td>2.2.3 Interviews</td>
<td>84</td>
</tr>
<tr>
<td>2.3 Data Analysis</td>
<td>90</td>
</tr>
<tr>
<td>2.3.1 Case Study Approach</td>
<td>90</td>
</tr>
<tr>
<td>2.3.2 Methods of Analysis for Each Individual Case Study</td>
<td>91</td>
</tr>
<tr>
<td>2.3.3 Triangulation and Case Study Comparison</td>
<td>96</td>
</tr>
<tr>
<td>2.4 Summary of Limitations</td>
<td>97</td>
</tr>
<tr>
<td>Conclusion</td>
<td>97</td>
</tr>
<tr>
<td>Bibliography for Part 2</td>
<td>99</td>
</tr>
<tr>
<td>PART 3: THE CASE STUDIES</td>
<td>104</td>
</tr>
<tr>
<td>University of Otago Case Study</td>
<td>104</td>
</tr>
<tr>
<td>3.1 How has Otago Catered to Pacific Students?</td>
<td>104</td>
</tr>
<tr>
<td>3.2 The Impact of Otago Law Faculty Equity Programmes</td>
<td>112</td>
</tr>
<tr>
<td>3.3 Otago Institution Experiences</td>
<td>121</td>
</tr>
</tbody>
</table>
8.2 An Ideal Law School Paradigm for Pacific Students: Optimising the New Zealand Law School Experience

8.2.1 Educating Academics and Administrative Staff

8.2.2 Curriculum Design

8.2.3 Teaching Style

8.3 Further Research

Conclusion

Bibliography for Part 4

APPENDIX

Information Sheets & Consent Forms

Final Ethics Approval

List of Tables Requested from Universities

Requests for Student Data: Excel Table Samples

Staff Initial Recruitment Phone Call

Staff Follow-up Email/Letter of Purpose

Staff Demographic Questionnaire

Staff Interview Questions

Student Initial Recruitment Phone Call

Student Follow-up Email/Letter of Purpose

Student Demographic Questionnaire

Student Interview Questions

All Findings on Equity Programmes
LIST OF TABLES

Table 1: Percentage of New Zealand Pacific ethnic group population compared to Pacific ethnic group population in prison

Table 2: A brief description of New Zealand's six law schools

Table 3: Legal Requirements for Race-Based Equity Programmes

Table 4: Strengths of Quantitative and Qualitative Methods

Table 5: Pacific Methodologies

Table 6: Teu Le Va Concepts Applied in this Research

Table 7: Summary of Historical Archive Documents

Table 8: Data Request for Student Records

Table 9: Student Participant Numbers by Law School and Year

Table 10: Staff Participant Numbers by Law School and Role

Table 11: Example of Participant Question Categories and Questions

Table 12: Initial Themes from Interview Coding

Table C-1: Enrollment Percentages across Law Schools indicating over and under representation in comparison to New Zealand national population in 2012

Table C-2: Enrollment Percentages across Law Schools indicating over and under representation in comparison to Regional populations

Table C-3: Completion Percentages across Law Schools indicating over and under representation in comparison to New Zealand national population

Table C-4: Completion Percentages across Law Schools indicating over and under representation in comparison to Regional populations

Table C-5: Summary of Pacific LLB enrollment and completion percentages by Law School in comparison to percentages of National and Local Regions by ethnicity

Table C-6: Summary of Pacific law equity programmes across law schools in 2012
LIST OF FIGURES

Figure 1: Pacific peoples with a degree-level qualification in 2006
Figure 2: New Zealand Legal Graduates by Ethnicity in 2011
Figure 3: New Zealand Lawyer populations by ethnicity in 2006
Figure 4: Method Process
Figure O-1: Otago enrollment numbers and percentages by high school decile
Figure O-2: Otago enrollment by paper level and specific Pacific ethnicity
Figure O-3: Otago enrollment percentages by ethnicity and gender
Figure O-4: A Comparison of Otago Equity Programme Developments with Pacific enrollment and completion figures
Figure O-5: A Comparison of Otago Equity Programme Developments with Pacific enrollment figures by paper level
Figure O-6: Summary of Otago Equity Programmes and Impacts on Enrolment and Completion
Figure V-1 enrollment by paper level and specific Pacific ethnicity
Figure V-2 Victoria Graduation Numbers by specific Pacific ethnicity
Figure V-3: Victoria enrollment by gender
Figure V-4: Victoria Mean Grade Point Averages for 100-400 level papers by Ethnicity
Figure V-5: A Comparison of Victoria Equity Programme Developments with Pacific enrollment and completion figures
Figure V-6: A Comparison of Victoria Equity Programme Developments with Pacific enrollment figures by paper level
Figure V-7: Summary of Victoria Equity Programmes and Impacts on Enrolment and Completion
Figure A-1: A Comparison of Victoria Equity Programme Developments with Pacific enrollment and completion figures
Figure A-2: Summary of Auckland Equity Programmes and Impacts on Enrolment and Completion
Figure W-1: A Comparison of Victoria Equity Programme Developments with Pacific enrollment and completion figures
Figure W-2: Summary of Waikato Equity Programmes and Impacts on Enrolment and Completion

Figure C-1: Timeline of Commencement Dates for Initiatives

PREFAE

Ko’u Moʻokuʻauhau.


Genealogy, connections to one’s ancestors and places of birth are important to Hawaiian and Pacific peoples. Defining where one comes from introduces one’s position, begins a story, and determines rank. Similarly, this is important within the research context.

All knowledge is political, researchers are not neutral and the ultimate purpose includes advocacy and action.2 Acknowledging one’s position is consistent with the paradigms and methodologies used in this research, specifically critical race theory and Teu Le Va, which will be discussed in depth in Part 2. Additionally qualitative research requires recognition of the “self as instrument.”3 Marshall & Rossman (2011) suggest the following reflexive questions need to be answered by qualitative researchers to address identity and potential bias in the research:4 What do I know? How do I know what I know? What shapes and has shaped my perspective? With what voice do I share my perspective? What do I do with what I have found? To answer those questions this Preface acknowledges the life experiences and upbringing that shape the researcher’s position, particularly it addresses why I am interested in the topic of Pacific students at law school.

In 1998 when I was 12 years old my mother enrolled me for admission into Kamehameha Schools, a private school in Hawai’i exclusively for Native Hawaiians. Many of my friends at the school I was attending were not eligible to apply. This was the first time I became aware that my ethnicity mattered and gave special access and privileges that others would not have. Throughout my schooling and even this PhD I have been fortunate to benefit from scholarships, extra tutorials, support staff and programmes by virtue of my ethnicity. These opportunities have greatly impacted

---

3 Elliot W. Eisner The enlightened eye: qualitative inquiry and the enhancement of educational practice (Merrill, Upper Saddle River, 1998).
4 Catherine Marshall and Gretchen B. Rossman, above n 2, at 98.
my university and career trajectory. I would not be here writing this PhD but for these special privileges by virtue of ethnicity.

Looking within my own family paints a picture of the impact of colonization on the Hawaiian people; massive depopulation, landlessness, economic marginalization and poor prisons, health and education profiles. I completely understand the intentions of these programmes from first-hand knowledge of the chance they give and the history they attempt to reconcile and alleviate. Hawaiian people have been dispossessed of their land and their culture. As a people we are struggling to make ends meet in what was once our own paradise. Yes, there are success stories. But overall, Hawaiians are in great need of education and career opportunities to improve their economic and social well-being. Hawaiians’ position within the United States is somewhat analogous to that of Maori in New Zealand.

When I studied abroad to New Zealand at the University of Otago, as a Hawaiian I was grouped within the “Pacific” category which included predominantly Samoans, Fijians, Tongans, Cook Islanders, Niueans, and Tokelauans. All ethnicities came from different backgrounds with varying places of birth, citizenships, languages, socioeconomic statuses and high schools.

I was impressed by the support specifically for Pacific students—tutorials, support staff, functions, social events—all that enabled one to develop culturally and academically as a whole person. There were Pacific role models who were doing the “hard subjects”—postgraduate studies, medicine, law, dentistry, pharmacy. Much of the inspiration for this thesis comes from appreciation of New Zealand universities’ unique support systems for Pacific students.

I decided to enroll in a full law degree in New Zealand, which I have completed throughout writing this PhD. As a second-year law student, I struggled grasping certain foundational concepts such as strict scrutiny, easements, equity and how the idea of property law seemed to be entirely based upon guarding what is your own. It was also disheartening that the only cases with Pacific names in them were the criminal cases. Tutorials were not always helpful for gaining understanding and did not always positively impact students’ final exam marks. Out of the five Pacific Island students in our second year class of 200 total students, two had to repeat compulsory papers.

In my third year of law school, I worked for the university as a staff member. I worked as a Residential Assistant in a hall with many Pacific Island first years and as the Division of Humanities Pacific Island Student Support Officer, which included law. From this perspective I met many students who were struggling for a variety of reasons and staff members who were pro and anti the existence of specialized Pacific support. I gained a glance at the complexity of working within the university system.

My experiences have shaped my perspective in forming this thesis, they are the reason why I chose the topic and why I am interested in it. I share my voice and thoughts from the perspective of a Hawaiian student and staff member concerned about the status of New Zealand’s law schools. It is from these first hand experiences that I know Pacific equity programmes in law school are important to many students, staff and universities. It is unknown as to what type of programmes work best and whether they work at all for achieving success for key stakeholders. With the
findings from this research I hope to make an impact for these key stakeholders-- Pacific students and staff, universities, in New Zealand and internationally.
PART 1: SETTING

INTRODUCTION
Having described in the Preface what has brought me to this topic, the purpose of Part 1 is to set the scene for this thesis on the New Zealand law school experience for Pacific students. Part 1 begins by describing the context from which this thesis arises—namely the poor position of Pacific peoples in New Zealand, the rigorous requirements of law school, and the reactive university equity programmes to assist ethnic minorities. A summary of previous research studies on minorities’ experiences in professional education programmes is included, from which this study’s findings are interpreted. At the end of Part 1, the purpose and structure of this thesis are outlined.

1.1 PACIFIC PEOPLES IN NEW ZEALAND: A POOR POSITION

1.1.1 NEW ZEALAND’S PACIFIC RELATIONSHIPS
To understand the contemporary position of Pacific peoples in New Zealand, it is important to recognise the relationships between New Zealand and Pacific countries. These relationships inform the status of Pacific peoples in New Zealand.

1.1.1.1 NEW ZEALAND’S RELATIONSHIPS WITH PACIFIC COUNTRIES
The term “Pacific Islands peoples” is an amalgamation of groups of diverse peoples. The term recognises peoples within the category come from many different islands in the Pacific. Thus the term “Pacific Islands peoples” is preferred to other terms such as “Pacific Islander,” “PI”, and “Poly” that do not acknowledge the variety within the category. This thesis uses the term “Pacific,” a shortened form to refer to “Pacific Islands.”

Each Pacific country has a unique relationship with New Zealand that influences a particular ethnic group’s position within New Zealand.1 Three examples of Pacific countries are included below to demonstrate individual historical relationships with New Zealand and the issues specific Pacific ethnic groups have as a result of those historical relationships. These examples are only a brief glimpse into the complex dynamic relationships between New Zealand and Pacific countries and Pacific peoples.

Tokelau: A Non-Self Governing Territory
New Zealand assumed administrative control and responsibility over the Tokelau Islands after Britain in 1926.2 In 1948 New Zealand formally incorporated Tokelau as a part of New Zealand,3 to provide “peace, order and good government.”4

---

1 See Ministry of Pacific Island Affairs “The history of New Zealand’s Pacific Connection” in Pacific peoples’ constitution report (Ministry of Justice, Wellington, 2000) for the history of the process by which certain Pacific countries came to be part of New Zealand’s territorial jurisdiction.
2 The Union Islands (No. 1) Order in Council 1925 (UK).
Throughout the 1960s and 1970s the Tokelau Islands Resettlement Scheme facilitated the migration of Tokelauans from Tokelau to New Zealand, mainly Wellington, as there were concerns the atolls were overcrowded. Under the Scheme, Tokelauans’ fares were paid on a long-term loan basis and they received assistance with housing. Incorporation as a part of New Zealand and the Tokelau Islands Resettlement Scheme are examples of New Zealand’s historical efforts to fix issues of disorder and overcrowding. In 2013, Wellington remains the most common region that Tokelauans live within New Zealand with 49.1% of the Tokelauan population based there.

Referendums to become self-governing in free association with New Zealand were put to Tokelauans in 2006 and 2007; in both instances Tokelau decided to remain a territory of New Zealand. Financial assistance, budgetary support, administrative assistance and New Zealand citizenship were of utmost concern for voters.

In 2013 while affairs within Tokelau are governed locally by villages and elected Faipule (village head) and Pulenuku (elected mayor), Tokelau remains a non-self-governing territory administered by New Zealand. Significantly the implications of being a non-self-governing territory of New Zealand are Tokelauans are New Zealand citizens by birth, and consequently entitled to all the rights and privileges of New Zealand citizens. This includes the right to enter and be in New Zealand at any time, and the benefit of being treated as domestic students at tertiary institutions (including access to government subsided domestic student fees, student allowance). In 2013, there were 7,176 Tokelauans living in New Zealand, compared to only 1,466 living in Tokelau.

Under the 2003 Joint Statement of the Principles of Partnership between New Zealand and Tokelau, New Zealand has additional obligations to Tokelauans. These obligations include economic support, assistance in the event of emergencies beyond Tokelau’s control, and support of Tokelau’s efforts to attract support from donors, regional and international agencies.

But despite New Zealand’s relationship with Tokelau, the unemployment rate for Tokelauans in 2006 was 14.2%; this was higher than both the total Pacific (10.7%) and New Zealand (5%) rates.

The three most common occupations for Tokelauans in New Zealand were labourers, community

---

3 Tokelau Islands Act 1948, s 3.
4 Section 4(1).
5 Antony Hooper and Judith Huntsman “A Demographic History of the Tokelau Islands” (December 1973) 82
6 Antony Hooper and Judith Huntsman “A Demographic History of the Tokelau Islands” (December 1973) 82
9 Alison Quentin-Baxter “The New Zealand Model of Free Association: What Does it Mean for New Zealand” 39
10 VUWLR 607 at 614-617.
11 Constitution of Tokelau 2006, s 2.
12 Citizenship Act 1977, s 6(1)(ii).
13 Immigration Act 2009, s 14.
14 Student Allowances Regulations 1998, s 12; Education Act 1989, s 2.
19 Clause 6.4.5.
20 Clause 6.4.6.
and personal service workers and clerical and administrative workers. Only 68.6% of adult Tokelauans in New Zealand had a formal educational qualification; this was lower than the total Pacific and New Zealand adult populations.

New Zealand as Tokelau’s administrator is obliged to take care of Tokelauans as New Zealand citizens. Yet disparities in outcomes in employment and education sectors continue for Tokelauans within New Zealand.

**Cook Islands: Free Association**

In 1901 New Zealand annexed the Cook Islands, which included the Cook Islands and Niue. While Cook Island High courts gained the right to appeal to the Supreme Court of New Zealand, local Cook Islands legislatures continued to have law making powers. Although the Cook Islands were incorporated as a part of New Zealand, events indicate Cook Islanders were not treated like New Zealanders of other ethnicities. During World War I, New Zealand was hesitant to use ‘coloured’ servicemen. Once Cook Islanders were allowed to fight for New Zealand under the Pioneer Battalion, they suffered tragic losses including severe illness, mismanagement, miscommunication, and racism.

New Zealand’s imperialism and administration faded when the Cook Islands became a self-governing state in 1964. In 2015 the Cook Islands remain in “free association” with New Zealand.

Significantly “free association” provides the Cook Islands with New Zealand financial and technical assistance, defence, and New Zealand citizenship. Citizenship entitles Cook Islanders to all the rights and benefits of New Zealanders; this includes the right to enter and be in New Zealand at any time, and the benefit of being treated as domestic students at tertiary institutions (including access to government subsided domestic student fees, student allowance). Because of the lasting relationship and free association, current New Zealand policies aim to enable Cook Islanders to education. To generate an educated and skilled Cook Island population, New Zealand as Tokelau’s administrator is obliged to take care of Tokelauans as New Zealand citizens. Yet disparities in outcomes in employment and education sectors continue for Tokelauans within New Zealand.

---

18 At 19.
20 Laws of New Zealand (17 September 2012) Pacific States and Territories: (1) Political and Constitutional History 2. Annexation as part of New Zealand (online ed).
21 Cook and other Islands Government Act 1901, s 4(2).
22 Section 2.
24 At 6-7.
25 Cook Islands Constitution Act 1964, s 3.
27 Cook Islands Constitution Act 1964, s 5.
28 Section 6.
29 Immigration Act 2009, s 14.
30 Education Act 1989, s 2.
Zealand committed to “invest $7 million in basic, secondary and tertiary education between October 2010 and October 2012 to support the Cook Islands Education Master Plan.” In 2012 New Zealand Development Scholarships provided selected Cook Islanders to undertake tertiary level study in New Zealand to enhance their skills, training and knowledge.

Despite the historical relationship between New Zealand and the Cook Islands, disparities in outcomes remain. In 2013 there were 61,839 Cook Islanders living in New Zealand. Disparity is most apparent in the treatment of Cook Islanders within New Zealand across various sectors. Disparities occur in employment, justice and education sectors for Cook Islanders.

Disparity in employment is evident in unemployment rates and occupation percentages. In the 2006 New Zealand Census, 12.5% of Cook Islanders were unemployed; this unemployment rate was higher than both the total Pacific (10.7%) and New Zealand (5.0%) populations. In the same year the two most common occupations for Cook Islanders in New Zealand were labourers, machinery operators and drivers.

Like employment, the criminal justice sector of New Zealand needs improvement for Pacific people as a whole. Table 1 compares the percentage of the New Zealand Pacific ethnic group population to the Pacific ethnic group population in prison. Cook Islanders are overrepresented in prison.

---

34 Statistics New Zealand Cook Island Maori People in New Zealand (2006) at 19.
35 At 20.
Table 1: Percentage of New Zealand Pacific ethnic group population compared to Pacific ethnic group population in prison\textsuperscript{36}

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Percentage of NZ Pacific Population</th>
<th>Percentage of Pacific Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samoan</td>
<td>47.2</td>
<td>47.1</td>
</tr>
<tr>
<td>Cook Islands</td>
<td>21.6</td>
<td>24.4</td>
</tr>
<tr>
<td>Tongan</td>
<td>16.7</td>
<td>19.5</td>
</tr>
<tr>
<td>Niuean</td>
<td>8.3</td>
<td>3.7</td>
</tr>
<tr>
<td>Fijian</td>
<td>2.9</td>
<td>3.1</td>
</tr>
<tr>
<td>Others</td>
<td>3.3</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Related to employment levels and prison admission, Cook Islanders are not faring well in education statistics. The following Figure 1 illustrates Pacific ethnic groups with tertiary degree qualifications as of 2006. Note: "Fijian" in this thesis does not include Indo-Fijians unless explicitly stated.

**Figure 1: Pacific peoples with a degree-level qualification in 2006**\textsuperscript{37}

\textsuperscript{36} Pacific Strategy 2008-2013 (Department of Corrections Ara Poutama Aotearoa, 2008) at 6.
\textsuperscript{37} Education and Pacific Peoples in New Zealand (Statistics New Zealand and Ministry of Pacific Island Affairs, 2010) at 54.
Cook Islanders are least likely out of all the Pacific ethnic groups to have a degree-level qualification. In 2013, 62.7% of Cook Islanders in New Zealand had a formal educational qualification; this was lower than the total Pacific and New Zealand populations.\(^{38}\)

Within the historical relationship of annexation and free association, New Zealand continues to guarantee rights to Cook Islanders as citizens. Yet disparities in outcomes prevail in employment, justice and education sectors for Cook Islanders within in New Zealand.

**Samoa: Treaty of Friendship**

The League of Nations allocated Western Samoa to New Zealand in 1920. New Zealand was appointed and given the responsibility to supervise Samoa; it did so by establishing a New Zealand system of government with New Zealand’s Governor-General holding executive power,\(^{39}\) and extending New Zealand’s Supreme Court to Samoa.\(^{40}\) New Zealand formally recognised in law the function of the local *Fono of Faipule*.\(^{41}\)

Although New Zealand had responsibility for Samoa until Samoa’s independence in 1962,\(^{42}\) events during New Zealand presence in Samoa indicate the relationship was troubled. New Zealand’s 1918 failure to quarantine a ship full of sick passengers resulted in an influenza epidemic that killed 22% of Samoa’s people in a few weeks.\(^{43}\) The early New Zealand colonial administration banished Samoan leaders and stripped some of chiefly titles, splitting families apart. Many of those exiled died before returning to Samoa. In 1929 New Zealand’s police open fired on Samoans, who were a part of the non-violent Mau movement for Samoan independence from colonial rule.

In 2002 Helen Clark, the then Prime Minister of New Zealand, formally apologised for the three aforementioned tragic historical events in hopes of building a stronger relationship and friendship for the future.\(^{44}\) The Treaty of Friendship of 1962 evidences the relationship and obligations between New Zealand and Samoa. The Treaty of Friendship gives Samoans equitable treatment, full legal protection and access to the Courts while in New Zealand,\(^{45}\) and obliges New Zealand to consider requests from Samoa for technical, administrative and other assistance.\(^{46}\)

Because of the friendship between New Zealand and Samoa, current New Zealand policies enable Samoans to migrate, live, work and study in New Zealand. These enabling mechanisms include the Samoan Quota Scheme, which enables up to 1,100 citizens of Samoa to be granted residence in New Zealand each year.\(^{47}\) It also includes Ministry of Foreign Affairs & Trade Aid Programme.

---


\(^{39}\) Samoa Act 1921, s 4.

\(^{40}\) Section 80.

\(^{41}\) Samoa Amendment Act 1923, s 4.


\(^{44}\) “Full text: Helen Clark’s apology to Samoa” *The New Zealand Herald* (New Zealand, 4 June 2002) at 1.

\(^{45}\) Treaty of Friendship (New Zealand and Western Samoa, 1 August 1962), art 3.

\(^{46}\) Article 4.

Scholarships, which enables Samoan citizens to study in New Zealand Universities. The New Zealand development cooperation programme in Samoa aims to generate “a better trained workforce more aligned to market needs” by committing up to $40m over 5 years for Samoans to undertake academic or vocational study in New Zealand. From 2003-2011 New Zealand provided Samoan tertiary scholarships in areas of prioritised need including health, education, infrastructure and utility. In 2013, Samoans were the largest Pacific ethnic group in New Zealand comprising of 144,138 people. Immigration policies, aid programmes and funding demonstrate New Zealand’s unique commitment to developing Samoa and Samoans by enabling the creation of an educated and skilled workforce.

In 2006 the three most common occupations for Samoans in New Zealand were labourers, machinery operators and drivers and clerical and administrative workers. The unemployment rate was 10.3% which was twice as high as the New Zealand unemployment rate of 5%. In 2013, 73.3% of adult Samoans in New Zealand had a formal qualification; lower than the general Pacific population in New Zealand.

In light of New Zealand’s administrative history and Treaty of Friendship with Samoa, New Zealand has made a commitment to Samoans. Yet disparities in outcomes prevail in employment and education sectors for Samoans in New Zealand.

**SUMMARY**

The three case studies above illustrate each Pacific country and consequently Pacific ethnicity has a particular history and relationship with New Zealand. New Zealand has provided many Pacific ethnicities formal equality in the form of access to education and employment opportunities. But substantive inequality remains as education, employment and justice sector outcomes are not on par with the national New Zealand population.

1.1.1.2 Migration to and Discrimination within New Zealand

Major Pacific migrations to New Zealand started in the 1960s. At the time of the 1945 Census of Population and Dwelling, there were fewer than 2,200 Pacific people living in New Zealand. Mass migration in the 1960s occurred because the New Zealand government diversified its economy. The growing demand for factory labourers led the government to source labourers from the Pacific. 

---

53 At 20.
55 *Demographics of New Zealand’s Pacific population* (Statistics New Zealand and Ministry of Pacific Island Affairs, Wellington, 2010) at 8.
Many Pacific labourers were young people with similar backgrounds, skill sets and aspirations. They experienced similar social and economic conditions in industrial cities such as Auckland. The Pacific population continues to remain in the city; 92% in 25 main urban areas and 66% in Auckland.\(^57\) Although they came from different countries and cultures, once in New Zealand these similar conditions caused peoples of different Pacific nations to become grouped together for the first time under one category—“Pacific Islander”.

An example of this generalised “Pacific Islander” unity and identity is the establishment of the Newton Pacific Congregational Church that incorporates many Pacific Island ethnicities, such as Cook Islanders, Niueans, Samoans and others under one church. Such migrant enclaves were deemed the “new village” in New Zealand and the basis for dispute resolution, cooperation, and community development.\(^58\) Pacific peoples’ unity continues today in New Zealand in such organizations and at the governmental level, for example with the Ministry of Pacific Island Affairs.

Immigration issues provided a joint struggle for Pacific peoples throughout the 1970s. Many Pacific peoples came to New Zealand on temporary permits. When Pacific labourers were the backbone for developing New Zealand’s industries in the 1960s, New Zealand avidly welcomed Pacific peoples into the country. But once industry labour was no longer needed in the 1970s, Pacific over-stayers were shunned and criminalised by the Muldoon government through dawn raids and random street checks.\(^59\) Overstaying was not tolerated by the New Zealand government.

The dawn raids and random street checks showcase the New Zealand government’s unequal treatment and discrimination against Pacific peoples. Other migrant ethnicities, such as Europeans, were not targeted in such a way. There was a lack of respect and reciprocity for Pacific peoples’ service to New Zealand.

In response to inequalities in New Zealand government sectors such as immigration, housing and justice, an activist group called the Polynesian Panthers formed.\(^60\) To address legal issues that faced Pacific peoples, Polynesian Panthers protested against exploitative landlords for dilapidated housing in Ponsonby,\(^61\) produced legal aid handbooks to protect Pacific peoples from a racist police taskforce, and established homework centres for students whose parents did not necessarily have the time or English language acquisition to help.\(^62\) Throughout the 1970s the need for legal representation and education was a major issue for Pacific peoples.

---

\(^{57}\) Demographics of New Zealand’s Pacific population, above n 54, at 18.

\(^{58}\) Cluny Macpherson “From Pacific Islanders to Pacific People and Beyond,” above n 55, at 152.


\(^{60}\) Dan Salmon and Nevak Iloahia “Polynesian Panthers” (Documentary, 2010).

\(^{61}\) Catherine Masters “Brown power” The New Zealand Herald (New Zealand, 15 July 2006).

1.1.2 Pacific Peoples in New Zealand

1.1.2.1 Demographics
Pacific peoples’ migration has significant results for New Zealand. This section presents demographics of the general Pacific population in New Zealand to provide a background to the topic of Pacific law students’ experiences.

Population
There continues to be a significant population of Pacific peoples in New Zealand. Pacific people comprise 7.4% of the total national New Zealand population. At face value this number may seem insignificant to examine. Problems and benefits for such a small proportion of people may not seem to affect the nation as a whole.

While the population of Pacific peoples presently is smaller than that of other groups in New Zealand such as Pakeha and Maori, Pacific peoples are one of the fastest growing populations. By 2026, it is projected that Pacific peoples will be 10% of New Zealand’s population. Thus, “the Pacific population in New Zealand will produce an increasing portion of the nation’s births, its student body, workforce, taxpayer base, voter and consumers of both public and private goods and services.”

Research on Pacific peoples’ current experiences in New Zealand is necessary to see where improvements can be made to best develop the increasing population. This will enable a “new breed” of students and workers in response to changing demographics and economics.

North Island Location
Due to ongoing migration for labour purposes, the Pacific population continues to be mainly based in urban New Zealand areas. Most Pacific peoples (92.9%) lived in the North Island of New Zealand in 2013. Almost two-thirds (65.9%) lived in the Auckland region and 12.2% lived in the Wellington region. City location affects which universities and law schools students choose to attend.

Large Family
The Pacific population is a young one, with low rates of mortality and high rates of fertility. Pacific people tend to have more children, with a fertility rate of three births per woman, compared with two births per woman for the total New Zealand population. This thesis examines to what extent family networks influence Pacific students’ decisions in legal study.

A recent New Zealand General Social Survey likewise reflected Pacific peoples’ value of family. Seventy-five percent the Pacific population had face-to-face contact with family at least once a

---

63 2013 Quickstats about culture and identity (Statistics New Zealand, Wellington, 2014) at 15.
66 Sue Middleton “Beating the filters of failure: Engaging with the disengaged in higher education” (HERDSA Higher Education Research and Development Society of Australasia Conference, Rotorua, 2008) at 1.
68 Demographics of New Zealand’s Pacific population, above n 54, at 9.
week; 85% had non face-to-face contact with family at least once a week.\textsuperscript{69} These percentages are higher than all other ethnicities (Asian, Maori, Pakeha) in New Zealand. Family has a strong influence for Pacific law students and graduates. Thus this thesis explores how family is a barrier and success factor for law students.

\textbf{1.1.2.2 Inequalities in Outcomes Remains}

As noted in the previous section, the New Zealand government’s response to Pacific peoples’ mass migration for low-wage jobs has coincided with poor outcomes in education, employment and justice sectors throughout the 1970s. Today Pacific peoples are predominantly portrayed in the media as “unmotivated, unhealthy and criminal others who are dependent on [Pakeha] support.”\textsuperscript{70}

Such attitudes towards Pacific peoples by the New Zealand government and general population continue alongside inequalities for Pacific peoples. This is evident in the areas of financial and socioeconomic status, education and justice. These areas are described briefly to serve as a background to this research.

\textbf{Finances and Socioeconomic Status}

Socioeconomic and financial inequalities stem from the 1980s and 1990s, once low-wage labour no longer was in high demand. During that time, Pacific peoples bore the brunt of job losses in industries as their skills were not suited to meet the demands of the new New Zealand labour market.\textsuperscript{71} Pacific peoples became overrepresented among the unemployed, lower-skilled workers and low income earners.

Compared to the 1980s and 1990s Pacific peoples’ financial status seems to have improved in the 2000s. There has been an increase in income levels over the years. The median annual income for adults of Pacific ethnicity in 2013 was \$19,700.\textsuperscript{72} But the gap between the national median personal income and median personal income for Pacific peoples increased. In 2006 Pacific peoples income was \$3,900 less than the \$24,400 national median income whereas in 2013 Pacific peoples income was \$8,800 less than the \$28,500 national median income.\textsuperscript{73} Financial inequality remains between Pacific peoples and the national New Zealand population.

Financial inequality is further exacerbated in the New Zealand General Social Survey 2010. In the Survey, only 4\% of the Pacific Islander population reported a personal income of \$70,001 or more, compared to 15.2\% of Europeans, 7.7\% of Maori and 7.2\% of Asians.\textsuperscript{74} Statistics illustrate Pacific peoples are the least financially well off out of all other ethnicities in New Zealand.

While it could be suggested that money matters are not determinative of overall well-being, New Zealand General Social Survey 2010 data indicates otherwise. The Survey found satisfaction with


\textsuperscript{70} Robert Loto and others “Pasifika in the news: the portrayal of Pacific peoples in the New Zealand press” (Mar/Apr 2006) 16(2) Journal of Community & Applied Social Psychology 100 at 100.

\textsuperscript{71} \textit{Pacific Progress: A report on the economic status of Pacific Peoples in New Zealand}, above n 58, at 17.

\textsuperscript{72} 2013 \textit{Quickstats about income} (Statistics New Zealand, Wellington, 2014) at 23.

\textsuperscript{73} At 23.

\textsuperscript{74} Statistics New Zealand \textit{New Zealand General Social Survey: 2010—tables}, above n 68.
life increased with household income level. Since Pacific peoples have a lower income, they are likely to be less satisfied. Thirty-four percent of the Pacific peoples population reported their income was “not enough” to meet everyday needs. Also 52.9% of Pacific population reported having a major problem with their house; this is the highest percentage of any other ethnic group in New Zealand. These statistics further reflect Pacific peoples’ dissatisfaction and inequality in income.

Characteristics within the Pacific population indicate reasons for relatively lower income levels. Unlike the general New Zealand population, occupations for Pacific Islanders are notably different for men and women. Men most likely are employed as labourers, machinery operators and drivers, technicians and trades workers; women are most likely to be clerical or administrative workers, professionals or community and personal service workers. These occupations and division of labour account for lower income. In the event that women choose to work in the home to take care of large families, the sole income rests on the men who generally earn low wages.

Money may not be everything, but it matters. Pacific peoples’ lower socioeconomic and financial status compared to the general New Zealand population has implications for life satisfaction.

Education
Like financial income, education is another area of inequality for Pacific peoples. At a glance, the New Zealand education system has improved for Pacific peoples in various areas.

- At the early childhood education level, Pacific peoples participation levels have increased compared to past years.
- At the secondary school level, National Certificate in Educational Achievement (NCEA) results show that Pacific students’ achievement has improved from 2004. This indicates Pacific students are succeeding in school and are more prepared for tertiary level education.
- At the tertiary level, Pacific peoples’ qualification levels are better than in previous years.

Despite these improvements, there continues to be inequalities for Pacific people in the New Zealand education system overall. Pacific people fail to achieve the same educational levels of Pakeha and Asian peers. Slight improvement over time is not enough to determine success and equality for Pacific peoples.

At the early childhood level, Pacific students still have the lowest participation rates of all ethnicities. At the secondary level, Pacific students still achieve significantly less well than all others at all levels of NCEA. At the tertiary level, at both the diploma and degree level, 18-19 year
old Pacific students are less likely to complete a qualification than students from other ethnic groups.\textsuperscript{84}

In conclusion, education is improving for Pacific peoples compared to past years overall. But improvement is still needed as Pacific peoples continue to lack behind their contemporaries in early childhood participation, NCEA achievement and degree completion.

**Corrections and Justice Systems**

Inequalities for Pacific peoples are also prevalent in the New Zealand justice system. In 2008 Pacific offenders made up 11\% of the prison population and 9\% of the community offender population.\textsuperscript{85} Prison numbers are shocking considering Pacific peoples only made up 6.9\% of the total New Zealand population in those years. Furthermore in comparison to Maori and European prisoners, a higher proportion of Pacific prisoners are serving sentences for violent and sexual offences.\textsuperscript{86}

Identified Pacific-specific socioeconomic factors that contribute to criminal offending include:

- A lack of understanding of Pacific culture and language, leading to loss of identity and isolation from community support;
- Family breakdown as a result of poor parent/child relationships, low educational achievement and unemployment, leading to alcohol and drug abuse and family violence;
- Pacific immigrants facing new environments, lack of support and language barriers.\textsuperscript{87}

Thus the low financial and socioeconomic status of Pacific peoples mentioned previously is related to experiences in the corrections system.

Once participating in the justice system, it is necessary to ensure participants receive a fair sentence. Having a Pacific lawyer may aid in this situation as they are able to articulate to the court the Pacific background of the offender. One report suggested that increasing the number of judges and lawyers from different cultural backgrounds was a way to enhance cultural competency within the system.\textsuperscript{88} That report suggested ethnic diversity would increase the effectiveness and use of Section 16 of the Criminal Justice Act 1985 (as at 01 October 2010) (now repealed and replaced with s27 Sentencing Act 2002), which takes into account an offender's background.

In addition to improving inequalities in system entrance and sentencing, another goal is to aid in the successful exit of Pacific peoples from prison. Reconviction and rehabilitation are both areas of concern. Notably, 36.9\% of Pacific offenders at 12 months,\textsuperscript{89} and 54\% of Pacific offenders at 24 months\textsuperscript{90} released from prison are reconvicted. Also 27\% at 12 months,\textsuperscript{91} and 40.4\% at 24

\textsuperscript{84} At 47.  
\textsuperscript{86} At 6.  
\textsuperscript{87} Effective Equity programmes Cabinet Paper 11: Maori and Pacific Peoples (Office of the Minister of Justice, 2006) at 11-14.  
\textsuperscript{88} Alison Chetwin and others “Executive Summary” in Speaking about cultural background at sentencing (Ministry of Justice, Wellington, November 2000).  
\textsuperscript{89} Annual Report 1 July 2010-30 June 2011 (Department of Corrections Ara Poutama Aotearoa, 2011) at 91.  
\textsuperscript{90} At 93.  
\textsuperscript{91} At 91.
months, of Pacific offenders beginning community sentence are reconvicted. While Pacific offenders have a lower average risk of reconviction than Maori or European offenders, reconviction is still an issue.

To improve sentence compliance the Department of Corrections have identified the need to address language barriers so Pacific offenders clearly understand the conditions of their sentences and orders. Ideally, this will attain low sentence-breath rates and send fewer offenders to prison. Pacific lawyers are needed, namely those who are fluent in Pacific languages and the legal language of sentencing irrespective of the lawyer’s specific ethnicity.

Pacific values and ways are also significant in rehabilitation of offenders. Currently there are a few Pacific initiatives to re-integrate offenders into society by providing them opportunities and training to gain skilled employment upon release. These initiatives include:

- Pacific Focus Unit at Springhill Corrections Facility that operates according to Pacific cultural values and beliefs;
- Fautua Pasefika, a Pacific community volunteers group, that provides support to Pacific prisoners via general visiting, spiritual guidance, support for prisoners and families during court appearances. They also make contact with the families of offenders both in New Zealand and in the Islands to assist in reintegrating the offender back into community; and
- Restorative Justice Conference Pilot engaged with offenders, those closest to them and victims to participate directly trying to resolve and deal with the offence, rather than leave it to the Judge and court exclusively.

All these Pacific programmes evidence that Pacific offenders have different cultural needs and expectations that cannot be met with the regular New Zealand justice and legal system alone.

1.1.3 A NEED FOR LEGAL REPRESENTATION

In summary, there are unique histories and relationships between Pacific countries and New Zealand, characterized by the three examples of Tokelau, Cook Islands and Samoa provided above. Legal issues and legal representation for Pacific peoples in the areas of justice, housing, and education arose first out of migrations throughout the 1970s. Given the present inequalities in finances, socioeconomic status, education, corrections and justice systems for Pacific peoples, there remains a need for legal representation for Pacific peoples in 2015 and a need to address legal issues particular to Pacific peoples.

92 At 93.
94 At 7.
95 At 8.
96 At 8.
1.2 **New Zealand Law Schools: Rigorous Requirements**

There are many challenges to attaining legal representation for Pacific peoples and addressing Pacific legal issues. One such challenge is that the pathway to becoming a lawyer requires meeting compulsory high standards.

1.2.1 **Becoming a Lawyer**

To practice law or become a New Zealand lawyer, one must:

1. complete a Bachelor of Laws Degree (LLB) approved by the New Zealand Council of Legal Education (NZCLE)
2. complete the Professional Legal Studies Course at either the Institute of Professional Legal Studies or College of Law
3. obtain a certificate of completion from NZCLE
4. obtain a certificate of character from the Law Society
5. be admitted to the roll of barristers and solicitors of the High Court of New Zealand and
6. hold a current practicing certificate issued by the Law Society.  

As evidenced by the steps above, becoming a lawyer is a process with rigorous requirements. The LLB alone typically consists of 4 to 5 years of full-time study. This thesis only focuses on the completion of the LLB, rather than any of the other steps to becoming a lawyer.

1.2.2 **Law Schools in New Zealand**

In 2015, there are 6 law schools in New Zealand that offer a certified LLB degree that leads to admission to becoming a barrister or solicitor. Brief information and characteristics about the 6 New Zealand law schools are provided in the figure below:

**Table 2: A brief description of New Zealand’s six law schools**

<table>
<thead>
<tr>
<th>Law School</th>
<th>Location</th>
<th>Significant History of the land</th>
<th>Contemporary self-described key strengths</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland: Faculty of Law</td>
<td>Auckland</td>
<td>Large mercantile industry as a city and port; business community; strong sense of corporate identity; commercial centre; land market surge; huge population growth&lt;sup&gt;100&lt;/sup&gt;</td>
<td>Near New Zealand’s busiest high court; in the heart of the nation’s commercial capital; global; cultural diversity&lt;sup&gt;101&lt;/sup&gt;</td>
</tr>
<tr>
<td>Auckland University of Technology:</td>
<td>Auckland</td>
<td>(Same as above)</td>
<td>Meeting the demand from employers in the private</td>
</tr>
</tbody>
</table>

<sup>100</sup> Peter Spiller, Jeremy Finn and Richard Boast *A New Zealand Legal History* (Brookers, Wellington, 1995) at [237-238].  
<sup>101</sup> University of Auckland Te Whare Wananga O Tamaki Makaurau "About our faculty: Key Strengths" Faculty of Law: Our Faculty <www.law.auckland.ac.nz>.  

25
<table>
<thead>
<tr>
<th>Law School</th>
<th>Location</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Waikato: Te Piringa-Faculty of Law</td>
<td>Hamilton</td>
<td>Lawyers with expertise in farming law; agricultural sciences</td>
</tr>
<tr>
<td>Victoria University of Wellington: Faculty of Law Te Kauhanganui Tatai Ture</td>
<td>Wellington</td>
<td>Capital of New Zealand; government ministries; financial centre</td>
</tr>
<tr>
<td>University of Canterbury: School of Law</td>
<td>Christchurch</td>
<td>Excel in court work; legal dynasties of firms</td>
</tr>
<tr>
<td>University of Otago: Faculty of Law</td>
<td>Dunedin</td>
<td>Gold discovery in 1861; &quot;nursery&quot; of the New Zealand legal profession (highest traditions of the profession)</td>
</tr>
</tbody>
</table>

Law schools in New Zealand each have their own personality, culture and course offerings. But there are certain standards for all law schools in New Zealand.

All universities in New Zealand are publicly funded by the government. There are no private institutions. In consequence New Zealand universities and law schools are reliant on government funds and are under government control. Law schools themselves are regulated by the powers delegated by the government to the NZCLE.

Examples of the regulated nature of the LLB include the facts that examination moderators are provided for core courses at every university, NZCLE oversees the quality of legal education and maintains standards for candidates. Also, certain compulsory law courses are prescribed, which

---

102 AUT University “Background Information” AUT Law School <www.aut.ac.nz>.
103 Peter Spiller, Jeremy Finn and Richard Boast, above n 99, at [242].
104 University of Waikato Te Whare Wananga O Waikato “Our Faculty” Te Piringa-Faculty of Law <www.waikato.ac.nz/law/faculty>.
105 Peter Spiller, Jeremy Finn and Richard Boast, above n 99, at [238-239].
106 Te Whare Wananga O Te Upoko O Te Ika A Maui Victoria University of Wellington “About Us” Faculty of Law <www.victoria.ac.nz/law/>.
107 Peter Spiller, Jeremy Finn and Richard Boast, above n 99, at [241].
108 University of Canterbury Te Whare Wananga o Waikata “About the School of Law” School of Law <www.laws.canterbury.ac.nz>.
110 University of Otago Te Whare Wananga o Otago “About Law at Otago” Faculty of Law <www.otago.ac.nz/law>.
111 New Zealand University Amendment Act 1930.
112 Jaquelin Mackinnon “Problem Based Learning and New Zealand Legal Education” (2006) 3 Web JCLI.
must be taught at all New Zealand law schools and must be taken by LLB students who wish to practice as a lawyer. These compulsory papers include: Legal System, Law of Contracts, Law of Torts, Criminal Law, Public Law, Property Law and Legal Ethics.\textsuperscript{114}

Regulations and requirements for entry and throughout the LLB create additional challenges for applicants and students; it is not an easily accessible degree or field of study.

1.2.3 Where Are the Pacific Lawyers?

With the requirements of becoming a lawyer and need for Pacific legal representation noted previously, it is necessary to take a glimpse at the numbers of Pacific lawyers.

Statistics reveal that New Zealand’s legal profession and law schools originated from and remain presently dominated by Pakeha. The following Figure illustrates the numbers of New Zealand legal graduates by ethnicity in 2011:

\textsuperscript{114} Professional Examinations in Law Regulations 2008, reg 3(b).
In 2011, there were 802 Pakeha legal graduates. This number is far greater than any other ethnicity in New Zealand. Combining all Pacific ethnicities listed—Cook Island Maori (2), Fijian (12), Other Pacific Peoples (3), Samoan (22), Tongan (2), Niuean (1)—only results in a grand total of 42 Pacific peoples who were law graduates in 2011. Only 3.5% of 2011 New Zealand legal graduates were Pacific, whereas 66.1% were Pakeha.

Pakeha also dominate in the number of registered legal professionals. Originally throughout 1850-1869, the majority of registered law practitioners hailed from England, Australia, and Ireland.\textsuperscript{116}

\textsuperscript{115} Rachael Breckon "Diversity Changing Stereotypes—the future lawyer" \textit{LawTalk} (New Zealand, 14 Sept 2012) at 7.
But in 2011 Pakeha people continue to dominate the legal profession. This is demonstrated by the following ethnicity graph created by the New Zealand Law Society based on information from Statistics New Zealand’s 2006 census.

**Figure 3: New Zealand Lawyer populations by ethnicity in 2006**

As of 2006, Europeans comprise 77.6% of the lawyer population. The lawyer populations of all non-European ethnicities—Asian, Maori, Pacific, and Middle Eastern/Latin American—are disproportionate to their reported general population number, thus non-Pakeha are underrepresented in the legal profession.

Despite the need for Pacific legal representation and the presence of six law schools throughout New Zealand, the legal profession and legal graduates remains predominately Pakeha.

### 1.3 Reactive Equity Programmes for Pacific Students

#### 1.3.1 A Survey of Equity Programmes

In reaction to the lack of Pacific students in tertiary education generally, New Zealand universities have implemented equity programmes to assist Pacific students. "Equity" in this context generally means fairness and justice. Equity programmes for Pacific students are those that aim to increase recruitment, retention and success of Pacific students and support an inclusive work and study environment.

---


118 “FAQs about equity and the Equity Office” (April 2014) University of Auckland <www.auckland.ac.nz>.

119 “FAQs about equity and the Equity Office,” above n 117.
Examples of New Zealand university equity programmes for Pacific students have included targeted entry schemes for professional programmes, such as engineering,\textsuperscript{120} and health sciences,\textsuperscript{121} mentoring programmes,\textsuperscript{122} Pacific liaison persons and support staff,\textsuperscript{123} Tuakana summer first-year course,\textsuperscript{124} bridging or foundation programmes,\textsuperscript{125} and tutoring.\textsuperscript{126}

The impacts of equity programmes for Pacific students in university have been examined in previous New Zealand studies. For instance studies found a Pacific liaison person should be a candidate who met cultural expectations,\textsuperscript{127} and demonstrated similar values to Pacific students.\textsuperscript{128} Other studies found successful tutors were those who “step down to [Pacific students’] level”, understood students and assigned group work,\textsuperscript{129} delivered material and support in a way students can absorb content,\textsuperscript{130} and facilitated regular contact with peers.\textsuperscript{131} Lastly, another study found factors for structuring a successful mentor programme includes mentors who go “out of their way” to provide support, are community minded, able to motivate students, and have strong interpersonal skills.\textsuperscript{132}

Presently research on the New Zealand law school experience or equity programmes for Pacific law students is missing. But many law schools have implemented equity programmes for Pacific law students similar to other university equity programmes.

Law schools have equity programmes for admission; for instance targeted admissions schemes, scholarships and awards. Law schools have equity programmes for remedial support; for instance,

\textsuperscript{120} Marcia Murray and Te Kipa Morgan “An indigenous approach to engineering effective learning opportunities” (paper presented at Australasian Association for Engineering Educaiton Conference, Adelaide, December 2009) at 608.
\textsuperscript{121} Roannie Ng Shiu “It’s Life Going to the Moon’: The experiences of Samoan Tertiary Health Students at the University of Auckland” (Doctor of Philosophy, University of Auckland, 2011).
\textsuperscript{122} Cherie Chu “Mentoring for Leadership in Pacific Education” (Doctor of Philosophy, Victoria University of Wellington, 2009); Marcia Murray and Te Kipa Morgan, above n 119; Roannie Ng Shiu, above n 120.
\textsuperscript{123} Lorraine Petelo “Fa’aalogo i leo o le fanau: A qualitative study of the ways in which students of Samoan background experience their education within the University of Canterbury” (Doctor of Philosophy in Education, University of Canterbury, 2003); Roannie Ng Shiu, above n 120.
\textsuperscript{124} Viliami Finau Latu “There is More to Learning Mathematics than Mathematics: Attributional Beliefs and Motivation of Maori and Pacific Island Students” (paper presented to Mathematics Education Research Association of Australasia, Townsville, Sydney, June 2004).
\textsuperscript{125} Alexandra McKegg “Learning Communities: A structured approach to student integration” (paper presented to Higher Education, Research & Development Society (HERDSA) conference, 2005).
\textsuperscript{126} Marcia Murray and Te Kipa Morgan, above n 119; Camille Nakhid “Ethics and the obstruction of social justice for Maori and Pasifika (Pacific) students in tertiary institutions in Aotearoa (New Zealand)” (2006) 9(3) Race, Ethnicity and Education 295; Roannie Ng Shiu, above n 120; Catherine Ross “Culturally relevant peer support for Maori and Pasifika student engagement, retention and success” (2009) Mai Review 1.
\textsuperscript{127} Lorraine Petelo, above n 122, at 193.
\textsuperscript{128} Ruth Davidsonson-Touma’a and Kirsten Dunbar “Understanding the experiences of Pacific students and facilitating socio-cultural-adjustment into higher education in Aotearoa, New Zealand” (2009) 33 Journal of the Australia and New Zealand Student Services Association 69 at 75.
\textsuperscript{129} Alexandra McKegg, above n 124, at 298.
\textsuperscript{130} Roannie Ng Shiu, above n 120, at 182.
\textsuperscript{131} Catherine Ross, above n 125.
\textsuperscript{132} Diane Mara and Maryanne Marsters “Pasifika Students: supporting academic success through the provision of mentoring” (Report to Ako Aotearoa Regional Hub Project Fund Scheme, Hawke’s Bay, 2009) at 19-20; Roannie Ng Shiu, above n 120, at 187.
tutorials, support staff, mentoring, workshops. Law schools have adjusted their overall structure to provide a focus on Pacific peoples’ issues; for instance inviting Pacific guest lecturers to speak, having a Pacific law paper, coordinating conferences and exchanges focused on Pacific legal issues.

The law degree, as demonstrated above, has strict regulations and requirements. Law school has a particular and unique curriculum and teaching methods that may help or hinder Pacific learners. Given the need for Pacific legal representation and lack of literature on the law school experiences of Pacific law students, the thesis attempts to fill that gap.

1.3.2 The Law Permits Equity Programmes
Pertinent to the examination of equity programmes, this section provides a brief explanation of the legal arrangements that enable and regulate law school equity programmes in New Zealand. This section provides an overview of the legal arrangements, but does not venture further into an in-depth analysis into topics such as whether law school equity programmes are within the law nor whether such legal arrangements are helpful.

The New Zealand legislation that governs race-based equity programmes are the Human Rights Act 1993 (HRA 1993), Education Act 1989 (EA 1989) and New Zealand Bill of Rights Act 1990 (NZBORA 1990). This first part begins by discussing the requirements in each Act with reference to case law and commentary. The section concludes with a discussion comparing the requirements of all three Acts.

1.3.2.1 Human Rights Act 1993 (HRA 1993)
This thesis focuses on education. The HRA 1993 forbids discrimination on certain grounds, including race and ethnicity, in educational establishments. In relation to educational establishments, Section 57 states:

(1) It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment, or any person concerned in the management of an educational establishment or in teaching at an educational establishment—

(a) to refuse or fail to admit a person as a pupil or student; or

(b) to admit a person as a pupil or a student on less favourable terms and conditions than would otherwise be made available; or

(c) to deny or restrict access to any benefits or services provided by the establishment; or

(d) to exclude a person as a pupil or student or subject him or her to any other detriment,

By reason of any of the prohibited grounds of discrimination.

---

133 Human Rights Act 1993, s 21.
134 Sections 21(1)(f) and 21(1)(g).
135 Section 57.
Law school equity programmes for Pacific student are prima facie unlawful when Section 57 is applied. For example, a special admissions policy that admits Pacific students and not Pakeha students with lower marks, admits a person “on less favourable terms and conditions”. In another example, a special tutorial exclusively for Pacific students “denies and restricts access of a benefit and service” to non-Pacific students. Law school equity programmes treat Pacific students differently from students of other ethnicities and thus prima facie constitute unlawful discrimination.

However, “measures to ensure equality” articulated in Section 73 of HRA 1993 are an exception to anti-discrimination laws. The purpose of Section 73 is to permit programmes to alleviate particular inequalities until inequalities have been rectified by the operation of the HRA’s general and broader policies. If race-based equity programmes fit within “measures to ensure equality”, they will be lawful. Section 73 of HRA 1993 states the following in regards to “measures to ensure equality” (emphasis added to key requirements of the measure):

(1) Anything done or omitted which would otherwise constitute a breach of any of the provisions of this Part of this Act shall not constitute such a breach if—

(a) It is done or omitted in good faith for the purpose of assisting or advancing persons or groups of persons, being in each case persons against whom discrimination is unlawful by virtue of this Part of this Act; and

(b) those persons or groups need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community.

The emphasised words above form the three specific requirements for equity programmes to fit within the definition of “measures to ensure equality.” These three requirements were reiterated in the Complaints Review Tribunal as being: 1) that the thing done was done in good faith 2) that the thing done was for the purpose of assisting or advancing persons or groups of persons of a particular race and 3) that those persons or groups of persons need, or may be reasonable be supposed to need, assistance or advancement in order to achieve an equal place in the community. Difficulty arises in interpreting what is meant by “good faith”, “need”, “reasonable need” and “equal place” and what the standards of proof are.

“Good faith” is generally defined as “propriety or honesty”. The duty of “good faith” has been described in other contexts as being wider than implied mutual obligations of trust and confidence, and requires parties to be active and constructive in maintaining a productive relationship including being responsive and communicative.

The Amaltal Fishing Company Ltd v Nelson Polytechnic (No 2) (1996) 2 HRNZ 225 case provides no clarification on the first two requirements. The Amaltal case concerned a polytechnic that reserved

---

137 Amaltal Fishing Company Ltd v Nelson Polytechnic (No 2) (1996) 2 HRNZ 225 at 245.
139 Employment Relations Act 2000, s 4(1A).
places in a fishing cadetship course for persons of Maori and Pacific descent; the plaintiff who was neither Maori nor Pacific Islander applied and was rejected because the course was full and he was told he could not gain a place restricted to qualified Maori and Pacific Islanders. On the issues of good faith, the Tribunal accepted that the first two requirements were met. The Tribunal’s acceptance was fact-specific to the case and cannot be generalised to suggest reserving places for Pacific peoples is always done in good faith and for the purpose of assisting persons. The Tribunal gave no clarification as to interpretation of the meaning of or standards of proving “good faith”.

On the third requirement of “reasonable need”, Amaltal does provide some clarification. The Tribunal stated to satisfy the third requirement, the Tribunal was required to look at the aspirations of appropriately qualified young Maori and Pacific Islanders who aspired to either (a) undertake the fishing cadet course offered or (b) make careers in the fishing industry. The Tribunal must then determine on the balance of probabilities whether those persons needed or might “reasonably be supposed to need” assistance or advancement to achieve an “equal place” with other members of the community with similar aspirations. The statement establishes the standard of proof as being on the balance of probabilities. But the statement does not clarify the meaning of “equal place”, “need”, or “reasonable need”. For instance whether “equal place” is when there is the same number of Pacific students completing law school as Pakeha students completing law school. Also for example whether “need” is only where there is a life or death situation.

The Tribunal did indicate what is not sufficient evidence of “need.” The Tribunal rejected the fact that government policy provided funding for courses for Maori and Pacific students as meeting the “need” requirement. Legal academic, Linda Te Aho has suggested that general indicators of socioeconomic conditions being worse for Maori woman than for the rest of society may not be sufficient to meet the need requirements because indicators of disadvantage would have to relate to the applicant’s need for the particular position.

The issue of “reasonable need” was also addressed in Parr v Broadcasting Corporation of New Zealand (1987) 1 NZELC 95, 560. In Parr, the Equal Opportunities Tribunal found that when interviewing and employing applicants for an on-camera reporter position, the broadcasting corporation employer could not use affirmative action for men in the industry to get one man and one woman as on-camera reporters because of there was no “reasonable need”; namely there was no suggestion that men ever suffered disadvantage because of their sex nor suggestion that men required special assistance to achieve an equal place within the Broadcasting Corporation. Parr was decided before implementation of the HRA 1993, but it is relevant since it discussed “reasonable need” in reference to affirmative action programmes in employment.

---

140 Amaltal Fishing Company Ltd v Nelson Polytechnic (No 2), above n 136, at 246.
141 The statement is obiter because the defendant did not call any evidence on the matter, thus the Tribunal could not consider it.
142 At 228 and 246.
143 At 247.
145 Parr v Broadcasting Corporation of New Zealand (1987) 1 NZELC 95, 560 at 570.
In 2014, *Amaltal* remains the only case that fully examines Section 73. A case on whether an allocated “womenspace” at a university student union building for use by women students concluded that the circumstances likely fulfilled the requirements of Section 73. But the Section 73 issue was not fully examined because the plaintiff did not argue in response to the defendant’s Section 73 defence, thus the Tribunal thought it would be “irresponsible to make findings on a one-sided debate”.

The lack of clarity on Section 73 provides little assistance as to what exact requirements university race-based equity programmes must comply with to be lawful. Such general standards have little impact on the exact formation and structure of equity programmes because the standards are vague and open to interpretation. But at the same time, universities and employers cannot ignore Section 73 when designing their programmes.

In the event that an applicant alleged a race-based equity programme as being unlawfully discriminatory they may bring an action against the university by lodging a complaint to the Human Rights Commission, which could result in bringing civil proceedings before the Human Rights Review Tribunal, or invoking international procedures such as alleging a violation of the United Nations International Covenant on Civil and Political Rights (ICCPR). However an international allegation is unlikely to be appropriate because the United Nations considers special measures to secure adequate advancement of certain racial or ethnic groups to ensure equal enjoyment of human rights not to be racial discrimination. Instead, international conventions will be taken into account domestically when interpreting Section 73 of HRA 1993.

*1.3.2.2 New Zealand Bill of Rights Act 1990 (NZBORA 1990)*

Similar to Section 73 of HRA 1993, Section 19(2) of NZBORA 1990, provides support for special measures that would otherwise be unlawful discrimination. Section 73 HRA 1993 has been conceived as a tool for ensuring distributive justice, while Section 19(2) is described as a remedial measure.

Notably, the NZBORA 1990 will only apply if the education sector fits within an act done “by a person or body in the performance of a public function, power or duty conferred or imposed on that person or body or pursuant to law.” There is little case law on implications for the second limb of NZBORA for the education sector generally. In *M v Board of Trustees of Palmerston North Boys’*

---

146 *Kerr v Victoria University of Wellington* (1997) 3 HRNZ 702 at 706.
147 At 706.
148 Human Rights Act 1993, s 76(2) (a).
149 Section 92B (1).
150 *Laws of New Zealand* Discrimination: Complaints of Unlawful Discrimination (online ed) at [117].
154 *New Zealand Bill of Rights Act 1990*, s 3(b).
155 *Laws of New Zealand*, Human Rights: Operation of the New Zealand Bill of Rights (online ed) at [23].
High School, a high school that was a state school was considered to be in a “private commercial relationship” with the student and not one that could be regarded as the exercise of a public function per Section 3(b) NZBORA 1990.\textsuperscript{156} This case suggests an applicant would not have standing to bring a claim against a New Zealand public university because their arrangement would be considered “private commercial” not “public function. But there is no indication that the universities see themselves as bound by the NZBORA. Nevertheless, assuming the NZBORA 1990 applies to public universities and law schools, this section goes on to analyse the requirements under Section 19(2) NZBORA 1990.

Notably any claim under NZBORA 1990 is also subject to Section 5 that states “the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” This means there will only be a breach if the government action is found to limit the right to be free from discrimination and the limit cannot be justified under Section 5.

In regards to Section 19 generally, the test for breach of Section 19 and unlawful discrimination on prohibited grounds was set out and applied in Ministry of Health v Atkinson [2012] NZCA 184, [2012] 3 NZLR 456. The test is pertinent to consider in the event that an applicant should challenge the legality of race-based equity programmes.

The test for breach of Section 19 requires a two-step approach analyzing 1) whether there is differential treatment or effects as between persons or groups in analogous or comparable situations on the basis of a prohibited ground of discrimination and 2) whether the treatment has discriminatory impact.\textsuperscript{157}

Elaborating upon the first step of the test, the Supreme Court stated that when selecting a comparator group:

the task of the court is to select the comparator which best fits the statutory scheme in relation to the particular ground of discrimination which is in issue, taking full account of all facets of the scheme, including particularly any defences made available to the person against whom discrimination is alleged. A comparator which is appropriate in one setting may produce a completely inapt result in another.\textsuperscript{158}

Applying the first step of the test, to determine whether Air New Zealand’s policy unlawfully discriminated on the basis of age against a senior pilot who was demoted at the age of 60 the Supreme Court adopted the comparator group of “other pilot/instructors who have not yet attained 60 years of age”.\textsuperscript{159} Also applying the first step of the test, to determine whether in a Minster’s decision to refuse permission for the plaintiff’s family to enter New Zealand and visit the plaintiff was unlawful discrimination on the basis of the plaintiff being Romanian, the Court of Appeal

\textsuperscript{156}M v Board of Trustees of Palmerston North Boys’ High School (1997) 2 NZLR 60 at 71.
\textsuperscript{157}Ministry of Health v Atkinson [2012] NZCA 184, [2012] 3 NZLR 456 at [55].
\textsuperscript{158}McAlister v Air New Zealand Ltd [2009] NZSC 78, [2010] 1 NZLR 153 at [34].
\textsuperscript{159}At [38].
adopted the comparator group of other immigrants with the same asylum seeker status as the plaintiff,\textsuperscript{160} not “New Zealand nationals.”\textsuperscript{161}

Case law indicates the comparator group will be a very similar group to the applicant. Thus if an applicant wanted to challenge a law schools race-based equity programme as being discriminatory they would need to establish differential treatment or effects between other applicants of similar qualifications, such as grades, and characteristics, such as race or ethnicity. As the Supreme Court has indicated, the comparator group for one year may not be the same for the next year, thus is it is heavily fact-dependent. Finding a comparator group would unlikely be a difficult issue here because it simply would be other applicants of the same characteristics except for race and ethnicity.

In relation to the second part of the test, the Court of Appeal in \textit{Ministry of Health v Atkinson} considered “discriminatory impact” would arise if, when viewed in context, it imposes a “material disadvantage” on the person or group differentiated against.\textsuperscript{162} Thus if any differential treatment meets the first step of the test, it will be prima facie discriminatory if it gives rise to real disadvantage.\textsuperscript{163} Applying this part of the test to law, it is unlikely that law school equity programmes impose a material disadvantage on non-Pacific applicants because the programmes advantage Pacific students without disadvantaging non-Pacific peoples.

Section 19(2) states (emphasis on requirements for equity programmes added):

> Measures taken \textit{in good faith} for the \textit{purpose of assisting or advancing} persons or groups of persons \textit{disadvantaged because of discrimination} that is unlawful by virtue of Part 2 of the Human Rights Act 1993 do not constitute discrimination.

The requirements are 1) good faith 2) for the purpose of assisting or advancing persons 3) disadvantaged because of unlawful discrimination. The first two requirements of Section 19(2) NZBORA 1990 are the same as the first two requirements of Section 73 HRA 1993. However, the third requirement differs.

There is no definition of “discrimination” within NZBORA 1990. Legal academic, Selene Mize, suggests there are two approaches to interpreting discrimination—the “different treatment” approach and the “wrongful different treatment” approach. The “different treatment” approach means discrimination arises whenever the government treats an individual or group differently on the basis of a prohibited ground.\textsuperscript{164} Adopting this definition of discrimination, prima facie equity programmes do discriminate because they treat Pacific peoples differently that other races and ethnicities. However under the “different treatment” approach, Mize suggests the next it must be considered whether the government’s action was reasonable and justified under Section 5 NZBORA 1990 as a limit on the right to freedom from discrimination.\textsuperscript{165} Applying Section 5, it is more likely

\textsuperscript{160} \textit{M (CA587/11) v Minister of Immigration} [2012] NZCA 489, [2013] 2 NZLR 1 at [47].
\textsuperscript{161} At [46].
\textsuperscript{162} \textit{Ministry of Health v Atkinson}, above n 156, at [109] and [135]-[136].
\textsuperscript{163} At [78].
\textsuperscript{165} At 60.
than not that government’s action to increase an underrepresented group in the legal profession is a justified and reasonable limit.

In contrast the “wrongful different treatment” approach means discrimination arises only when the government treats an individual or group differently on the basis of a prohibited ground and that different treatment is prejudicial or unjustified. Adopting this definition of discrimination, prima facie affirmative action will not be discrimination because there is no evidence of wrongful treatment in implementing the programmes for Pacific peoples.

Upon comparing Section 73 HRA 1993 and Section 19(2) NZBORA 1990, legal academic, Paul Rishworth, suggests the phrase “disadvantaged because of discrimination” requires inquiry into

- whether the group is disadvantaged
- whether there has been past discrimination against the group and
- whether the disadvantage was produced as a result of this discrimination.

Rishworth suggests Section 19(2) requires a higher threshold for equity programmes than Section 73 HRA 1993 because the phrase “reasonable need” is more open to interpretation than “disadvantaged because of discrimination”. Adopting Rishworth’s interpretation suggests that a race-based equity programmes are more easily able to comply with requirements under Section 73 HRA 1993 than Section 19(2) NZBORA 1993. Thus it may increase the likelihood of a BORA complaint instead of a HRA complaint.

Unfortunately there is no case law to flesh out the meaning of Section 19(2). While cases mention Section 19(2) in passing, no cases examine the section in full to provide examples or further definition of the requirements. In Parliament’s discussion when forming the New Zealand Bill of Rights Act, equity programmes were “unlikely” to be seen as discrimination. This suggests Parliament never intended equity programmes to constitute unlawful discrimination, despite the fact they treat certain persons in a differential matter.

In conclusion, the requirements for Section 19(2) remain untested and unclear. As with Section 73 HRA 1993, such general standards in Section 19(2) may have little impact on the formation and structure of equity programmes because the standards are vague and open to interpretation. Discrimination analysis in binding case law provides guidance to interpreting an action for unlawful discrimination on prohibited grounds under Section 19 NZBORA 1990 generally. But overall it is

---

166 At 61.
168 At 322.
more likely than not that a challenge to the legality of law school equity programmes under NZBORA will be unsuccessful.

1.3.2.3 EDUCATION ACT 1989 (EA 1989)
In relation to the enrolment of tertiary students, a separate set of requirements for race-based equity programmes exists under Section 224(6) of the Education Act 1989. This section provides (emphasis added to key requirements):

Where—

(a) the maximum number of students who may be enrolled at an institution in a particular programme or training scheme in a particular year is determined by the council of the institution under subsection (5); and
(b) the number of eligible students who apply for enrolment in that programme or training scheme in that year exceeds the maximum number so determined—

The council may, in the selection of the students to be enrolled, give preference to eligible persons who are included in a class of persons that is under-represented among the students undertaking the programme or training scheme.

Under Section 224(6), race-based equity programmes may preference certain groups if they meet two requirements. Those requirements are the person is 1) an eligible person who is 2) in a class or persons that is underrepresented among the students undertaking the programme.

An “eligible person” requires the applicant to meet specific prerequisites for the course such as academic standards determined by the university,\(^{171}\) and minimum age,\(^{172}\) This requirement is fairly straightforward.

In contrast, “underrepresented” is a vague term that is open to interpretation. In 2014 there is no case law to guide the interpretation of “underrepresented”. Legal academic, Ken Mackinnon, suggested several plausible interpretations of “underrepresented” that could be adopted.\(^ {173}\) These three interpretations are:

- A class is underrepresented if the proportion of its members is less than its proportion in the local or national population.
- A class is underrepresented if there are insufficient numbers to produce and sustain (a psychological need of an individual minority member for support of similar colleagues to avoid isolation) diversity in the classroom.
- Underrepresented means insufficient for the achievement of a mission objective, goal of social equity within the professions or trades being served by the qualification.

\(^{171}\) Education Act 1989, s 224(2) (b).
\(^{172}\) Section 224(2) (c).
All three of Mackinnon’s interpretations are possible requirements for race-based equity programmes to comply with. Such general standards under Section 224(6) EA 1989, as with Section 19(2) NZBOR 1990 and Section 73 HRA 1993, may have little impact on the formation and structure of equity programmes because the standards are vague and open to interpretation. Under these different interpretations, some Pacific students may be underrepresented by some criteria but not by others.

To defend an allegation of breach of Section 224(6) the law school would need to show that Pacific students are “underrepresented”. Interpretation rules would be applied, adopting a liberal interpretation of “underrepresented”. Evidence of “underrepresentation” may possibly include statistics demonstrating disproportionality between Pacific law student enrolment and local and national populations, or statistics demonstrating disproportionality between Pacific law student enrolment and Pacific legal professionals. Again, the requirements of “underrepresented” remain speculative.

1.3.2.4 LAW SCHOOL’S RACE-BASED EQUITY PROGRAMMES REQUIREMENTS

In summary, each of the Acts suggests different sets of requirements for race-based equity programmes. The table below presents the Acts, their relevant sections (with emphasis added to unclear requirements) and a brief summary of their interpretive requirements for the sake of comparison:

Table 3: Legal Requirements for Race-Based Equity Programmes

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutory Requirements</td>
<td>Section 73 1) in good faith 2) for the purpose of assisting or advancing persons or groups of persons 3) That those persons or groups of persons need, or may be reasonable be supposed to need, assistance or advancement in order to achieve an equal place in the community</td>
<td>Section 19(2) 1) in good faith 2) for the purpose of assisting or advancing persons 3) disadvantaged because of discrimination</td>
<td>Section 224(6) 1) Eligible person (meets prerequisites for the course) 2) underrepresented among the students undertaking the programme</td>
</tr>
<tr>
<td>Case Law</td>
<td>-Government funding allocated to certain groups does not indicate “need”</td>
<td>-“need” requires suggestion of the group suffering disadvantage or</td>
<td></td>
</tr>
</tbody>
</table>
Race-based equity programmes may need to meet all standards to be considered lawful. Applying the doctrine of implied repeal, the HRA 1993 may be the Act most likely to be applied to race-based equity programmes and the most pertinent because it is the most recent enacted Act. The NZBORA is least likely to be considered because it is uncertain whether it even applies to universities in general.

Given the ambiguous nature and open interpretation of many of the requirements it is likely that any equity programme could meet the requirements. Although the legality may depend upon the structure of the equity programmes themselves, as well as the context.

1.4 Previous Studies on Ethnic Minorities in Professional Schools
In relation to university equity programmes for Pacific students, Part 1 thus far has demonstrated that the programmes in New Zealand meet the legal requirements to exist. Also Part 1 has demonstrated that a number of general university equity programmes were initiated for Pacific

---

174 *Parr v Broadcasting Corporation of New Zealand*, above n 144, at 570.
175 Linda Te Aho, above n 143, at 197.
176 P T Rishworth, above n 166, at 322.
177 Ken Mackinnon, above n 172, at 112.
students in reaction to the mismatch between the need for Pacific peoples in tertiary education and lack thereof.

The section now proceeds to review previous studies that have identified “barriers” and “success” factors, which are factors that respectively hinder or help ethnic minority students in their studies. However, it must be noted that factors are complex in nature. While these factors have been found to exist, they may not necessarily exist in every institution for every student. For some students these factors impede progress, but for others the factors have no effect. A review of the factors found in other studies is provided as background information to this thesis and to raise discussion points for Parts 3 and 4.

“Barriers” and ”success” factors were identified in literature on university level professional schools, such as law, medicine, and engineering, 1) for ethnic minorities and 2) for Pacific students.

### 1.4.1 “Barriers” and “Success” Factors for Ethnic Minorities

There were six major themes in previous studies related to ethnic students’ experiences in professional schools. The themes included: 1) the impact of pre-professional school experiences, 2) the relationship between student satisfaction and academic performance, 3) the impact of family, peer and staff, 4) the impact of stigma, 5) the threat to merit, academic standards and elitism and 6) the overarching structure and content of equity programmes. Each one of these themes was conceived by studies as both a “barrier” and “success” factor.

#### 1.4.1.1 THE IMPACTS OF PRE-PROFESSIONAL SCHOOL EXPERIENCES

Experiences prior to professional school were either “barriers” or “success” factors. “Prior experiences” included home environment, primary school, high school, preparatory courses, and previous university study.

Characteristics such as family socioeconomic class were barriers. Pedrosa and others (2007) undertook a retrospective study, comparing student data before and after the implementation of an affirmative action admission scheme. Pedrosa and others (2007) found certain characteristics were outside potential students’ control and impacted their law school experience. Belonging to lower tiers of the family socioeconomic-educational index, not speaking a second language, being a female and being younger were associated with higher relative performance at university. Likewise Rivera-Goba and Nieto (2007), a study that interviewed nursing students, found that decisions on what type of professional programme to enroll in was based heavily on socioeconomic factors, this included the cost of fees, location and accessibility to a car. Equity programmes could not meet all of students’ practical needs to attend studies. To address these socioeconomic factors,

---

179 At 79.
the study suggested professional schools should develop partnerships with potential students’ family members.\textsuperscript{181}

Other studies suggested early education was a significant barrier to success at professional schools. For example, Cabrera (2001) identified a disadvantaged elementary school education as a barrier for law school.\textsuperscript{182} Likewise Carline and Patterson (2003) in a study that collected survey data schools with pre-professional equity programmes found systematic reform in education was needed from the earliest levels of primary school to increase numbers entering professional careers.\textsuperscript{183}

A number of studies found high schools did not prepare students for university generally or professional schools and thus equity programmes at the professional school level could not bridge the gap in knowledge or skills.\textsuperscript{184}

But within the literature on the impact of high school, there was debate as to the degree of impact high schools had on admission and retention throughout professional school. Barlow and Villarejo (2004), a study that compared student data from participants and non-participants in an equity programme found academic preparation, such as student advising, and research experience, in high school was strongly associated with academic persistence for US minority students pursuing health professions.\textsuperscript{185} Likewise Sopoaga and van der Meer (2011), a study that examined student data of those who undertook in an orientation equity programme, found their equity programme, a student orientation programme, at the professional school level could not bridge the gaps in the required knowledge in science subjects from high school; they found the greatest predictor of success in the health professional school was students’ high school performance in science subjects.\textsuperscript{186} The aforementioned studies indicate pre-medicine programmes have benefitted medical students; this is may be the same for pre-law programmes. These results are persuasive and relevant to this study. Pedrosa and others (2007) also found having graduated from the public school system in high school was a characteristic associated with higher relative performance at university.\textsuperscript{187} This finding is relevant and applicable to the New Zealand system.

But in contrast to the above studies, O’Neill and others (2011) found students admitted purely on the basis of highest high school GPA had a relatively larger risk of dropping out within 2 years of

\begin{flushleft}
\textsuperscript{181} At 51.
\textsuperscript{182} Richard Cabrera “Retention Issues in Legal Education: The Roles of Undergraduate Educators and Academic Support in the Law School” (2001) 3 Journal of College Student Retention 167 at 175.
\textsuperscript{183} Jan D. Carline and Davis G. Patterson “Characteristics of Health Professions Schools, Public School Systems, and Community-based Organizations in Successful Partnerships to Increase the Numbers of Underrepresented Minority Students Entering Health Professions Education” (2003) 78 Academic Medicine 467 at 481.
\textsuperscript{187} Renato HL Pedrosa and others, above n 177, at 79.
\end{flushleft}
admission than did students admitted via admissions testing. The extent to which high school performance is a predictor of success is debatable. While high school preparation is significant, there may be other important elements.

Admissions scheme equity programmes that consider high school performance need to be wary of this conflicting literature. For instance, O’Neill and others (2011), a prospective cohort study that compared student data from students who were and were not enrolled through an admission scheme equity programme found high school GPAs are measures of broad academic skills and not measures of personal motivation for the particular professional programme. Also for example, Pedrosa and others (2007) found an equity programme that compassionately considered disadvantaged background in high school by waiving entrance exam fees, adding points to an application algorithm for those who attended public high school and black, resulted in identifying applicants having “higher (untapped) academic potential when compared to those belonging to higher pre-university social and educational strata”. While high school experiences were important factors, they were not completely definitive of students’ success in the professional programme.

Preparatory course equity programmes and previous university study during high school or between a high school and university for specific professional school and general university skills were generally found to be “success” factors, positively impacting students’ decision to apply, admission and performance in professional school. This was particularly apparent for law school. Douglas (2001), in a study that surveyed equity programmes available, demonstrated in her study that pre-law programmes attracted minority students to legal study; their existence sent a positive message that the law school community values minority students and is prepared to put resources in to assist them. Likewise Cabrera (2001) advocated for:

- logic courses to improve reasoning abilities,
- English courses to overcome problems in writing and speaking slang English or with English as a second language,
- standardised multiple choice testing preparation for the LSAT,
- writing courses for legal and exam writing, and
- study skills sessions for note-taking, course synthesis and outlining.

(The above suggestions were based upon Cabrera (2001)’s finding that minority students who entered with lower LSAT scores and consequently had poorer performance throughout law school).

---

188 Lotte O’Neill and others “Medical school dropout- testing at admission versus selection by highest grades as predictors” (2011) 45 Medical Education 1111 at 1117.
189 At 1117.
190 Renato HL Pedrosa and others, above n 177, at 82.
192 Richard Cabrera, above n 181, at 173.
193 At 178.
Contrary to all other found studies on preparatory courses, Pedrosa and others (2007) found that not attending preparatory courses for entrance examinations was a characteristic associated with higher relative performance at university; the authors attributed this contradictory finding to student resilience despite lack of resources.\textsuperscript{194}

In conclusion, the majority of studies suggest that experiences in home, primary school, high school, preparatory courses and previous university study determine students’ success in professional schools, regardless of equity programmes. Only a few studies suggest that despite poor prior experiences, equity programmes at the professional school level could create positive outcomes.

In Part 3, this thesis presents the impact of pre-professional school experiences on Pacific students’ law school experiences in New Zealand. Qualitative data on participants’ interviews illustrates the impact of students’ home and high school prior to law school experiences. Where available, namely in the Otago Case Study, the impact of home socioeconomic status and high school is reflected in the quantitative data on law students’ high school decile. The individual case studies in Part 3 add the New Zealand experience to the aforementioned studies’ findings on pre-professional school experiences for ethnic minorities.

\textbf{1.4.1.2 \textit{Relationship between Student Satisfaction and Academic Performance}}

A minor theme among studies on ethnic minorities in professional schools was the relationship between perceived student satisfactions measured by student self and staff evaluation and academic performance in areas such as admission, GPA, retention and completion. The findings in this area were divided—one group of literature finding student satisfaction did not impact academic performance and the other group finding student satisfaction was a “success” factor, positively impacted academic performance.

In support of the lack of significant correlation between student satisfaction and academic performance, Blake-Beard and others (2011), a study that examined data from student participants in a mentor equity programme, found that although minority studies found the equity programme of having a mentor of the same race was important to their perseverance, the equity programme did not predict GPA.\textsuperscript{195} Likewise Deo and Griffin (2012) found that support from the equity programme of peer mentors alone may not culminate in students reaching their highest potential.\textsuperscript{196}

On the contrary Douglas (2001), a study that surveyed the existence of equity programme programmes, found higher graduation rates at professional school were likely to be the results of cultural inclusion created by the equity programme.\textsuperscript{197}

\textsuperscript{194} Renato HL Pedrosa and others, above n 177, at 79.
\textsuperscript{197} Heather Douglas, above n 190, at 505.
concluded the equity programme made students feel welcomed, allowed them to develop networks and friends, which could contribute to slightly better academic performance.\(^{198}\)

Despite divergence in the findings, the theme indicates it is necessary to be mindful of both student perceptions of success and academic outcome realities.

To collect students’ perceptions and academic outcomes, this thesis analysed both qualitative interview data and quantitative student record data. While correlation between the two factors could not be drawn due to reasons articulated in Part 2, analysis of both individual factors remain in Part 3 to provide a clearer picture of Pacific students’ experiences in New Zealand law schools.

1.4.1.3 **The Impacts of Family, Peer and Staff**

A major theme was that a “barrier” and “success” factor was students’ relationships with their family, student peers and staff members.

**Family**

Family was cited as a “success” factor, positively impacting ethnic minority students in a number of studies. Family, having them as support and role models, was regarded as being important to provide support, guidance, and encouragement,\(^{199}\) contributing to student success in their studies.\(^{200}\) Only a few studies regarded exceptional extended family demands as a “barrier”, having a negative impact, causing discontinuation in enrolment.\(^{201}\)

Studies suggested equity programmes affected students’ relationship with family and community in two ways. First, equity programmes filled knowledge gaps of what was required for study and the different opportunities available; many studies found this knowledge was lacking in students’ families whom had not attended university previously.\(^{202}\) Second, equity programmes motivated students to give back to their families and communities by becoming successful professionals,\(^{203}\) and helped students to establish stronger personal bonds to underserved regions, encouraging them to return there.\(^{204}\)

**Peers**

All studies reviewed regarded peer support was a “success” factor, positively impacting ethnic minority students. Generally among studies there was a high level of alienation in professional schools and feeling of being disorientated by the system.\(^{205}\) Equity programmes with peer involvement, such as workshops and interactive small sized tutorials, negated the sense of

\(^{198}\) Faafetai Sopoaga and Jacques van der Meer, above n 185, at 66.

\(^{199}\) Migdalia V Rivera-Goba and Sonia Nieto, above n 179, at 41.


\(^{201}\) Heather Douglas, above n 190, at 489-490.

\(^{202}\) Grace Carroll and others, above n 183, at 136.

\(^{203}\) Carl E. James and Leanne Taylor ‘‘Education will get you to the station’: Marginalized Students’ Experiences and Perceptions of merit in Accessing University” (2008) 31 Canadian Journal of Education 567 at 585.


\(^{205}\) Heather Douglas, above n 190, at 489-490.
isolation,\(^\text{206}\) made students feel welcomed, enabled the development of networks to transition into the new environment,\(^\text{207}\) and created a critical mass of students from their minority group for support and understanding.\(^\text{208}\) These equity programme peer support systems had a long term impact, giving students a strong sense of identity to carry with them throughout professional schools to their professional careers.\(^\text{209}\)

While the majority of studies focused on the positive outcomes of equity programmes for student recipients of peer or mentor support, one study suggested students with a mentoring role also benefited. Good and others (2000) found acting as a mentor in the equity programme provided mentors an incentive to lead by example and incorporate learning strategies in their own work and study sessions.\(^\text{210}\)

**Staff**

Staff had an impact on ethnic minority students. Generally faculty motivation was deemed important by studies for student success.\(^\text{211}\) Particularly the presence of minority academic staff was a positive feature that many minority and non-minority students and staff valued positively.\(^\text{212}\) But regardless of the staff member’s ethnicity, students valued staff members who understood minority students’ plight on campus, were concerned about minority student success and had a vested interest in students.\(^\text{213}\)

One study examined the impact of equity programmes on staff members, finding equity programmes negatively impacted staff. Mahoney and others (2008) found staff, especially minority staff, felt institutional pressure to participate in diversity efforts; participation often resulted in overextension which was not in the interest of staff members’ own professional career.\(^\text{214}\)

In Part 3, this thesis presents the impact of family and staff on Pacific students’ law school experiences in New Zealand, family especially is a strong factor prevalent throughout New Zealand literature on Pacific people. Qualitative data on participants’ interviews illustrates the impact of family and staff to Pacific students’ law school experiences. Parts 3 and 4 discusses to how the New Zealand experience fits within the aforementioned studies’ findings on family and staff.

**1.4.1.4 The Impact of Stigma**

A major theme throughout the literature was the unintended impact of stigma based on race. Stigma was conceived both as a “barrier” and “success” factor.

\(^{206}\) Jennifer Good and others “Retaining Black Students in Engineering: Do Minority Programmes have a longitudinal impact?” (2001) 3 Journal of College Student Retention 351 at 361.

\(^{207}\) Faafetai Sopoaga and Jacques van der Meer, above n 185, at 66.

\(^{208}\) Grace Carroll and others, above n 183, at 137.

\(^{209}\) Kathy Stolle-McAllister and others, above n 199, at 10.


\(^{211}\) Kathy Stolle-McAllister and others, above n 199, at 7.

\(^{212}\) Asmi Wood "Law Studies and Indigenous Students' Wellbeing: Closing the (Many) Gap(s)” (2011) 21(1) Legal Educ Rev 251 at 275.

\(^{213}\) Grace Carroll and others, above n 183, at 138.

\(^{214}\) Megan R Mahoney and others "Minority Faculty Voices on Diversity in Academic Medicine: Perspectives From One School" (2008) 83(8) Academic Medicine 781 at 783.
By virtue of participating in the equity programme, students were stigmatised as an affirmative action student. Thus students experienced marginalization, treated as if they lacked knowledge and ability. Carroll and others (2000) found students were frustrated with being the only person of racial heritage in the classroom and that they felt expected to speak for their entire race because they were expected to by others.

Some studies explored stigma attached to specific minority cohorts and disciplines. For instance Clydesdale (2004) found Asian Americans who were “positively stereotyped” as model minorities in math, science and technical competencies, were negatively stigmatized in law school because of the perception of lacking English competency. Similarly, Rheingans and others (2011) found women in engineering were presumed to be overly social, which was a negative characteristic.

Studies’ findings differed on the exact effect of the stigma attached. As a barrier on one hand stigma and discrimination were perceived to have serious consequences for career path and success. On the other hand, a study found stigma and stereotypes were perceived to unlikely to affect students in their future jobs. Discrimination and unfair treatment based on stigma and stereotyping in professional schools were found to be a continuation of a hostile discrimination that occurred throughout one’s lifetime prior to and after professional school.

Part 3 of this thesis presents the impact of stigma on Pacific students’ law school experiences in New Zealand. Qualitative data on participants’ interviews illustrates the impact of stigma on students’ law school experiences. Part 3 on Comparing the Case Studies discusses to how the New Zealand experience fits within the aforementioned studies’ findings on stigma for ethnic minorities.

1.4.1.5 The Threat to Merit, Academic Standard, and Elitism

A major theme was that equity programmes were a “barrier” that threatened the overall professional school’s merit, academic standards and elitism. The level of threat to merit varied.

On one end of the spectrum, institutions were concerned with the “need to maintain academic standards,” and select applicants who were a “good fit for the mission” of the professional school. But, these studies did not directly blame equity programmes for lowering standards.

---

215 Grace Carroll and others, above n 183, at 137.
216 Migdalia V Rivera-Goba and Sonia Nieto, above n 179, at 44.
217 Grace Carroll and others, above n 183, at 139.
219 Penny Rheingans and others “The Role of Majority Groups in Diversity Programmes” (2011) 11(2) ACM Transactions on Computing Education 1 at 12.
220 Megan R Mahoney and others, above n 213, at 784.
222 Timothy T. Clydesdale, above n 217, at 757-758.
223 Heather Douglas, above n 190, at 495.
On the other side of the spectrum, studies described a high level of threat to elitism. For instance, Carroll and others (2000) found that “whites feared that with minorities the university would cease to be considered an elite institution”.

Likewise Mathers and others (2011) concluded “there was no genuine commitment to increase diversity...medicine wanted to be upheld as an elite profession with erect boundaries and controlled admission so that elitism remains.”

The threat to merit, academic standards and elitism created a conundrum. Some of the most successful programmes to increase student diversity were based on explicit affirmative action, yet are not universally welcomed among the public or profession. However a few studies noted there were equity programmes, such as admission schemes not quotas that could create a broader concept of merit that would both include the candidates’ background and preserve academic standards concurrently, without affecting the programme’s ranking.

Part 4 of this thesis discusses the New Zealand concept of merit, academic standards and elitism within the law school experience for Pacific students, fitting it within the aforementioned studies’ findings on merit and elitism for ethnic minorities.

1.4.1.6 Equity Programme Structure and Content Impacts on Outcome

Literature noted specific structures and content within the equity programmes impacted the outcomes. Two major themes were 1) coordinated structuring between equity programmes and 2) coordinated structuring of equity programmes within the greater academic institution impacted outcomes.

Coordination between Equity programmes

Many studies recognised that one-off equity programmes did not produce positive outcomes and did not lead to “success”. Specifically single equity programmes in one grade of a school level did not increase academic performance, undergraduate schools alone could not produce worthy candidates for professional programmes, and gaining admission to university did not guarantee programme completion or accomplishing career goals. Reiter and others (2012) found measures that did not explicitly consider diversity at the time of interview to medical school cannot substantially improve diversity; the study concluded greater weight on multiple mini interview is simply too little too late to increase diversity.

---

225 Grace Carroll and others, above n 183, at 142.
227 At 7.
228 Renato HL Pedrosa and others, above n 177, at 82.
230 Jan D. Carline and Davis G. Patterson, above n 182, at 481.
232 Carl E. James and Leanne Taylor, above n 202, at 584.
233 Harold I Reiter and others “Should Efforts in Favor of medical Student Diversity Be Focused during Admissions or Farther Upstream?” (2012) 87(4) Academic Medicine 443 at 448.
Instead equity programmes at different levels and across areas needed to be coordinated with one another. For instance, one study found support mechanisms needed to be based upon and created in relation to the alternative entry schemes.\footnote{234} Another advocated for a combination of outreach, recruitment and student support programmes.\footnote{235} Generally “pipeline programmes”\footnote{236} and “multifaceted approaches with various strategies and packages”\footnote{237} were the most effective for improved student academic performance and closing the gap in university education. Thomson (2010) noted that the success of the pipeline largely depended upon ongoing support and adapting the programmes as the needs arose.\footnote{238}

**Coordination within the Institution**

Equity programmes in isolation were not enough. The literature suggested equity programmes needed to coordinate with the mainstream institutions as a whole.\footnote{239} For example, Douglas (2001) noted that programmes should include many aspects of the academic enterprise including: student recruitment, instructional methods, assessment approaches, student support, faculty members’ development and faculty members’ rewards.\footnote{240} Notably these equity programmes are not exclusive to minority students, but change the institution for all students.

A few studies demonstrated that equity programmes alone were not enough without changing institutional factors.\footnote{241} For example Lieberman and others (2010) found foundation programmes for restricted socioeconomic access and graduate entry programmes could not overcome institutional cognitive tests for entry into medicine; the tests tended to favour men, students from affluent backgrounds and students educated at private or selective entry secondary schools.\footnote{242}

One study by Fox and others (2009) offered explanation as to why equity programmes coordinated with the institution worked best. Their study found the most successful programmes focused to a greater degree upon institutional structures; they were successful because they adapted the institutional environment to broader programme aspirations involving students’ research activities, faculty “buy-in” and greater involvement in funded research.\footnote{243} This approach contrasted

\footnote{234} Heather Douglas, above n 190, at 513.  
\footnote{236} Steven A Lieberman and others “Effects of comprehensive educational reforms on academic success in a diverse student body” (2010) 44 Medical Education 1232 at 1238.  
\footnote{240} Steven A Lieberman and others, above n 235, at 1239.  
\footnote{241} Ian B Puddey and others “Potential influence of selection criteria on the demographic composition of students in an Australian medical school” (2011) 11 BioMed Central Medical Education 1 at 12.  
\footnote{242} Jonathan Mathers and others, above n 225, at 7.  
\footnote{243} Mary Frank Fox and others “Successful Programmes for Undergraduate Women in Science and Engineering: Adapting versus Adopting the Institutional Environment” (2009) 50 Research in Higher Education 333 at 347.
to the least successful programmes, which focused on addressing individuals and helping students cope by emphasizing recruitment and retention to minority students.\textsuperscript{244}

Despite widespread recognition that equity programmes worked best in coordination with the institution as a whole, not many studies found coordination. For instance, in a survey of programmes available Spencer and others (2005) found very few programmes offered core or formal activities that focused on aboriginal health, but rather focused on a comprehensive programme to assist minority students\textsuperscript{245}; this was deemed problematic when the institution hoped to improve success rates for aboriginal students in medical school. One explanation for the lack of coordination was from Puddey and others (2011); their study found staff reported a gap between intention and implementation of efforts at the administrative level due to lack of resources, under-commitment and competing priorities.\textsuperscript{246}

Based on the studies above, in Part 4 of this thesis, there is discussion of the coordination between Pacific equity programmes and coordination within the institutions of New Zealand law schools.

1.4.2 “BARRIERS” AND “SUCCESS” FACTORS FOR PACIFIC STUDENTS AT UNIVERSITY

Having covered prevalent themes in international studies on minorities in professional schools generally, this next section describes the “barriers” and “success” factors unique to Pacific students. The terms “barriers” and “success” factors are widely used among literature on Pacific students. Thus this section is not grouped by theme as was done in the section on ethnic minorities.

Studies on Pacific tertiary education clearly identified both systemic and cultural barriers and success factors. The combination of systemic and cultural factors affects Pacific student achievement.

1.4.2.1 SYSTEMIC BARRIERS

Systemic barriers are those imposed by institutions. Institutions included government policy and service delivery, high schools and university infrastructure.

Studies found there was a failure to provide financial assistance.\textsuperscript{247} There was no assistance for those students subject to family financial strain,\textsuperscript{248} additional work commitments,\textsuperscript{249} and those who lacked time and space for study because of family poverty issues.\textsuperscript{250}

\begin{footnotesize}
\begin{enumerate}
  \item \textsuperscript{244}At 347.
  \item \textsuperscript{245}Adam Spencer and others “Survey on Aboriginal issues with Canadian medical programmes” (2005) 39 Medical Education 1101 at 1106.
  \item \textsuperscript{246}Megan R Mahoney and others, above n 213, at 784.
  \item \textsuperscript{247}Lorraine Petelo, above n 122, at 208.
  \item \textsuperscript{248}John Benseman and others “Retaining non-traditional students: lessons learnt from Pasifika students in New Zealand” 25(2) Higher Education Research & Development 147 at 156.
  \item \textsuperscript{249}Jo Fletcher “Second-chance diverse literacy learners: Factors that influence their learning” (paper presented to Australian Association for Research in Education International Education Research Conference, Canberra Australia National Convention Centre, 29 November-3 December 2009) at 13.
  \item \textsuperscript{250}Telesia Kalavite “Fononga’a Fakahalafononga: Tongan Students’ Journey to Academic Achievement in New Zealand Tertiary Education” (Doctor of Philosophy, University of Waikato, 2010) at 169.
\end{enumerate}
\end{footnotesize}
Within the university, studies suggested there were systemic barriers in the way universities characterised Pacific students generally. Pacific students were homogenised under the category “Pacific Islander”, “Samoan” or “brown”. Also the university stereotyped Pacific students as being in low economic position, lacking English language acquisition, having low academic achievement, having Christian values and lacking work ethic. Pacific support services reiterated the differences between Pacific students and other students.

In general the university culture was a systemic barrier as it was impersonal and unwelcoming. University study style was a barrier in that it was based primarily on individual accomplishment, laissez faire approach to learning, written instructions and questions, and was heavily reliant upon time management skills. There was a lack of Pacific knowledge and negative reception of Christian values. Furthermore the failure to provide information on transition from high school to tertiary, how institutions function and operate, and support resources available, was systemic barrier.

Another systemic barrier was the lecturer teaching style at university. Barriers included lecturers not adapting communication style to those with English comprehension challenges, lecturers having no cultural knowledge, teaching practices that led Pacific students to internalise racism, tokenism where lecturers expected a student to represent all Pacific ethnic groups, and staff opposition to support services.

---

251 Lorraine Petelo, above n 122, at 126.
252 At 135.
253 At 144.
255 At 221.
256 Roannie Ng Shiu, above n 120, at 113.
257 Irena Madjar and others “Stumbling blocks or stepping stones? Students' experiences of transition from low-mid decile schools to university” (Starpath Project, University of Auckland, 2010) at 97.
258 Lorraine Petelo, above n 122, at 188.
259 Roannie Ng Shiu, above n 120, at 113.
261 At 121; Telesia Kalavite, at n 249, 156; Catherine Ross, above n 125, at 12.
262 Diane Lysette Mara, above n 253, at 207.
263 At 207.
264 Telesia Kalavite, above n 249, at 157.
265 Lorraine Petelo, above n 122, at 175; Telesia Kalavite, above n 249, at 155; Irena Madjar and others, above, n 256, at 98.
266 Naila Fanene, above n 259, at 54.
267 Rosemarie Penn “Manumalo: A Study of Factors which Facilitate Success for New Zealand-born Samoan Students at University” (Masters of Education, Auckland University of Technology, 2010) at 69.
269 Camille Nakhid, above n 125, at 304.
1.4.2.2 CULTURAL BARRIERS
Cultural barriers are those specific to Pacific peoples’ culture that Pacific students bring with them to university. Studies demonstrated the strong value of family sometimes was a barrier. Specifically, family expectations to study a particular subject, family financial obligations, and family commitments and responsibilities generally. Studies indicated church was a cultural barrier, especially the commitment generally, and financial commitment. Within the classroom, a cultural barrier was having English as a second language generally. More specifically difficulties in written English and spoken English were cultural barriers. Additional cultural barriers included uncomfortableness in criticizing people in positions of authority and leadership (staff and tutors), making eye contact to demonstrate listening, and walking lower to be polite.

1.4.2.3 SYSTEMIC SUCCESS FACTORS
Systemic success factors included factors that addressed financial issues. These included scholarships, government funding, and location of the university near home.

Many university initiatives for Pacific students were found to be success factors. These included access to Pacific support resources including liaison officers, Pacific academics and staff, academic and career counseling, Pacific space and events, role models, Pacific student associations, and location of the university near home.

---

272 Lorraine Petelo, above n 122, at 162.
273 Jo Fletcher, above n 248, at 10.
274 Lorraine Petelo, above n 122, at 178; John Benseman and others, above n 247, at 155; Naila Fanene, above n 259, at 51; Roannie Ng Shiu, above n 120, at 113; Rosemarie Penn, above n 267, at 68.
275 Naila Fanene, above n 259, at 51; Roannie Ng Shiu, above n 120, at 113.
276 Lorraine Petelo, above n 122, at 171.
277 Naila Fanene, above n 259, at 121; Telesia Kalavite, above n 249, at 157; Diane Mara and Maryanne Marsters, above n 131, at 21.
278 Lorraine Petelo, above n 122, at 194.
279 John Benseman and others, above n 247, at 157.
280 Naila Fanene, above n 259, at 45.
281 Jo Fletcher, above n 248, at 13-14.
282 Lorraine Petelo, above n 122, at 212; Irena Madjar and others, above n 256, at 89.
283 Telesia Kalavite, above n 249, at 150.
284 Pam Millward and others “Voices from Manukau: recruitment and success of traditionally under represented undergraduate groups in New Zealand” (2011) 12 Asia Pacific Educ Rev 279 at 283.
285 John Benseman and others, above n 247, at 158; Telesia Kalavite, above n 249, at 152-155; Diane Lysette Mara, above n 253, at 206-207.
286 John Benseman and others, above n 247, at 158.
287 Irena Madjar and others, above n 256, at 91.
288 John Benseman and others, above n 247, at 158.
289 John Benseman and others, above n 247, at 158; Naila Fanene, above n 259, at 48-50.
tutorials and one-on-one help, study groups, and after hours computer lab access. Specifically successful mentors were those who were available after work hours, made regular contact, connected to and interested in the Pasifika community, and made students feel a part of the university community.

In relation to teaching in the classroom, success factors included working in cooperative and collaborative group work, being able to incorporate own culture into assignments, a curriculum that included research by Pacific academics as a part of the course, lecturers who were understanding of Pacific culture and integrated it into the course, bilingual lecturers, and tutors who placed themselves at students’ level.

1.4.2.4 Cultural Success Factors

The number of cultural success factors identified in studies was significantly lesser than the barriers identified. Family was considered a cultural success factor in that family supported students through resources, motivation and expectations. Church was considered a cultural success factor in that is provided support and a mechanism to cope. Some studies suggested church involvement gave Pacific students some skills to be successful at university. For instance exposure to bible reading, memorizing passages, speaking in large groups, and dedication to serving to others were considered skills gained at church that benefited students at university.

In conclusion, “barriers” and “success” factors for Pacific students have been well defined in the general university context. These factors are present for Pacific law students as university students. But the law school experience is significantly different. Law schools, by design, have rigorous requirements and high standards for students to meet. For instance they are writing and reading intensive, core curriculum papers are based upon English legal system principles and values, arguing and challenging an opponent or judgment on an individual basis essential. The nature of

291 Viliami Finau Latu, above n 123, at 347; Rosemarie Penn, above n 267, at 83.
292 Diane Lysette Mara, above n 253, at 206; Roannie Ng Shiu, above n 120, at 113.
293 Rosemarie Penn, above n 267, at 82.
294 Diane Mara and Maryanne Marsters, above n 131, at 19.
295 Catherine Ross, above n 125, at 17.
296 Diane Mara and Maryanne Marsters, above n 131, at 20.
297 Catherine Ross, above n 125, at 17.
298 Viliami Finau Latu, above n 123, at 30; Pam Millward and others, above n 283, 284; Diane Lysette Mara, above n 253, at 219-220.
299 Diane Lysette Mara, above n 253, at 206.
300 At 206-207.
301 Naila Fanene, above n 259, at 61; Jo Fletcher, above n 248, at 11; Airini and others Success for all: Improving Maori and Pasifika student success in degree-level studies, above n 268, at 12-13.
302 Airini and others Success for all: Improving Maori and Pasifika student success in degree-level studies, above n 268, at 13.
303 Alexandra McKegg, above n 124, at 297-298.
304 Telesia Kalavite, above n 249, at 169; Lorraine Petelo, above n 122, at 162; Roannie Ng Shiu, above n 120, at 113; Rosemarie Penn, above n 267, at 73; Irena Madjar and others, above, n 256, at 89.
305 Naila Fanene, above n 259, at 74.
306 Diane Lysette Mara, above n 253, at 220.
New Zealand law school presents unique challenges to Pacific students that have not been thoroughly examined by previous studies.

1.5 The Purpose of this Thesis

In light of the context set out above in Part 1, there are two purposes of this thesis. The first is to problematise the assumptions and equity programmes prevalent in New Zealand law schools for Pacific students. The second is to re-conceptualise and optimise the law school experience for Pacific students.

This purpose entails developing understandings of Pacific students' experiences of New Zealand law schools, and conversely, law staff members’ experiences of working with Pacific law students. This mixed methods study is positioned in a framework of current Pacific methodologies and critical legal theorizing. It is hoped that the study findings will be utilised to generate an understanding of the impact of existing law school practices on students’ lives and to re-create law school institutions as environments for Pacific peoples.

To fulfill the purpose of this research, one general thesis question was posed: How and why do New Zealand law schools need to improve for Pacific students?

To answer this general thesis question, four research questions were posed:

1. How have New Zealand law schools catered to Pacific students?
2. How have New Zealand law schools impacted Pacific law students?
3. What are the experiences of Pacific students in New Zealand law schools?
4. Which model of law school is most preferred by Pacific students? Why?

These research questions were answered on two levels. First, the questions were answered on an individual basis by analyzing data from individual law schools as independent case studies. In this way, I explored experiences specific and unique to individual law schools. Second, the questions were answered on an overall and comparative basis by analyzing data sets from all law schools together and comparing individual case studies. In this manner, the research questions were answered with depth and breadth.

1.6 Thesis Structure

Part 1 began by providing background to the position of Pacific peoples in New Zealand, law school and equity programmes for ethnic minorities. Part 1 framed a few problems that inform this thesis. One practical problem is that there is a need for Pacific legal representation, yet there are not enough Pacific lawyers. An academic problem is that there is limited literature on the experiences of Pacific students in New Zealand law schools to. Arising from that specific context, Part 1 concluded by defining the purpose and research questions of this thesis.
Notably this thesis has no formal literature review section. Instead literature is woven throughout the thesis, incorporated into every part. Mixing the literature was appropriate to describe the context of this study, explain methodologies and methods, and interpret the data and findings.

Part 2 begins by first describing the principles of empirical legal research, mixed methods, constructionism and critical social science, critical race theory and Teu Le Va that drive this research. This positions the researcher and research. Part 2 then explains how the data collection and analysis methods were used to appropriately explore the Pacific law student experience from institutional and student perspectives.

The research results are presented in Part 3. The four case studies on the University of Otago, Victoria University of Wellington, University of Auckland and University of Waikato respond to the first three research questions, presenting Pacific student experiences unique to individual law schools. However, the core and strength of this thesis is the final section of Part 4 that compares the case studies. The “Comparing Case Studies” section addresses all four research questions presenting the overall New Zealand law school experience for Pacific students. The significant results identify problem areas for and positive aspects of New Zealand law schools. The results from comparison discussed in relationship to international and New Zealand literature on ethnic minorities and Pacific students.

The final Part 4 views the results in their totality to address the general thesis question of “How and why do New Zealand law schools need to improve for Pacific students?” Part 4 begins by describing some problems with the way New Zealand law schools conceptualise “merit” and “fixing” Pacific students. Finally with the results in mind, Part 4 suggests way to improve the law school experience for Pacific students by describing an ideal law school paradigm.
BIBLIOGRAPHY FOR PREFACE AND PART 1

CASES

NEW ZEALAND


Kerr v Victoria University of Wellington (1997) 3 HRNZ 702.

M v Board of Trustees of Palmerston North Boys’ High School (1997) 2 NZLR 60.


Parr v Broadcasting Corporation of New Zealand (1987) 1 NZELC 95.

Police v Razamjoo [2005] DCR 408.


Winther v Housing New Zealand Corporation [2010] 3 NZLR 56.

LEGISLATION

NEW ZEALAND

Cook and other Islands Government Act 1901.

Education Act 1989.


Immigration Act 2009.

New Zealand Bill of Rights Act 1990.

New Zealand University Amendment Act 1930.


Samoa Act 1921.

Samoa Amendment Act 1923

Student Allowances Regulations 1998.

Tokelau Islands Act 1948.

New Zealand University Amendment Act 1930.

UNITED KINGDOM
The Union Islands (No. 1) Order in Council 1925 (UK).

COOK ISLANDS
Cook Islands Constitution Act 1964.

SAMOA

TOKELAU
Constitution of Tokelau 2006.

INTERNATIONAL


TREATIES
Treaty of Friendship (New Zealand and Western Samoa, 1 August 1962).

BOOKS AND CHAPTERS IN BOOKS
Airini, Melani Anae, Karolo Mila-Schaaf, Eve Coxon, Diane Mara and Kabini Sanga Teu Le Va—
Relationships across research and policy in Pasifika education (Ministry of Education, New Zealand, 2010).
Alison Chetwin and others “Executive Summary” in Speaking about cultural background at sentencing (Ministry of Justice, Wellington, November 2000).

Elliot W. Eisner The enlightened eye: qualitative inquiry and the enhancement of educational practice (Merrill, Upper Saddle River, 1998).


Peter Spiller, Jeremy Finn and Richard Boast A New Zealand Legal History (Brookers, Wellington, 1995).

JOURNAL ARTICLES


John Benseman and others “Retaining non-traditional students: lessons learnt from Pasifika students in New Zealand” 25(2) Higher Education Research & Development 147.


Jeremy Finn "The legal environment of Salmond's time" 38 VUWLR 689.


Jennifer Good and others "Retaining Black Students in Engineering: Do Minority Programmes have a longitudinal impact?” (2001) 3 Journal of College Student Retention 351.


Antony Hooper and Judith Huntsman “A Demographic History of the Tokelau Islands” (December 1973) 82 The Journal of the Polynesian Society 366.
Carl E. James and Leanne Taylor "'Education will get you to the station': Marginalized Students’ Experiences and Perceptions of merit in Accessing University" (2008) 31 Canadian Journal of Education 567.


Steven A Lieberman and others “Effects of comprehensive educational reforms on academic success in a diverse student body” (2010) 44 Medical Education 1232.


Jacquelin Mackinnon “Problem Based Learning and New Zealand Legal Education” (2006) 3 Web JCLI.


Megan R Mahoney and others "Minority Faculty Voices on Diversity in Academic Medicine: Perspectives From One School" (2008) 83(8) Academic Medicine 781.


Pam Millward and others "Voices from Manukau: recruitment and success of traditionally under represented undergraduate groups in New Zealand" (2011) 12 Asia Pacific Educ Rev 279.


Lotte O’Neill and others “Medical school dropout- testing at admission versus selection by highest grades as predictors” (2011) 45 Medical Education 1111.


Ian B Puddey and others “Potential influence of selection criteria on the demographic composition of students in an Australian medical school” (2011) 11 BioMed Central Medical Education 1.

Harold I Reiter and others “Should Efforts in Favor of medical Student Diversity Be Focused during Admissions or Farther Upstream?” (2012) 87(4) Academic Medicine 443.

Penny Rheingans and others “The Role of Majority Groups in Diversity Programmes” (2011) 11(2) ACM Transactions on Computing Education 1.


Adam Spencer and others “Survey on Aboriginal issues with Canadian medical programmes” (2005) 39 Medical Education 1101.


REPORTS


*2013 Quickstats about culture and identity* (Statistics New Zealand, Wellington, 2014).

*2013 Quickstats about income* (Statistics New Zealand, Wellington, 2014).


*Demographics of New Zealand’s Pacific population* (Statistics New Zealand and Ministry of Pacific Island Affairs, Wellington, 2010).

*Education and Pacific Peoples in New Zealand* (Statistics New Zealand and Ministry of Pacific Island Affairs, 2010).

*Effective Equity programmes Cabinet Paper 11: Maori and Pacific Peoples* (Office of the Minister of Justice, 2006).

Irena Madjar and others “Stumbling blocks or stepping stones? Students’ experiences of transition from low-mid decile schools to university” (Starpath Project, University of Auckland, 2010).

Diane Mara and Maryanne Marsters “Pasifika Students: supporting academic success through the provision of mentoring” (Report to Ako Aotearoa Regional Hub Project Fund Scheme, Hawke’s Bay, 2009).


*QuickStats About Pacific Peoples* (Statistics New Zealand, 2006).


**Dissertations**

Cherie Chu “Mentoring for Leadership in Pacific Education” (Doctor of Philosophy, Victoria University of Wellington, 2009).


Telesia Kalavite “Fononga’a Fakahalafononga: Tongan Students’ Journey to Academic Achievement in New Zealand Tertiary Education” (Doctor of Philosophy, University of Waikato, 2010).


Roannie Ng Shiu “‘It’s Life Going to the Moon’: The experiences of Samoan Tertiary Health Students at the University of Auckland” (Doctor of Philosophy, University of Auckland, 2011).

Rosemarie Penn “Manumalo: A Study of Factors which Facilitate Success for New Zealand-born Samoan Students at University” (Masters of Education, Auckland University of Technology, 2010).

Lorraine Petelo “Fa’alogo i le o le fanau A qualitative study of the ways in which students of Samoan background experience their education within the University of Canterbury” (Doctor of Philosophy, University of Canterbury, Christchurch, 2003).

**Internet Resources**


AUT University “Background Information” AUT Law School <www.aut.ac.nz>.

“FAQs about equity and the Equity Office” (April 2014) University of Auckland <www.auckland.ac.nz>.

*Laws of New Zealand* Discrimination: Complaints of Unlawful Discrimination (online ed).


*Laws of New Zealand* (17 September 2012) Pacific States and Territories: (1) Political and Constitutional History 2. Annexation as part of New Zealand (online ed).


"New Zealand IATI data Bilateral Cook Islands" (December 2012) New Zealand Aid Programme <www.aid.govt.nz>.


"New Zealand Scholarships—Samoa" (no date) New Zealand Aid Programme <www.aid.govt.nz>.


Te Whare Wananga O Te Upoko O Te Ika A Maui Victoria University of Wellington “About Us” Faculty of Law <www.victoria.ac.nz/law/>.

University of Auckland Te Whare Wananga O Tamaki Makaurau “About our faculty: Key Strengths” Faculty of Law: Our Faculty <www.law.auckland.ac.nz>.

University of Canterbury Te Whare Wananga o Waitaha “About the School of Law” School of Law <www.laws.canterbury.ac.nz>.

University of Waikato Te Whare Wananga O Waikato “Our Faculty” Te Piringa-Faculty of Law <www.waikato.ac.nz/law/faculty>.
OTHER RESOURCES

Jo Fletcher “Second-chance diverse literacy learners: Factors that influence their learning” (paper presented to Australian Association for Research in Education International Education Research Conference, Canberra Australia National Convention Centre, 29 November-3 December 2009).

“Full text: Helen Clark’s apology to Samoa” The New Zealand Herald (New Zealand, 4 June 2002).

Viliami Finau Latu “There is More to Learning Mathematics than Mathematics: Attributional Beliefs and Motivation of Maori and Pacific Island Students” (paper presented to Mathematics Education Research Association of Australasia, Townsville, Sydney, June 2004).


Sue Middleton “Beating the filters of failure: Engaging with the disengaged in higher education” (HERDSA Higher Education Research and Development Society of Australasia Conference, Rotorua, 2008).


Dan Salmon and Nevak Ilolahia “Polynesian Panthers” (Documentary, 2010).
PART 2: METHODOLOGY & METHODS

INTRODUCTION

Having contextualized this thesis in Part 1 and defined the purpose and research question at the end of Part 1, Part 2 describes how the research question is answered. In particular Part 2 describes the methodology adopted, data collection processes, and data analysis processes.

Part 2 distinguishes between “methodology” and “methods”. “Methodology” is the study of how research is done; these are the principles that drive the research. In contrast “methods” are the tools, techniques or processes used. Describing both methodology and methods informs the approach undertaken to understand the thesis research question.

2.1 METHODOLOGY

This methodology section provides a theoretical context for the research. Methodologies are approaches to research and are crucial for social science research. Literature on empirical legal research, mixed methods, Pacific methodologies, constructionism, critical race theory and critical legal studies are presented and examined to define the principles of this research.

2.1.1 EMPIRICAL LEGAL RESEARCH

Traditional legal research is often based solely on argument and case analysis alone with little empirical work. Empirical research is less common in law than in other areas. Law’s primary focus is often on precedent and argument.

Empirical legal research “involves the systematic collection of information and its analysis according to some generally accepted method.”

Empirical research is desirable here for three main reasons. First, it has been noted that the “quantity of empirical research in legal education is not great.” Second, knowledge of public opinion gained through empirical work is important to support government policy and is a vital part of democracy. Third, empirical work provides evidence and consideration of actual outcomes to identify and inform future effective solutions by understanding key stakeholders’ problems.

---

Early international empirical work in legal education explored the methods for selecting law students into the law degree programme,\textsuperscript{5} and grades within law school.\textsuperscript{6} Upon surveying legal education studies that used empirical research, Cownie (2010) found studies generally fell into three categories: work on legal pedagogy, work on the legal academy as an institution, and work on the students and staff who populate the law school.\textsuperscript{7}

This study contributes to all three categories. In Part 4 the thesis suggests certain teaching methods are not appreciated by Pacific students. It examines the steps New Zealand law schools, as institutions, have taken towards increasing the inclusion of Pacific people. Finally the thesis captures data on and from Pacific students in New Zealand law schools.

This research uses the social science methods described in the sections following to collect data and give empirical depth to answer the questions of how and why do New Zealand law schools need to improve for Pacific students.

2.1.2 MIXED METHODS
This research is structured as a comparative multiple case study design, which entails studying contrasting cases using identical methods—qualitative and quantitative.\textsuperscript{8} Each law school is treated as its own individual case since the policies, structures, and cultures within each law school create a unique setting and are separately managed and operated. The comparative component looks across all law schools settings, establishing overarching theories on the experiences of Pacific peoples.

A comparative case study allows the researcher to analyse both within each setting and across settings. In a multiple case study, several cases are examined to understand the similarities and differences between the cases.\textsuperscript{9}

This study requires mixed method design to answer the research questions with breadth and in depth. However, opponents of mixed methods warn against the use of mixed methods design, arguing there is inconsistency in the definition of mixed or multi method research, inferences cannot be successfully drawn; there are logistical issues and the theoretical paradigms of each method clash.\textsuperscript{10} As one opponent of mixed methods notes:

“One approach [quantitative] takes a subject-object position in relation to the subject matter; the other [qualitative] takes a subject-subject position. One separates facts and values, while the other sees

---

\textsuperscript{5} Frederick J. Gaudet and Franklin J. Marryott “Predictive Value of the Ferson-Stoddard Law Aptitude Examination” (1930) 7 Am.Law S.Rev. 27; John H. Wigmore “Juristic Psychopoyemetrology—or, How to Find out Whether a Boy has the Makings of a Lawyer” (1929) 24 Illinois L.Rev. 454.


\textsuperscript{7} Fiona Cownie, above n 3, at 854.

\textsuperscript{8} Alan Bryman Social Research Methods (4\textsuperscript{th} ed, Oxford University, Oxford, 2012) at 72


them as inextricably mixed. One searches for laws, and the other seeks understanding. These positions do not seem compatible.”

In response to such critiques, this research takes the position that such there are problems using both qualitative and quantitative methods on a theoretical level, but in practice the two methods can be combined. Quantitative and qualitative methods are recognised as each having their own strengths and limitations as summarized in the table below:

Table 4: Strengths of Quantitative and Qualitative Methods

<table>
<thead>
<tr>
<th>Quantitative Methods</th>
<th>Qualitative Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure objective facts</td>
<td>Construct social reality, cultural meaning</td>
</tr>
<tr>
<td>Focus on variables</td>
<td>Focus on interactive processes, events</td>
</tr>
<tr>
<td>Reliability is key</td>
<td>Authenticity is key</td>
</tr>
<tr>
<td>Value free</td>
<td>Values are present and explicit</td>
</tr>
<tr>
<td>Theory and data are separate</td>
<td>Theory and data are fused</td>
</tr>
<tr>
<td>Independent of context</td>
<td>Situation constrained</td>
</tr>
<tr>
<td>Many cases, subjects</td>
<td>Few cases, subjects</td>
</tr>
<tr>
<td>Statistical analysis</td>
<td>Thematic analysis</td>
</tr>
<tr>
<td>Researcher is detached</td>
<td>Researcher is involved</td>
</tr>
</tbody>
</table>

The Table illustrates that quantitative and qualitative methods each have their own strength. But, quantitative and qualitative methods generally have been recognised as complementing one another.

Quantitative methods were used to answer research question 2. First, quantitative methods were used to analyse and suggest relationships between variables (i.e. ethnicity, equity programmes, enrolment and completion). Second, quantitative methods enable replication of the study in future years (i.e. to measure progress of Pacific peoples in 2020) or in different contexts (i.e. to measure the progress of Pacific peoples in Australia or USA). Finally, this enables the research to measure on objective facts (i.e. to examine trends in paper enrolment and completion) and mitigates the limitations of pure qualitative research (i.e. to purely explore how students perceived success).

Qualitative methods were used to answer research questions 1-3 for three main reasons. First qualitative methods were used to examine how the equity programme experience is structured and

---

15 Alan Bryman Social Research Methods, above n 8, at 177.
16 At 176.
“given meaning”, through the eyes of the students and staff involved in the interventions. This enables the research to delve in depth into complexities and processes. Second, the product of the qualitative research is richly descriptive, and thus provides in depth explanation of the quantitative data. This mitigates the limitations of pure quantitative research that does not readily connect research to everyday life.

A mixed methods approach was used to comprehensively capture both breadth and depth on the topic. Both quantitative and qualitative approaches are recognised as valid methods for empirical legal studies, and mixed methods are suggested as “the most effective way to understand the relationship between law and society.” This enabled the research to be triangulated; that is, for the Pacific law student experience to be examined “from several angles rather than just one way.” In this research, angles included 1) government perspective from quantitative admission and completion outcome statistics 2) historical perspective from descriptions of equity programmes and 3) key stakeholders’ perspectives from participant interviews.

Triangulation contrasts to top down approaches that start with a policy decision by government officials and then examines the effects. Top down approaches to research have historically resulted in deficiency theories, and the portrayal of Pacific peoples as needy individuals incapacitated by their own inferior culture. In using mixed methods this research captures both the top down perspective in terms of impacts from a law school perspective and a bottom up perspective in terms of impacts from a law student perspective. In this way both quantitative and qualitative methods converge at a common explanation point to capture a full picture of the impact of law schools for Pacific students.

17 Norman K. Denzin and Yvonna S. Lincoln, above n 14, at 10.
18 Alan Bryman Social Research Methods, above n 8, at 399.
21 Alan Bryman Social Research Methods, above n 8, at 179.
24 W. Lawrence Neuman, above n 12, at 149.
26 Deficiency theories argued that certain ethnic groups were not successful because they did not have the resources, such as culture, to do well. Deficiency theories place blame and responsibility on Pacific peoples for doing poorly academically, rather than the government.
Mixed methods were used to understand overt and underlying issues more comprehensively and to critically examine the breadth and depth of data. This study was designed and implemented sequentially rather than concurrently, meaning qualitative methods were implemented first followed by quantitative methods. Details of the sequential process will be described a later section.

The following sections describe the methodology adopted in undertaking this research and detail the methods of data collection, analysis and interpretation.

2.1.3 **CONSTRUCTIONISM & CRITICAL SOCIAL SCIENCE**

This section describes the underlying assumption of constructionism in this research and the extent to which critical social science was adopted as methodology for this research. Specifically it explains the theoretical stance of the research, the conception of reality, the positioning of the researcher amongst research participants.

Constructionism is an ontological position that recognises entities, such as organizations and cultures, as external realities that act on and constrain people; realities are in a continuous state of construction and reconstruction.\(^{28}\) This research asserts the reality of experiences for Pacific people in law schools is socially constructed by a number of actors and is in constant change. Based on the assumption of constructionism, the research focuses on the reality of experiences that has been created by the various actors involved—the New Zealand government, universities, faculties, administrators, lecturers and students. Equity programmes are not external or objective phenomena existing outside influence.

Critical social science is a “critical process of inquiry that goes beyond surface illusions to uncover the real structures in the material world in order to help people change conditions and build a better world for themselves”.\(^{29}\) Significantly, taking a critical methodological approach entails not simply studying the social world, but changing it. Given the history of New Zealand’s relationship with Pacific peoples being ineffective in working for Pacific peoples in Part 1, a critical stance is necessary for examining the experiences of Pacific peoples in New Zealand law schools in order to create positive change and outcomes.

Critical social science operates on the assumption that “education is a social institution designed for social and cultural reproduction and transformation”.\(^{30}\) This research critiques how the social institution of law schools is structured to preserve and perpetuate the interests of some members of society at the expense of others.

According to critical social science, social reality has multiple layers. Thus this research does not simply gather objective empirical data on law schools, but rather critically examines the structures and mechanisms that influence the data. Extending upon critical social science this research adapts a critical legal studies approach, which concludes on the basis of investigation of the effects of legal

---

\(^{28}\) Alan Bryman *Social Research Methods*, above n 8, at 34.

\(^{29}\) W. Lawrence Neuman, above n 12, at 95.

\(^{30}\) Sharon B. Merriam, above n 20, at 4.
principles that "legal decisions reflect the intersection of racism, sexism and classism and that legal
principles are not applied in uniform ways,"\textsuperscript{31} and thus makes a political commitment to research.

Critical social science requires active praxis, enacted theory, between the researcher and the
research participants;\textsuperscript{32} making the research accountable to and put into effect for the community.
However, critical social science does not position the researcher alongside research participants,
nor is the research 'accountable' to the people whom research is conducted on. The purpose of
critical social science is "to reveal what is hidden to liberate and empower people."\textsuperscript{33}

In conclusion, this research adopts two aspects of critical social science—its stance of research for
change, and criticism of empirical data in light of underlying moral and political structures. The
third aspect of active praxis is adopted to the extent that the researcher is involved directly in the
research participants' community.

2.1.4 CRITICAL RACE THEORY

Critical race theory "sets out to ascertain how society organizes itself along racial lines and
hierarchies and to transform it for the better"\textsuperscript{34}. The critical race theory movement originated in the
US in the early 1980s in the field of law; the initial movement criticized the legal academy for
having ideas of racial dynamics that operated to preserve white supremacy and social injustice for
minorities.\textsuperscript{35} Law professor Derrick Bell, critical race theory's main contributor, described critical
race theory as “a body of legal scholarship...a majority of whose members are both existentially
people of color and ideologically committed to the struggle against racism, particularly as
institutionalized in and by law.”\textsuperscript{36}

Although critical race theory shares the “critical” nature of Critical Legal Studies and “commitment
to a vision of liberation from racism through right reason” of traditional civil rights scholarship,
Critical race theory's unique vision is that it seeks to redeem the position of minorities rather than
do deconstruct their social position.\textsuperscript{37} The basic essential aspects of critical race theory are:\textsuperscript{38}

a) Race is a social construction, not a biological reality; races are categories that society
invents, manipulates or retires when convenient. This includes skin color, physique and hair
texture. (This is as opposed to "ethnicity," which refers to cultural factors, ancestry and
language). Racism is a means by which society allocates privilege and status

b) Revisionist history reexamines the historical record, replacing majority interpretations with
minorities’ experiences

\textsuperscript{31} Catherine Marshall and Gretchen B. Rossman, above n 19, at 28.
\textsuperscript{32} W. Lawrence Neuman, above n 12, at 99.
\textsuperscript{33} At 102.
\textsuperscript{34} Richard Delgado and Jean Stefancic "Introduction" in Richard Delgado and Jean Stefancic (eds) Critical race
\textsuperscript{35} Jack Turner "Critical race theory" in George Thomas Kurian (ed) The Encyclopedia of Political Science (Sage
\textsuperscript{37} Angela P. Harris "Foreword: The Jurisprudence of Reconstruction" (1994) 82 Cal.L.Rev.741 at 743.
\textsuperscript{38} Richard Delgado and Jean Stefancic "Hallmark Critical race theory Themes" in Richard Delgado and Jean
c) Criticism of beliefs in liberal colorblindness and neutral principles of law

d) Structural determinism: positing that our system, by reason of structure and vocabulary, cannot redress certain types of wrongs

Not all critical race theory proponents will agree with the aforementioned themes. However, they are a sufficient description for the purposes of this research. This research does accept race is a social construction, not a biological reality. For example this research works from the assumption that Pacific race has been constructed by law schools to include certain specific Pacific characteristics in a targeted admissions scheme while excluding others (a white European who lived in Tahiti may not be eligible). Race has been constructed by Pacific students as they define characteristics of what is “Pacific”, what is “Pacific culture”. The thesis considers whether traditional New Zealand law schools have been structured in a certain way to exclude Pacific people, allocating and maintaining privilege and status of Pakeha. Thus this research explores how law schools have socially constructed race in practice.

Critical race theory specifically on affirmative action has had mixed reviews. One on hand, critical theory has supported affirmative action initiatives. Researchers have used critical race theory to justify affirmative action programs by using research on unconscious biases, law and economics to examine structural discrimination and advocate for affirmative action and fair measures. On the other hand, critical race theorists have been critical of the ways that affirmative action has been applied in some instances. Researchers have found that affirmative action further enables law schools’ to “benevolent motivation (‘look how hard we’re trying’) and good faith” and to “avoid issues of blame or responsibility.” In this research, critical race theory is used as a powerful way to derive a greater understanding of affirmative action and how race has been constructed in law school.

This research abides by the theme of revisionist history to a certain extent. It presents and critically examines the historical records of New Zealand law schools from an institutional perspective. It values the Pacific experience by upholding the voices of Pacific students. However, it does not completely overturn or devalue the institutional perspective. Instead this research revises history in a way that balances viewpoints, focusing on common intersections and explaining points of difference. A full picture is thus constructed.

Criticism of colorblindness and the illusion of neutral principles of law are crucial to this research. The field of law prides itself on neutrality, equitable application of the doctrine of the precedent, and impartiality. This positioning and administration of the law in the legal system and law school has not always worked successfully for producing positive outcomes for Pacific people.


Furthermore, New Zealand in particular is plagued by colorblindness, priding itself on its race-neutral statutory laws and upholding itself as an ideal of model of diversity to the world when digging deeper shows that it remains racially segregated within neighborhoods, education and the justice system.\textsuperscript{41}

Finally, structural determinism is explored in this research. Again it examines the structural wrongs inherent within law school that may not be able to be redressed by the system itself.

Of course, critical race theory is not without criticism. Opponents of critical race theory say it falsely presumes all people of color have experienced racial oppression and that, because of a similar struggle, all minorities have different perspectives than their white peers,\textsuperscript{42} and this is racist.\textsuperscript{43} Even among proponents of critical race theory, there are divisions and spin-offs within the field. An example is specific ethnic concerns within critical race theory. Ethnic groups within America focus on issues pertinent to their situation. African American critical race theory scholars focused on anti-Black and segregation policies. Latino American and Asian American critical race theory scholars have focused on migration policy and discrimination based on language, accent and national origin. Native American critical race theory scholars focus on indigenous rights and sovereignty issues.

Critical race theory is based within the United States context. Although critical race theory themes resonate with the racial experience in New Zealand, the specific legal environment and historical context need to be acknowledged. While Pacific people in New Zealand do have migration, language, and national origin legal issues similar to that of Latinos and Asians in America, the Pacific experience is not exactly the same.

2.1.5 Teu Le Va: Pacific Methodology

The primary purpose of Pacific research is “to generate knowledge and understanding about, and for Pacific peoples and their environments.”\textsuperscript{44} In order to create such research with tangible outcomes for Pacific people, a certain research stance is needed throughout the research. The researcher’s position and perspective on the research are essential to pinpoint and question because it affects who will benefit from the research.\textsuperscript{45}

Indigenous research scholars have vehemently criticized research as being traditionally defined within European context of colonialism and imperialism, shaping the worldview that researchers bring as one that positions Western knowledge as superior.\textsuperscript{46} Such a stance has operated to the detriment of indigenous peoples and minorities. In New Zealand, to combat and reject such Western research stances, Maori have formed and constantly reformed Kaupapa Maori research as a methodology that enables the Maori perspective in research. Key intervention elements integral

\textsuperscript{41}Human Rights Commission \textit{A fair go for all? Rite tahi tatou katoa? Addressing Structural Discrimination in Public Services} (Human Rights Commission, New Zealand, 2012).
\textsuperscript{42}Randall L. Kennedy “Racial Critiques of Legal Academia” 102 Harv.L.Rev. 1745 At 1746.
\textsuperscript{43}Daniel A. Farber and Suzanna Sherry \textit{Beyond All Reason} (Oxford University Press, New York, 1997) at 52.
\textsuperscript{44}University of Otago Pacific Research Protocols (University Council, Dunedin, November 2011) at 9.
\textsuperscript{45}Meaola Amituanai-Toloa “What is Pasifika research methodology? The ‘tupua’ in the winds of change” (2009) 21 \textit{Journal of the Pacific Circle Consortium for Education} 45 at 45.
\textsuperscript{46}Linda Tuhiai Smith \textit{Decolonizing Methodologies: Research and Indigenous Peoples} (University of Otago Press, Dunedin, 2006).
to Kaupapa Maori originally highlighted by Graham Hingangaroa Smith (1997) and affirmed by Maori scholars are:

- Tino Rangatiratanga (the ‘self-determination’ principle)
- Taonga tuku iho (the ‘cultural aspirations’ principle)
- Ako Maori (the ‘culturally preferred pedagogy’ principle)
- Kia piki ake I nga raruaru o te kainga (the ‘socio-economic’ mediation principle)
- Whanau (the extended family structure principle) and
- Kaupapa (the ‘collective philosophy’ principle)

Kaupapa Maori research is recognised as being indigenous to tangata whenua of New Zealand. Within New Zealand Maori are not typically characterized within the category of Pacific people, whom are tangata moana (reference?). However, Kaupapa Maori methodologies are a part of Pacific methodologies generally in viewing New Zealand from outside the Pacific. Many elements of Kaupapa Maori methodology principles are consistent with those of other Pacific methodologies, such as the “collective philosophy” and extended family structure.

The variety of Pacific methodologies is reminiscent of the diversity of Pacific ethnicities and peoples themselves. The table below describes chronologically some of the predominant ethnic specific Pacific methodologies and their core principles:

<table>
<thead>
<tr>
<th>Pacific Methodology</th>
<th>Year</th>
<th>Description</th>
<th>Core Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kakala (flowers woven together in special ways)</td>
<td>1997</td>
<td>Tongan methodology metaphor of weaving a garland</td>
<td>-toli (selecting and picking different flowers and leaves)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-tui (process of weaving)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-luva (giving away of the kakala to the wearer)</td>
</tr>
<tr>
<td>Tivaevae (patchwork quilt)</td>
<td>2000</td>
<td>Cook Island methodology metaphor of sewing a quilt</td>
<td>-one woman designs and allocates different roles to other women</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-each women have individual task</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-working together to ensure patterns sewn together correctly</td>
</tr>
<tr>
<td>Talanoa (face to face dialogue)</td>
<td>2000</td>
<td>Austronesian methodology of engaging in dialogue</td>
<td>-telling stories to each other absent concealment of inner feelings and experiences that resonate in our hearts and minds</td>
</tr>
</tbody>
</table>

51 Sitiveni Halapua “Talanoa process: The case of Fiji” (East West Centre, Honolulu, 2000).
<table>
<thead>
<tr>
<th>Methodology</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fa’afaletui (weaving)⁵²</td>
<td>2005</td>
<td>Samoan methodology of weaving together all the different expressions of knowledge from within various groupings</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Talanoa (talking about nothing)⁵³</td>
<td>2006</td>
<td>Tongan methodology of talking things over rather taking a rigid stand, negotiation</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Teu Le Va (the centrality of relationships)⁵⁴</td>
<td>2010</td>
<td>Pasifika methodology for valuing and nurturing and enacting the sacred and secular space in relationships</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ula⁵⁵</td>
<td>2011</td>
<td>Samoan model of hospitality and generosity</td>
</tr>
</tbody>
</table>

Cross-cultural, indigenous, and Pacific research methodologies emphasize reciprocal relationship is an essential part, doing research with rather than on a group.⁵⁶ To achieve outcomes that benefit Pacific people, Anae et al (2001) suggest common characteristics of research methodologies that work best. These characteristics are consistent throughout the aforementioned Pacific

---


methodologies and the Health Research Council of New Zealand’s Pacific Health Research Guidelines.\textsuperscript{57} They are that research must be:\textsuperscript{58}

\begin{itemize}
  \item[a)] Sensitive to contemporary Pacific contexts
  \item[b)] Capable of embracing existing Pacific notions of collective ownership
  \item[c)] Capable of embracing collective shame
  \item[d)] Capable of embracing collective authoritarian structures; and
  \item[e)] Capable of withstanding the test of time.
\end{itemize}

While these are the main similarities amongst Pacific methodologies, many of the methodologies are specific to particular Pacific ethnic contexts. Because this research works with and for a diverse range of Pacific peoples in terms of ethnicity, origin, gender and socioeconomic status, an all-encompassing pan-Pasifika methodology was necessary. I use Anae’s ‘teu le va’ paradigm (2007) as it provides the over-arching paradigm with which to focus on the multi-leveled research relationships within the research process. As a paradigm, it is all-encompassing; it is ontology, methodology, epistemology and pedagogy at the same time. All other Pacific ethnic-specific methodologies provide examples as to how these research spaces/relationships can be further enhanced in sacred and secular ways in ethnic-specific ways. Hence this research adopts Teu Le Va. To illustrate how this research uses Teu Le Va, a table from Anae (2007) that describes the relational contexts, concepts/principles, and researchers,\textsuperscript{59} was amended with an additional column describing how Teu Le Va was implemented in this research.

\textsuperscript{57} Health Research Council of New Zealand Pacific Health Research Guidelines 2014 (Health Research Council of New Zealand, Auckland, 2014) at 9-16.
\textsuperscript{58} Melani Anae, Dr Eve Coxon, Diane Mara, Tanya Wendt-Samu, and Christine Finau Pasifika Education Research Guidelines (Ministry of Education, Wellington, 2001) at 28.
\textsuperscript{59} Melani Anae, above n 27, at 15.
Table 6: Teu Le Va Concepts Applied in this Research

<table>
<thead>
<tr>
<th>Relational contexts</th>
<th>Concept/principle</th>
<th>Teu le va for Researchers</th>
<th>Teu le va applied in this research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Untangling Pacific population cohorts—the va between island born/NZ-born</td>
<td>Untangling/acknowledging of inter/intra dimensions of ethnicity and identity. Recognising the salience of context</td>
<td>A clear unravelling and identifying of intra-ethnic complexities e.g. age/gender/status, as well as 'hidden' status considerations e.g. gang/clique. Also pan-Pacific and/or inter-ethnic considerations with diverse sub-groups as necessary</td>
<td>Statistical data variables included gender, school decile, and specific Pacific ethnicity. Interview questions explored participants diverse backgrounds including migration identity, gender, socioeconomic status, high school and Pacific ethnicity</td>
</tr>
<tr>
<td>Nurturing the va between researcher and participants regarding methodologies and methods</td>
<td>Avoiding the 'clutter'-maximising research methods/methodologies and research for optimal educational outcomes for Pacific students</td>
<td>Successful tenderer must show clear knowledge and experience of various palagi and Pacific methodologies and is able to negotiate through triangulation of ethnic interface/cube/teu le va reference points in order to justify relationship between methods (quant/qual or both), types of questions (descriptive, explanatory, prevention), and cultural complexity (sub/ethno/a-cultural) finally suggested in responses to RFP</td>
<td>‘Effects’ of equity programmes were determined by triangulating quantitatively from the “top down” in terms of enrolment and completion percentages and qualitatively from the “bottom up” in terms of thematic interview data. Institutional and client ideas of success were collected and presented with consideration. Research topic arose from Pacific student concerns about support and research questions were refined with supervisors and the law school in order to recommend institutional changes. All participants were acknowledged for their time in the writing. Student participants were given koha (a movie ticket).</td>
</tr>
<tr>
<td>Best practice reference points—the va between funders/researcher; researcher and team, researcher and participants; researcher and</td>
<td>Implementing principles in original guidelines (and others) through six stages of research in the Pasifika Education Research Guidelines60</td>
<td>Reciprocal relationships to be nurtured are: with tangata whenua, research institution, strategic priorities, the funders, research colleagues in team, junior researchers, research participants, communities, e.g. research participants acknowledged for their time, in terms of</td>
<td>All participant institutions and individuals received a copy of the final report. All data was analysed and written to give equal voice to participants and statistical data.</td>
</tr>
</tbody>
</table>

60 Melani Anae, Dr Eve Coxon, Diane Mara, Tanya Wendt-Samu, and Christine Finau, above n 55, at 28.
<table>
<thead>
<tr>
<th>communities</th>
<th>koha, feedback, transcripts, research reports/summaries of findings; mentoring of junior researchers etc. How this is to be done should be clearly delineated in the proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The va between funders/policy makers/ministries and researcher(s)/research teams</strong></td>
<td>Through <em>Teu le va</em> research processes a commitment to transformative change for Pasifika students, families and communities to reduce educational underachievement in Aotearoa-New Zealand that is not only fiscal but also philosophical and moral.</td>
</tr>
<tr>
<td></td>
<td>Within negotiated funding and timing parameters, take into account precedents/considerations relating to best practice for selecting appropriate, robust research approaches/methods/methodologies. Also, as an ongoing process, widely disseminate well-researched and articulated findings to research participants, communities and policy-makers.</td>
</tr>
<tr>
<td></td>
<td>Findings were disseminated to each law school and at Pacific law conferences, where key stakeholders attended. The thesis itself thus became an enabler</td>
</tr>
</tbody>
</table>
2.1.6 ETHICS
This project gained approval from University of Otago Human Ethics Committee and Research Consultation with Maori for all data collected including historical archives, statistical data, and interviews.

Two separate ethics applications were made in March and June 2012. The first application was for historical archival and statistical data. The second application was for interview data. It was initially thought that archival and statistical data would be collected first to inform interview collection. However, universities were unwilling to cooperate initially in giving much of the archival and statistical data. Therefore, adjustments were made so that all data was collected at the same time.

Universities were willing to allow access to most archival and some student record data after interviews were conducted and face to face contact was initiated.

The following archival data was denied by universities: number of equity programme participants in each year and attendance records for equity programmes. The reason universities gave for denying archival data was that they did not have written records for every year.

The following student data was denied by a few universities: citizenship, high school, other degrees enrolled in, conjoint majors, graduation dates, marks from LAWS100 and LAWS200. The reasons universities gave for denying access to student data were that universities believed:

1. mistakenly that only information on Pacific students was being requested (when in reality information on all student enrolled was requested) and given their small numbers in law school would be identifiable individually;
2. that the detailed information required the consent of students before it could be released;
3. giving the information would violate the Privacy Act; and
4. that it was too time consuming for universities to collect and distribute the data to the researcher.

All participants were given an information sheet about the project and signed a consent form, consistent with ethical protocols.

Participants’ privacy, anonymity, and confidentiality were handled with utmost care. The archival student record, participant interviews sound recordings and written transcripts were recorded onto a portable electronic storage device and remained in the sole possession of the researcher throughout the study. Interview transcripts were made available to participants on an opt-in basis. Interview participants were not named in this thesis.

---

61 One university passed the request for student data around to different staff over a 2 month period and then even after having agreed with supervisors and researcher over the phone to make all data available only made limited student data available after 13 months. Another university passed the request for student data around to different departments over a 3 month period and only made limited student data available when the researcher visited the university in person 6 months after the initial data request.

62 A copy of the information sheet and consent form is included in the Appendix.
2.2 DATA COLLECTION

To answer the four research questions, data was collected using 3 methods—historical archives, student records and interviews. This section 1) describes in depth the data collection method used and 2) discusses the pros and cons of each of method.

2.2.1 HISTORICAL ARCHIVES

2.2.1.1 PROGRAMME REPORTS

Archives are repositories of accumulated knowledge and are the institutional memory.63 Many archives detailing Pacific programmes were publicly available and accessible through the internet on universities' websites.64 Contemporary archives from the past 10 years on Pacific law programmes were readily available online; typically these archives reached back to 2000 until present. The following documents were accessed from each respective university online:

Table 7: Summary of Historical Archive Documents

<table>
<thead>
<tr>
<th></th>
<th>Auckland</th>
<th>AUT</th>
<th>Waikato</th>
<th>Victoria</th>
<th>Canterbury</th>
<th>Otago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calendars</td>
<td></td>
<td></td>
<td></td>
<td>2012-2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law Faculty Student</td>
<td>2013</td>
<td>Not available</td>
<td>2013</td>
<td>2013</td>
<td>2013</td>
<td>2013</td>
</tr>
<tr>
<td>Handbooks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

All were primary documents as they were direct records of events and processes by a witness involved in it. The majority of the above documents were written by academic and office staff members, such as deans and lecturers, recalling major events that occurred in that respective year. Useful information found within the documents included the years in which equity programmes were initiated and a description of equity programmes available.

Notably all documents are not specific to Pacific law students, but rather document significant ongoing events throughout the university and law school as a whole, for instance general law school orientation. Thus a limitation of these archives is that if the recorder did not deem Pacific initiatives as significant in that particular year, they may not have focused or mentioned them at all. However, in most cases since there is a major drive across New Zealand universities to increase the access and performance of Pacific students, recorders tended to note Pacific initiatives in the recollection of the year.

In addition to the aforementioned archives, access to private archives was sought through university administrators via email and face to face contact. At three universities access was granted to additional resources such as internal reviews, reports, emails documenting formation of Pacific law programmes, and pre-2000 reports. Unfortunately not all administrators were willing or able to provide access to archives. Despite this limitation, the histories of Pacific programmes were pieced together from multiple data sources.

### 2.2.1.2 University Websites

Web pages on websites of New Zealand’s law schools were treated as primary historical documents because they are designed to provide information to the general public of past and present events and processes. Texts on websites are traces of social relations represented digitally. Previous studies similarly survey and analyse webpages to configure past and present events.

All 6 New Zealand law school websites were searched for key events, organizations, persons, and papers relevant to prospective and current Pacific LLB and LLB (Honours) students. University of

---

65 Stefan Gradmann and Jan Christoph Meister "Digital document and interpretation: re-thinking 'text' and scholarship in electronic settings" 5 Poiesis & Praxis 139.

66 Saleem Razack, Mary Maguire, Brian Hodges and Yvonne Steinert "What Might We Be Saying to Potential Applicants to Medical School? Discourses of Excellence, Equity and Diversity on the Web Sites of Canada’s 17 Medical Schools" (2012) 87 Academic Medicine 1323.
Auckland, Waikato and Otago law schools had sections of their law school website dedicated specifically to Pacific law students, while AUT, Victoria and Canterbury law schools provided direct links to a centralized university website for Pacific students from across all academic disciplines. Information from websites combined with programme reports assisted in painting an initial picture of equity programmes, providing descriptions of what equity programmes entailed and who organized them.

2.2.1.3 Interviews for Clarification on Archives
Where it was unclear what programmes existed or how they functioned practically, assistance was sought through interviews with relevant students and staff during the formal interview process described below. Interviews comprised a significant component of this research in evaluating programmes and policies, as will be described below. Face to face interviews as a part of the larger research project and email follow-up interviews provided clarification on programme operation and history.

2.2.2 Student Records
To explore measurable outcomes of equity programmes, data from student records were sought from four law schools. Law schools were contacted directly via email. Requests included an information sheet, ethical approval, and a list of information requested. The following specific data was initially requested:

Table 8: Data Request for Student Records

<table>
<thead>
<tr>
<th>Source</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Archives</td>
<td>Demographics of all students who took an undergraduate law paper:</td>
</tr>
<tr>
<td></td>
<td>Gender</td>
</tr>
<tr>
<td></td>
<td>Citizenship</td>
</tr>
<tr>
<td></td>
<td>Ethnicities</td>
</tr>
<tr>
<td></td>
<td>High School</td>
</tr>
<tr>
<td></td>
<td>Age</td>
</tr>
<tr>
<td></td>
<td>Degree(s) enrolled in</td>
</tr>
<tr>
<td></td>
<td>Major(s)</td>
</tr>
<tr>
<td></td>
<td>Year they took 1st Year Law</td>
</tr>
<tr>
<td></td>
<td>LAW 100 level exam results</td>
</tr>
<tr>
<td></td>
<td>LAW 200 level exam results</td>
</tr>
<tr>
<td></td>
<td>LAW 300 level exam results</td>
</tr>
<tr>
<td></td>
<td>LAW 400 level exam results</td>
</tr>
<tr>
<td></td>
<td>Graduation Date</td>
</tr>
<tr>
<td>Law Admissions Committee Archives</td>
<td>Number of Applications</td>
</tr>
<tr>
<td></td>
<td>Number of students accepted</td>
</tr>
<tr>
<td></td>
<td>Description of categories for admission</td>
</tr>
<tr>
<td></td>
<td>Cut off mark for each year</td>
</tr>
<tr>
<td>Pacific support services archives</td>
<td>Description of programmes for Pacific law students</td>
</tr>
<tr>
<td></td>
<td>Number of programme participants</td>
</tr>
<tr>
<td></td>
<td>Attendance records for programmes</td>
</tr>
<tr>
<td></td>
<td>Programme Evaluations</td>
</tr>
</tbody>
</table>
Original requests for records was rejected in part or in whole by all law schools as they claimed there were Privacy Act 1993 issues such as students being individually identifiable, and also that providing such information would be unduly burdensome and time-consuming. Victoria University of Wellington and University of Otago provided more detailed data regarding students’ demographics than University of Auckland and University of Waikato. A limitation of collecting the data from institutions was that it was complex. Each institution kept their data in a different format and system. Each institution coded data differently, for instance some universities used grade point averages or recorded grades in a letter scale rather than a percentage. At some institutions, data was kept by the Law Faculty, while at others data was administered by a separate office. Data was not readily available or accessible in the format requested.

Upon the failure to obtain information via email, the researcher approached administrative staff within the law faculty and university-wide administrators in person by organizing face to face meetings. At the face to face meetings, the researcher informed staff members about the intent of the research project, extent of each university’s participation and reason for data collection. Many staff members were limited by the university system that was used to collect information. The researcher negotiated with staff members to access data sets that were available.

After consulting with each university individually, the researcher met with a biostatistician regarding the available data and the format of the data. The data request was revised and resubmitted to administrators in the law schools and general university in some instances. The revised data request asked for whole count numbers, rather than individual student information. This severely limited the type of statistical tests that could be run on data. For instance, multiple regression analysis was ruled out for determining what demographic factors coincide with completion or admission. Unfortunately, this research was limited to only the data made accessible.

The revised data request was emailed to administrators with whom the researcher had made personal contact. The email request included an information sheet, final approval letter, list of tables requested and excel data request form to be filled out. (See Appendix). Administrators from all four law schools replied back with data from the revised request. But some universities replied back with limited data, for instance only student enrolment and completion by ethnicity. A major limitation of this study is the lack of access to student records. The researcher made do with what the student enrolment and completion by ethnicity data, which was received from all law schools.

The researcher also contacted the Tertiary Education Commission, an independent government agency external to any university which keeps records of all universities’ student enrolment and completion. It is through the Tertiary Education Commission that the researcher gained access to LLB enrolment and completion statistics by ethnicity and ethnic composition of LLB students from 1994-2012 from all six universities. This enabled stability reliability (official definitions or methods of collecting information was consistent over time) and equivalence reliability (all university data was collected in the same way).
Using pre-collected data from an organization is a limitation. Data is subject to errors in collecting information, organizing and reporting information and publishing information. The researcher has no control over the data quality, or indication of whether data is missing. Significantly it was found research undertaken in the 1980s revealed that Maori and Pacific people were undercounted by 12% and 57% in various statistics as they were misclassified as Pakeha or Other; this may have been because the data collection instruments were not precise and the data collectors may not be sufficiently aware of what is required, or methods used to classify were not accurate. Such inaccuracies in data collection inevitably taint the results.

Nevertheless, secondary analysis of official statistics is an appropriate method to address concrete issues of public policy. This research analysed official university statistics because this method ensured high-quality accessible data, opportunity for longitudinal analysis and subgroup analysis and was cost and time efficient.

2.2.3 Interviews

Although historical archives and statistics were attained for all six law schools, only four law schools were selected for full interviews. Auckland University of Technology and the University of Canterbury were excluded from interviews.

AUT Law School at Auckland University of Technology was excluded because its LLB programme was only introduced in 2009, making its department only 4 years old at the time of this study. Thus AUT Law School did not have extensive student record data necessary for comparison with the other older law schools.

The longstanding School of Law at the University of Canterbury was excluded from this study because recent major earthquakes in 2010 and 2011 occurred during the data collection period of this study. Since University of Canterbury was focused on earthquake relief and support during these times it was unduly difficult to organize interviews with staff and students. Likewise student records at the University of Canterbury were impacted by the earthquake, with many students transferring institutions and thus affecting the data in a way that was not representative.

Both universities can reasonably be excluded from interviews because they both had limited equity programmes based within the law school for students to comment on. For instance Canterbury’s equity programmes for Pacific law students were administered by its central university Pacific hub rather than the law school. The impact of having not enough statistical and historical data on these two universities overrides their potential of serving as a control group. It is hoped that future studies will include all 6 New Zealand law schools.

67 W. Lawrence Neuman, above n 12, at 338.
68 Alan Bryman Social Research Methods, above n 8, at 316.
69 W. Lawrence Neuman, above n 12, at 338.
71 At 330.
72 Alan Bryman Social Research Methods, above n 8, at 312-315.
2.2.3.1 PARTICIPANTS

Two types of participant groups were selected from each university—Pacific students and key informant staff.

Student Participants Eligibility and Recruitment

Eligibility for student participants required they 1) were enrolled in one of the four law schools in 200 level LLB papers or above and 2) self-identified as Pacific students. Participants were selected from the 200 level or above because these students had been involved at the law school long enough to ensure they were familiar with and experienced in the culture of law school and familiar with Pacific equity programmes. First year 100 level Pacific law students were excluded because they were difficult to contact as many did not identify as being a law student, especially in universities that cull students after the 100 level.

This study included persons who self-identified as Pacific students because self-identification is the method for determining “Pacific Islander” for university enrolment and many of the equity programmes. Because this study aimed to capture the general Pacific law student experience, it was irrelevant to consider “how much” Pacific blood the person had, whether they could speak a Pacific language or whether they had lived or grown up in the Pacific. This study aimed to capture the diversity of voices who fall within the category Pacific peoples and who use Pacific equity programmes. Pacific students are centres of knowledge on equity programmes because they are the intended beneficiaries of the programme and have firsthand experiences of the programmes.

Convenience sampling was used to recruit participants. This entailed involving student participants who were available when the researcher was visiting the law school and willing. Potential student participants were contacted via email addresses and group Facebook pages that were linked on Pacific Island Law Students Association (PILSA) websites and shoulder tapped from Law and Culture Conferences in 2011 in Vanuatu and 2012 in Auckland. From initial contact with PILSA presidents and students volunteers, snowball sampling was used, in which sampled student participants proposed other participants who have had the experience or characteristics relevant to the research. A limitation of this recruitment method is that only students who were involved in and known to PILSA were nominated and there may be other students who accessed programmes but did not participate in PILSA who were missing from the sample. Thus there is potential bias in the sample.

A list and contact details of Pacific law students were requested from each universities’ law school administrative staff. However, the researcher was told that due to the Privacy Act, law schools could not reveal individual students’ details. Once initial contact was made, potential student participants were screened for eligibility using the aforementioned criteria.

Every eligible person identified was contacted via email, Facebook private messaging and text to arrange and confirm face to face meeting times. An interview guide was prepared and there was an option for student participants to receive the set of questions 1 week before the interview. This gave student participants the option to prepare and think of examples before the interview took

---

73 Alan Bryman Social Research Methods, above n 8, at 72.
place and enabled the researcher to maximize the limited time available.³⁴ Thirty-five percent of students took advantage of this option, while the majority 65% of students preferred to answer on the spot.

A minimum of 7 student participants were selected from each law school. A total of 29 student participants were interviewed. A limitation it is not be representative of Pacific law opinion throughout New Zealand. The sample size was limited by the time and funding the researcher had to undertake each in depth face-to-face interview at each law school across the country. Sample size was limited by the number of student participants who responded to the request for participants and who were available for the interview at that time. The table below indicates the numbers of students interviewed at each university and their year in law school.

**Table 9: Student Participant Numbers by Law School and Year**

<table>
<thead>
<tr>
<th>Law School</th>
<th>200 level</th>
<th>300 level</th>
<th>400 level</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Victoria University of Wellington</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>University of Otago</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Nevertheless, the sample size did enable the researcher to explore Pacific law student opinion, which is the purpose of this research. On the six themes discussed in the comparative case study of Part 4, student opinion reached saturation, a point when no new information or themes were observed in the data. Students’ responses became predictable. Thus more interviews were unnecessary.

**Staff Participants Eligibility and Recruitment**

Eligibility for staff participants required 1) they were a “key staff member” and 2) they had been in their position for at least a year. “Key staff member” was defined as being either the dean or acting dean of the law school, an academic staff member with responsibility of looking after Pacific law students, or a general staff member with responsibility of supporting Pacific law students. Key informants were staff involved in Pacific equity program. They are the centres of knowledge in how equity programmes are designed and implemented and they also have experience of seeing Pacific students throughout the programme. Staff participants were required to have acted for at least one year in their position so that knowledge and experience with Pacific equity programmes could be established.

Purposive sampling was used to recruit staff participants. Staff participants were selected for interviews on the basis of their expertise in the area. The advantage of interviewing staff was that they held valuable information by virtue of their position and could provide an overall view of the

---

programmes and were able to discuss policies, histories and plans.\textsuperscript{75} Difficulties in interviewing staff participants were gaining access because they were typically very busy people. Deans and persons who held titles that publicly recognised their involvement with Pacific law students of all four law schools were contacted first. From initial contact with those staff members, snowball sampling was used to identify participants with also had the requisite experience or characteristics.\textsuperscript{76} Selected staff participants were contacted via email directly or via their personal assistants to arrange and confirm face to face meeting times.

A minimum of 3 staff participants were selected from each law school. A total of 14 staff participants were interviewed. Two staff participants who were identified and approached were unable to meet for an official interview because they were busy and had scheduling conflicts. However these two staff participants were interviewed informally, hand-written notes were taken after discussions, and their interviews were incorporated to a minimal extent. The table below shows the numbers and roles of each participant interviewed at each university:

\textbf{Table 10: Staff Participant Numbers by Law School and Role}

<table>
<thead>
<tr>
<th>Law School</th>
<th>Dean</th>
<th>Academic Pacific Advisor</th>
<th>Lecturer</th>
<th>Pacific Support Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Victoria University of Wellington</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>University of Otago</td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

A few staff participants requested the information sheet, consent form and interview questions be sent prior to the face to face interview so they could gather the required information (i.e. dates when equity programmes started) (See Appendix).

\textit{2.2.3.2 Interview Procedure and Content}

Interviews were conducted individually face-to-face. This type of interview is the most effective for Pacific peoples as it provides student participants with an opportunity to become familiar with the interviewer and research topic.\textsuperscript{77} Furthermore, the researcher’s background, as a law student and staff member, positioned the researcher as an “insider,” enabling all participants to feel comfortable in sharing their experiences.\textsuperscript{78} Generally a disadvantage of face to face individual interviews is they are time consuming.\textsuperscript{79} However the advantage is that the researcher has greater flexibility and control over the conversation and can request further elaboration on a response and the

\textsuperscript{75} Catherine Marshall and Gretchen B. Rossman, above n 19, at 156.
\textsuperscript{76} Alan Bryman, \textit{Social Research Methods}, above n 8, at 424.
\textsuperscript{77} Melani Anae, Dr Eve Coxon, Diane Mara, Tanya Wendt-Samu, and Christine Finau, above n 55, at 36.
\textsuperscript{78} Catherine Marshall and Gretchen B. Rossman, above n 19, at 145.
\textsuperscript{79} R Murray Thomas, \textit{Blending Qualitative & Quantitative Research Methods in Theses and Dissertations} (Sage Publications, California, 2003) at 66.
interviewee can ask for clarification on the questions posed. Furthermore, the teu le va approach requires that the amount of time it takes is irrelevant because focus is on building rapport with the participant to gain mutual trust in the research process.

Interviews began with a verbal introduction by the researcher that included explanation who the researcher was, what the project was about, the type of data to be collected, the extent of the student participant's participation and why data was being collected. Participants were then given time to read the information sheet and sign the consent form if they hadn't done so prior to the interview (See Appendices A-1 to A-7). Participants also filled in a demographic questionnaire indicating their background and extent of participation in equity programmes. (See Appendices A-19 and A-28).

All participant interviews were audio recorded so the researcher could refer back to speech accurately. Interviews ranged in duration from 30 minutes to 2 hours depending on how much the participant had to say. Interviews were transcribed for the sake of accuracy. All interviews were conducted in English language. A few participants used one off words in another language to describe certain thoughts or feelings in light of their experiences. Interviews were closed by thanking participants for sharing their time and knowledge. All student participants were given a koha, a movie ticket, in appreciation for their time and vital assistance to the researcher.

A semi-structured interview format was used as a guide (See Appendices A-20 to A-23 and A-28 to A-30). This ensured consistency. The guide kept the discussion on point and ensured participants' answers were easily comparable and could be analysed across participants. A few general questions helped to uncover participant's view but the way participants framed and structured responses was respected; this enabled the participants' views to unfold. The general topic guides were flexible so that questions not included in the original guide could be asked as the interviewer picked up on things said by the participant. Interview guides evolved over time as new issues arose.

Generally the interview question guide took the form of the life history method; the interviewer invited the participant to look back in detail across their life, prior to and upon entering law school. The researcher focused on critical aspects of the student participant's life, turning points and the life conditions between them. As is consistent with life history interviews the types of questions included birth and family origin, cultural settings and traditions, social factors, education, work, historical events or periods, major life themes, vision of the future and closure questions. The following question types described by Patton (2002) were used: Background/Demographic Questions, Opinion and Values Questions, and Experience and Behavior Questions.

---

80 At 66.
81 Michael Quinn Patton, above n 71, at 343.
82 Catherine Marshall and Gretchen B. Rossman, above n 19, at 144.
83 Alan Bryman Social Research Methods, above n 8, at 471.
84 At 489.
86 R Atkinson The Life Story Interview (Sage, California, 1998) at 43-53.
87 Michael Quinn Patton, above n 71, at 348-351.
Background/Demographic Questions illustrate how people categorize themselves and how people perceive and talk about their backgrounds. These questions explored the complexity of Pacific and identity and the roles those identities on law school and equity programme experiences. Opinion and Values Questions aimed at understanding the cognitive and interpretive processes about opinions, judgments and values; they include understanding participants’ goals, intentions, and expectations. These questions captured participants’ perceptions and anticipations of equity programmes and the law experience for Pacific students. Experience and Behavior Questions describe actions of the participant took in the past. These questions captured participant’s utilization and implementation of equity programmes. The Table below illustrates the types of questions by categorizing a few of the questions asked in the interview. (See Appendix for full set of questions)

Table 11: Example of Participant Question Categories and Questions

<table>
<thead>
<tr>
<th>Background/Demographic</th>
<th>What race are your parents?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>When did your family migrate to New Zealand?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Opinion and Values</th>
<th>What drew you to study law?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>What did you expect the benefits of doing a law degree were?</td>
</tr>
<tr>
<td></td>
<td>Why did you chose to study at X law school?</td>
</tr>
</tbody>
</table>

| Experience and Behaviour | How did you establish relationships in your support networks at law school? |

Specific topics and questions came from previous studies. For student participants literature revealed themes regarding family expectations,\(^{88}\) competition at law school,\(^{89}\) spirituality,\(^{90}\) social support,\(^{91}\) and stigma faced because of equity programmes.\(^{92}\) For staff participants, literature revealed themes such as factors to consider within the racial category (i.e. socioeconomic status,\(^{93}\) migration and ethnicity,\(^{94}\) meritocracy,\(^{95}\) egalitarianism,\(^{96}\) mismatching,\(^{97}\) and evaluation

---


\(^{89}\) Asmi Wood, above n 85.

\(^{90}\) Brett Thomas, Eron G. Manusov, Aihua Wang and Helen Livingston “Contributors of Black Men’s Success in Admission to and Graduation From Medical School” (2011) 87 Academic Medicine 892.

\(^{91}\) Faafetai Sopoaga and Jacques van der Meer “Building a Pacific health workforce in New Zealand: Initial findings from a transition project in first year health sciences at university. A Practice Report” 2 The International Journal of the First Year in Higher Education 61.


\(^{93}\) Asmi Wood, above n 85.

\(^{94}\) Bianca Minerva Torres-Olave “There is a World Out There: Spatial Imagination, Agency, and Academic Culture in a Mexican University Program” (2011) 55 Comparative Education Review 30.

\(^{95}\) Geoffrey T. Wodtke, above n 89.


processes. From these themes in the literature, topic areas were developed for interview question guides. Supervisors edited and revised questions. Interview guides were pre-tested on a university student and staff member. Any unclear questions were adjusted accordingly. The final topic areas for student participant were: family, self, law life, Pacific admission schemes, and Pacific equity programmes. Topic areas for staff participants included: self, law school life, Pacific admission schemes, and Pacific equity programmes.

It has been suggested generally that “non-analytic” individuals make better informants because they use pragmatic common sense and do not pre-analyse the interview questions using categories from their education. By nature of the discipline they are studying law student participants were analytical of the question. Many participants questioned the logic and reasoning of the question and research purpose rather than just answering the question. To mitigate this issue, researcher emphasized there was no wrong or right answer, mainly focused on the participants’ opinions and thoughts.

A challenge in staff interviews was that staff participants often wanted “active interplay with the interviewer”; they would turn the interview around and took charge. Some challenged the researcher as an interviewer to establish competence and credibility. All questions and concerns raised by staff participants were addressed by the researcher during the interview.

2.3 Data Analysis

2.3.1 Case Study Approach
The case study approach was used for each law school. A case study is an intensive and holistic description, and analysis of an entity, such as an individual, group or organization, and the entity’s actions; case studies explain why the entity acts as it does. This case study describes affirmative action for Pacific peoples at New Zealand law schools and why it acts as it does.

Many factors combine both at the institutional level (government, university, law school) and individual level (law deans, law lecturers, communities, and law students) to produce the character of equity programmes for Pacific people at New Zealand. The advantage of the case study approach is that it reveals this multiplicity of factors and how they interact to produce the unique character of the entity. The case study approach is appropriate because each law school has its own unique culture with equity programmes in response to that particular culture.

---

99 W. Lawrence Neuman, above n 12, at 411.
100 Catherine Marshall and Gretchen B. Rossman, above n 19, at 156.
101 Sharon B. Merriam, above n 20, at 12.
102 R Murray Thomas, above n 76, at 33.
103 At 35.
Generally a limitation of the case study approach is that the research cannot be generalized and reapplied without large error.\(^\text{104}\) Thus the findings of this research may not be appropriate for countries outside of New Zealand, other professional schools, or other migrant populations. As with all research, findings should be applied in new situations with caution and in consideration of institutional specific needs.

This research presents four case studies, one of each law school, as examples of how equity programmes presently exist. Upon examining each law school individually, the research then looks comparatively across law schools to suggest what has worked successfully and unsuccessfully across law schools. This comparative case study approach enables the researcher to suggest how law schools should exist in the future based on experiences captured in the data. From this case study comparison practical and realistic solutions are suggested.

### 2.3.2 Methods of Analysis for Each Individual Case Study

#### 2.3.2.1 Content Analysis of Documents

To answer research questions 1 and 2 on how New Zealand law schools cater to Pacific students and how New Zealand law schools impacted Pacific law students, content analysis needed to be undertaken to establish preliminary facts. Content analysis of law school documents was used to gather background information and data to inform the other two methods of analysis used (descriptive statistics of student records and thematic analysis of interviews).

Quantitative content analysis is using objective and systematic counting and recording procedures to produce a numerical description of the content in a text.\(^\text{105}\) Through quantitative content analysis, the research extracted the year equity programmes were implemented and the number of equity programmes. This data was then used to inform the descriptive statistics of student records (see below). Quantitative content analysis was used to answer research questions 2-3.

Qualitative content analysis views the document as range of cultural objects that carry meaning; it treats the document as a cultural object that carries social meaning, analysis is not limited to the content.\(^\text{106}\) The documents were reflective of each law school’s particular culture, which influenced the type and structure of equity programmes implemented. Qualitative content analysis of the documents served as background information to inform the interview questions posed to key informants and students.

#### 2.3.2.2 Descriptive Statistics of Student Data\(^\text{107}\)

Descriptive statistics of student data answered the following research questions:

2. How have New Zealand law schools impacted Pacific law students?

3. What are the experiences of Pacific students in New Zealand law schools?

---

\(^{104}\) R Murray Thomas, above n 76, at 35.
\(^{105}\) W. Lawrence Neuman, above n 12, at 323.
\(^{106}\) W. Lawrence Neuman, above n 12, at 323.
\(^{107}\) Alan Bryman *Social Research Methods*, above n 8, at 329-352.
The research collected quantitative data on a variety of factors including ethnicity, gender, high school decile, grade point average, completion and enrolment and examined how those factors interacted. Interaction was determined using descriptive statistics to describe basic patterns in the data. Unfortunately, as noted in the above sections, because certain data was available only in a certain format from universities, strong statistical tests such as regression and t-tests could not be performed.

Generally a limitation of Pacific student data is that the numbers are small. Thus any slight change, for instance one more person enrolling, greatly affects the statistics.

**Research Question 2: Equal representation, enrolment and completion**

To determine the impact of New Zealand law schools on Pacific law students, more specifically the impacts of equity programmes on ethnic representation, enrolment and completion the following steps were performed for each case study.

Commencement dates for all equity programmes across all law schools were collected from documents through content analysis (described in the previous section). The documents included annual reports, academic calendars, and faculty newsletters.

Raw data on enrolment and completion numbers in LLB based on ethnicity were collected from Tertiary Education Commission and the universities. Raw data was cleaned to ensure validity of measures and results.

Total enrolment and completion numbers were used to calculate the percentages of Pacific students by dividing the number of Pacific students by total number of students. Some students were counted twice if they had multiple ethnicities. Percentages were chosen instead of whole numbers 1) so data could be compared across case studies and 2) to compare in percentage to the national New Zealand and regional population percentages. AUT did not have many years of completion and enrolment numbers available since law school just recently established.

In a few case studies where additional data was provided by the university law school themselves (such as Victoria and Otago), enrolment numbers were broken down into year level, such as 100 level and 200-400 level papers. In this way the impact of equity programmes on certain year levels could be analysed.

National and regional population percentages were derived from 2006 and 2001 Census and estimated population in 1991 from Statistics New Zealand, as the 2013 Census was not yet available and the thesis research was collected in 2012. National percentages of Pacific peoples were calculated by dividing the number of Pacific peoples in the national population by the total number of New Zealanders. Regional percentages of Pacific peoples were calculated by dividing the number of Pacific peoples in the regional population by the total population in that region. The regional percentages were used because the Mackinnon (2000) article suggested to calculate “underrepresented” it would be appropriate to compare to local regional percentages.

---

108 W. Lawrence Neuman, above n 12, at 347.
109 At 346.
Because the Education Act 1989 permits preference be given to "underrepresented" students in certain circumstances (See discussion in Part 1), this research compared the percentages of Pacific students in law school to the percentages of Pacific people in the national New Zealand population and regional (where the law school was located) population. If the university percentage were lower than the general and regional percentages, this would confirm Pacific people were “underrepresented”.

For each case study, frequency distribution was used to show the percentages of Pacific law students enrolling or completing over time. Pacific student enrolment and completion percentages and general and regional percentages over time were visually displayed in a line graph. This display indicated whether there was underrepresentation and in what years there was underrepresentation.

On top of the percentages, lines were drawn to indicate in what year a specific equity programme was implemented. Data was analysed by examining whether there was an increase in enrolment and completion percentages immediately after the equity programme was implemented. Increases coinciding with the implementation of an equity programme or shortly after may suggest the equity programme had a positive impact. Data was also analysed by examining whether there was a general long term increase in percentages after the equity programme was implemented.

Research Question 2: Other demographic factors
Ideally to answer the question on the law schools’ impact on Pacific students, an analysis of other demographic factors that impact ethnic representation would have been undertaken. Multivariate statistics would have been used to determine what other demographic factors compound with race to influence outcomes in enrolment, completion and marks throughout the law degree.

Unfortunately, since universities were only able to provide aggregate data, no such analysis could be undertaken. Some analysis on high school decile, gender and ethnicity was undertaken in the Otago and Victoria case studies since that data was made available by those two universities. The analysis undertaken to determine the demographic profile of those two case studies is detailed in the Otago and Victoria case studies along with the results of the analysis in Part 3.

2.3.2.3 Thematic Analysis of Interviews
Thematic analysis of participant interviews answered the following research questions:

2. How have New Zealand law schools impacted Pacific law students?
3. What are the experiences of Pacific students in New Zealand law schools?

To understand themes common among all case studies, this research analysed all participant interviews. Thematic analysis of the interviews occurred through coding and further analysis. Codes were generated inductively; the researcher moved from first observation to theory
Three levels of coding were used consistent with the ‘grounded theory’ practice outlined by Strauss and Corbin (1990). The three levels of coding are illustrated in Table 12.

First open coding was conducted to condense the data into preliminary analytic categories or codes. Second axial coding was conducted to organize the codes, link them and discover key analytic categories. Third selective coding was conducted to examine previous codes in stage 1 and 2 in order to identify and select data that supports the conceptual coding categories that were developed.

Student interviews across all 4 universities were coded first followed by staff participant interviews by all 4 universities. Themes from student participants were compared to those of key informants. Similarities and differences were explored.

The first level of open coding is discussed in each individual case study because participant remarks were specific to each university. (See individual case studies in Part 3). The second level of axial coding is discussed in the “Comparing Case Studies” section because it discusses major themes present throughout all four law schools (See comparative case studies in Part 3).

Themes related to the research focus were generated from the transcripts; this provided the researcher with a basis for theoretical understanding of the data in order to make a theoretical contribution to the literature relating to the research focus.

The themes were as follows:

**Table 12: Initial Themes from Interview Coding**

<table>
<thead>
<tr>
<th>1. Open coding themes</th>
<th>How student background impacts on law school</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Friends at accommodation</td>
<td></td>
</tr>
<tr>
<td>-Socioeconomic status</td>
<td></td>
</tr>
<tr>
<td>-Being “Pacific” enough</td>
<td></td>
</tr>
<tr>
<td>-Motivated by the status of law school</td>
<td></td>
</tr>
<tr>
<td>-Christianity</td>
<td></td>
</tr>
<tr>
<td>-Injustice</td>
<td></td>
</tr>
<tr>
<td>-Family lacking academic support</td>
<td></td>
</tr>
<tr>
<td>-Practicality of law degree</td>
<td></td>
</tr>
<tr>
<td>-Family for emotional and logistical support</td>
<td></td>
</tr>
<tr>
<td>-Role models</td>
<td></td>
</tr>
<tr>
<td>-Family obligations and expectations</td>
<td></td>
</tr>
<tr>
<td>-High school</td>
<td></td>
</tr>
</tbody>
</table>

---


111 A Strauss and JM Corbin *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Sage, California, 1990).

112 W. Lawrence Neuman, above n 12, at 461.

113 At 462.

114 At 464.

115 Alan Bryman *Social Research Methods*, above n 8, at 580.
| The perception of Pacific students at law school by Pacific students, general students and staff | -Not understanding English  
- Lack understanding of disadvantage  
- Lazy  
- Invisible  
- Unfair treatment  
- All Pacific students are quota students  
- Pacific students don’t do law  
- Resiliency despite negativity  
- Relationship to Māori |
| --- | --- |
| The perception of Equity programmes | - Tutorials  
- Space  
- Admissions policies  
- Scholarships  
- Support staff  
- Moot  
- Research  
- Issues with law school generally |
| Areas of future need | - Facilities  
- Evaluation  
- Career guidance  
- Parent involvement  
- Scholarships, funding  
- Attention to other minorities  
- Content of Law school  
- Change the general perception of Pacific students  
- Advocates and acknowledgement  
- High school intervention |

### 2. Axial coding themes

| Effect of Equity Programmes | Access Mechanisms | - Law school admissions  
- Scholarships and prizes |
| --- | --- | --- |
| Remedial Support | - Tutorials and workshops  
- Support staff for Pacific law students  
- Mentors  
- Space |
| Mainstream initiatives | - Guest lectures  
- Pacific law papers  
- Exchanges and conferences  
- Permanent Pacific staff members  
- Pacific law students association |
| Issues generally at law school | - Authoritarianism  
- Commercialism  
- Elitism  
- Individualism  
- Language  
- Relevance |
When quoting participants in the analysis sections of this thesis, the researcher deliberately chose to preserve and protect participants’ anonymity by labeling students as “participant 1” instead of “Otago, female, year 1, participant 1”. Because there are such low numbers of Pacific students in New Zealand law schools coding participants using the latter method would enable readers to identify who the student was. Students wanted to remain anonymous and coding the students in the chosen manner upheld those wishes.

2.3.3 TRIANGULATION AND CASE STUDY COMPARISON

Within each case study the results from content analysis of historical archives, descriptive statistics on student data and thematic analysis from interviews were triangulated. Triangular techniques in the social sciences attempt to map out or explain more fully the richness and complexity of human behavior by studying it from more than one standpoint and in so doing by making use of both quantitative and qualitative data.116 Triangular techniques are suitable when a more holistic view of education outcomes is sought.117 Triangulation was appropriate here to provide a holistic view of legal education outcomes from institution and student perspective. This was methodological triangulation in which different methods were used on the same subject.118 Triangulation in this study involved comparing what the three sets of data said about a particular issue, such as admissions schemes.

Once individual case studies were interpreted and analysed individually, case studies were compared to identify the similarities and differences between equity programmes at each institution for Pacific people.

2.3.3.1 COMPARING DESCRIPTIVE STATISTICS OF STUDENT DATA

Within each case study itself, the descriptive statistics method of analysis was limited because many other factors, other than the equity programme, could affect the percentage of Pacific students in law school and their completion rates.

Comparisons were made by equity programme type in the final section of Part 3. For instance, case studies with admissions schemes (the University of Auckland’s Targeted Admission Scheme and University of Waikato’s direct entry scheme) were compared to all other case studies which did not have any scheme. For programmes such as scholarships, tutorials, staff, space and conferences, the researcher compared Pacific student percentage increases after implementation.

117 At 197.
The advantage of comparing the effect of equity programmes across case studies was that it confirmed or challenged the effect of equity programmes within each case study. Comparison between case studies may be appropriate because the equity programmes in each case study were not the same structurally. But the researcher only compared equity programmes that could reasonably be considered as similar. For example, mentoring programmes were not compared because mentoring programmes were very different in structure; university students mentoring high school students, staff members mentoring first year students, third years mentoring first years. But support staffs were compared because they were similar in structure—an academic or general staff member tasked with the responsibility of looking after Pacific law student wellbeing. Thus this type of analysis was conducted on admissions schemes, scholarships, support staff, tutorials, space dedicated to Pacific law students, Pacific guest lectures, Pacific Law Paper, and Conferences. The most significant findings are discussed in the comparative case study section of Part 3.

In addition to comparing individual case studies with one another, descriptive statistics analysis was performed on data available primarily from the Tertiary Education Commission. This analysis examined combined data of all Pacific LLB students at all universities in terms of enrolment, completion, specific Pacific ethnicity and gender to provide an overall picture of New Zealand law schools in general.

2.4 SUMMARY OF LIMITATIONS
There were limitations on the sources from which research was gathered. In summary, noteworthy limitations included lack of access to student record data from certain universities, the use of pre-collected data by the Tertiary Education Commission and Statistics New Zealand, chance of bias in the interview student recruitment method, and small numbers of Pacific students enrolled for statistically and interview purposes. As discussed in the preceding pages, measures were taken to address each one of these limitations.

CONCLUSION
Part 2 describes the methodologies and methods used in this thesis. As detailed in Part 2, this thesis adopts empirical legal research, mixed methods, critical social science, critical race theory and te reo methodologies. These methodologies were chosen because first and foremost they are appropriate for the examining the experiences of Pacific students in law school. Second, these methodologies, namely empirical legal research and mixed methods are missing generally from New Zealand legal research.

Sections 3.3 and 3.4 describe in detail the methods of data collection and data analysis used in this research. Overall the method process can be summarized by the following diagram:

Figure 4: Method Process
This method process significantly enables the thesis to gain an in depth and in breadth understanding of the experiences of Pacific students in equity programmes at New Zealand law schools, treasuring the many relationships throughout.
BIBLIOGRAPHY FOR PART 2

BOOKS AND CHAPTERS IN BOOKS

R Atkinson The Life Story Interview (Sage, California, 1998).


Daniel A. Farber and Suzanna Sherry Beyond All Reason (Oxford University Press, New York, 1997).


A Strauss and JM Corbin Basics of Qualitative Research: Grounded Theory Procedures and Techniques (Sage, California, 1990).

Linda Tuhiwai Smith Decolonizing Methodologies: Research and Indigenous Peoples (University of Otago Press, Dunedin, 2006).


R Murray Thomas Blending Qualitative & Quantitative Research Methods in Theses and Dissertations (Sage Publications, California, 2003).


**Journal Articles**


100


Stefan Gradmann and Jan Christoph Meister “Digital document and interpretation: re-thinking ‘text’ and scholarship in electronic settings” 5 Poiesis & Praxis 139.

John L. Grant "The Single Standard in Grading" (1929) 29 Colum. L. Rev. 920.


Randall L. Kennedy “Racial Critiques of Legal Academia” 102 Harv. L.Rev. 1745.


Saleem Razack, Mary Maguire, Brian Hodges and Yvonne Steinert “What Might We Be Saying to Potential Applicants to Medical School? Discourses of Excellence, Equity and Diversity on the Web Sites of Canada’s 17 Medical Schools” (2012) 87 Academic Medicine 1323.


Bianca Minerva Torres-Olave “‘There is a World Out There’: Spatial Imagination, Agency, and Academic Culture in a Mexican University Program” (2011) 55 Comparative Education Review 30.


John H. Wigmore “Juristic Psychopoyemetrology—or, How to Find out Whether a Boy has the Makings of a Lawyer” (1929) 24 Illinois L.Rev. 454.


REPORTS
Airini, Melani Anae, Karolo Mila-Schaaf, Eve Coxon, Diane Mara and Kabini Sanga Teu Le Va—
Relationships across research and policy in Pasifika education (Ministry of Education, New Zealand, 2010).


University of Otago Pacific Research Protocols (University Council, Dunedin, November 2011).

DISSERTATIONS

INTERNET RESOURCES
PART 3: THE CASE STUDIES

Part 3 responds to the four research questions posed in Part 1:

1. How have New Zealand law schools have catered to Pacific students?
2. How have New Zealand law schools have impacted Pacific law students?
3. What are the experiences of Pacific students in New Zealand law schools?
4. Which model of law school is most preferred by Pacific students?

Consistent with the methodologies and methods described in Part 2, Part 3 begins by answering the research questions on an individual University by University basis, exploring Pacific law student experiences unique to individual law schools. The final section of Part 3 answers the research questions on an overall and comparative basis, by analyzing the data sets from all law schools together and comparing the individual case studies. In this manner, the research questions were answered with depth and breadth, making the most out of participants’ responses, time and efforts.

UNIVERSITY OF OTAGO CASE STUDY

The University of Otago (“Otago”) Case Study is divided into three sections. First based on historical records and student record data, the Case Study explores to what extent Otago Law Faculty caters to Pacific students. The first section presents information and detailed demographics on Otago Law Faculty’s structure, describing what Otago has implemented for Pacific students and any apparent impacts on the demographic composition of the law school. The second section explores the impact of Otago Law Faculty equity programmes on Pacific law students in terms of enrolment and completion. The final section explores the Otago-specific experiences of Pacific law students as perceived by students and staff based on analysis of participant interviews.

3.1 HOW HAS OTAGO CATERED TO PACIFIC STUDENTS?

3.1.1 OTAGO’S STRUCTURE

Otago is New Zealand’s oldest, longstanding university. Law lectures at Otago began in 1873. Significantly Otago Law Faculty is one that “culls” its law students. Students who undertake the LAWS101 paper are not guaranteed a place in the LLB degree. Entry into the LLB programme is typically determined at the end of students’ first year by the Law Faculty selecting students on the basis of their first year university academic record, with emphasis placed on the marks obtained in the first year law paper, LAWS101. A maximum of 200 places are available each year for the LLB programme.

In regards to admission into the LLB programme, Otago Law Faculty has not catered at all to Pacific peoples. There is no special admissions category or criteria for Pacific students who apply for the

---

1 University of Otago “History and Governance of the University of Otago” <www.otago.ac.nz>.
LLB programme after having taken LAWS101. The Otago LLB Selection Committee has some discretion in the LLB admissions process as the Committee

“may admit a candidate whose academic record would not otherwise qualify him or her for admission if it is satisfied that the candidate’s academic results do not reflect his or her true ability.”

But such Selection Committee’s discretion does not provide Pacific students with any advantage over peers of other ethnicities. There is an alternative entry method for Maori to gain a place in the LLB programme. But there is no admissions method or criteria explicitly for Pacific students.

Analysis of data on Otago Law Faculty historical records inclusive of Law Faculty Student handbooks, Annual Reports, Academic Calendars, Faculty Newsletters, and the University website revealed that instead of setting an admissions scheme for Pacific students, the Otago Law Faculty has catered to Pacific students by other means. Otago focuses on providing remedial support exclusive to Pacific students and implementing Pacific-focused topics open to any law student. More specifically, Otago Law Faculty catered to Pacific students by implementing an award, tutorials and workshops, support staff, mentors, Pacific guest lecturers, a Pacific Law Paper and a Pacific Conference.

3.1.2 Otago’s Detailed Demographics
Because Otago did provide additional information on high school decile, Pacific ethnicity and gender from 1994-2012, these detailed demographics further contextualise the Otago Case Study, with an emphasis on Pacific students.

High School Decile
The socioeconomic composition of the law school student body is exemplified by high school deciles. As the Ministry of Education states:

High school deciles indicate the extent to which a school draws its students from low socioeconomic communities; Decile 1 schools are the 10% of schools with the highest proportion of students from low socioeconomic communities, whereas decile 10 schools are the 10% of schools with the lowest proportion of students from low socioeconomic communities.

Deciles are calculated based on New Zealand Census information including household income, occupation, household crowding, educational qualifications and income support. Schools are ranked using the decile system so that the New Zealand government may allocate funding appropriately. More funding is given to lower decile schools.

---

2 University of Otago “Bachelor of Laws (LLB)” <www.otago.ac.nz>.
As discussed in Part 1, Pacific students often come from low decile schools and low socioeconomic backgrounds. Thus the socioeconomic status composition of law school is relevant because it illustrates who is in the law school and how many students there are from low decile schools.

Figure 0-1 illustrates the socioeconomic composition of Otago over the past 18 years. For high school decile frequency count over time, aggregate data was provided by Otago which provided data on the number of domestic students from each high school in New Zealand who were enrolled in the LLB programme over 1994-2012. Each high school was coded by decile based on the School Directory Excel spreadsheet available on the New Zealand Education Counts website. High schools with the same decile were grouped together and the number of students was tallied.

5 "New Zealand Schools" Education Counts <www.educationcounts.govt.nz>.
### Figure O-1: Otago enrolment numbers and percentages by high school decile

<table>
<thead>
<tr>
<th>Year</th>
<th>Decile 10</th>
<th>Decile 9</th>
<th>Decile 8</th>
<th>Decile 7</th>
<th>Decile 6</th>
<th>Decile 5</th>
<th>Decile 4</th>
<th>Decile 3</th>
<th>Decile 2</th>
<th>Decile 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>252</td>
<td>129</td>
<td>104</td>
<td>121</td>
<td>85</td>
<td>115</td>
<td>29</td>
<td>31</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>1995</td>
<td>253</td>
<td>150</td>
<td>101</td>
<td>130</td>
<td>96</td>
<td>112</td>
<td>33</td>
<td>33</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>1996</td>
<td>252</td>
<td>151</td>
<td>99</td>
<td>139</td>
<td>104</td>
<td>118</td>
<td>30</td>
<td>31</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>1997</td>
<td>263</td>
<td>153</td>
<td>97</td>
<td>138</td>
<td>126</td>
<td>136</td>
<td>31</td>
<td>32</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>1998</td>
<td>251</td>
<td>137</td>
<td>117</td>
<td>119</td>
<td>120</td>
<td>128</td>
<td>38</td>
<td>37</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>1999</td>
<td>261</td>
<td>149</td>
<td>111</td>
<td>117</td>
<td>124</td>
<td>125</td>
<td>37</td>
<td>37</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>2000</td>
<td>236</td>
<td>146</td>
<td>106</td>
<td>110</td>
<td>115</td>
<td>114</td>
<td>42</td>
<td>42</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>2001</td>
<td>243</td>
<td>153</td>
<td>131</td>
<td>109</td>
<td>103</td>
<td>124</td>
<td>45</td>
<td>44</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>2002</td>
<td>285</td>
<td>157</td>
<td>130</td>
<td>121</td>
<td>118</td>
<td>128</td>
<td>39</td>
<td>38</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>2003</td>
<td>309</td>
<td>180</td>
<td>142</td>
<td>148</td>
<td>114</td>
<td>127</td>
<td>37</td>
<td>37</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>2004</td>
<td>390</td>
<td>189</td>
<td>155</td>
<td>129</td>
<td>114</td>
<td>121</td>
<td>33</td>
<td>33</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>2005</td>
<td>417</td>
<td>193</td>
<td>153</td>
<td>119</td>
<td>114</td>
<td>109</td>
<td>21</td>
<td>21</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>2006</td>
<td>318</td>
<td>186</td>
<td>161</td>
<td>114</td>
<td>112</td>
<td>108</td>
<td>22</td>
<td>22</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>478</td>
<td>184</td>
<td>165</td>
<td>122</td>
<td>114</td>
<td>121</td>
<td>20</td>
<td>20</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>2008</td>
<td>512</td>
<td>206</td>
<td>168</td>
<td>117</td>
<td>111</td>
<td>99</td>
<td>17</td>
<td>17</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>2009</td>
<td>528</td>
<td>201</td>
<td>186</td>
<td>118</td>
<td>114</td>
<td>102</td>
<td>18</td>
<td>18</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>2010</td>
<td>517</td>
<td>186</td>
<td>184</td>
<td>117</td>
<td>114</td>
<td>92</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>2011</td>
<td>518</td>
<td>184</td>
<td>180</td>
<td>119</td>
<td>114</td>
<td>85</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>539</td>
<td>158</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A few noteworthy trends emerge. Consistently from 1994 to 2012 the number of students enrolled from low decile high schools are the lowest in number and students from high decile high schools are the highest in number.

Another trend is that in recent years from 2007-2011, the number of students from decile 10 high schools has increased. This indicates Otago Law Faculty has increased with more students from high socioeconomic class backgrounds in recent years.

The reasons for great numbers of those from high socioeconomic class backgrounds are beyond the scope of this thesis. This information is included to establish the context of Otago Law Faculty. Having students predominantly from high socioeconomic status shapes the impact of the law school experience for Pacific students. Otago Law Faculty should consider encouraging more students from lower socioeconomic backgrounds to attend and complete law school, which may likely include Pacific students.

**PACIFIC ETHNICITY**

Another demographic factor considered is specific Pacific ethnicity. As noted in Part 1, the category “Pacific” is an amalgamation of many different ethnicities. Examining Otago Law Faculty composition by ethnicity establishes which specific ethnicities are lacking in number so that law schools can target specific ethnic groups.

Because Otago provided data on Pacific ethnicity, the following Figure O-2 compares the percentage of students at the 100 and 200 level of the law degree to the general national percentage by Pacific ethnicity. For ethnicity frequency count in law school over time, whole number data was provided by Otago. Otago provided the number of LLB students enrolled by ethnicity and total number of student enrolled at the 100 level and 200-400 levels for the years 1994-2012. The numbers were converted to percentages (number of ethnicity divided by number of total Pacific people) so they could be compared. Percentages were plotted in a table alongside national population percentages from the 2001 and 2006 Census because those were the only years for which data was available. Note: Percentages for each ethnicity were rounded to the nearest hundredth, thus the total percentage overall may be greater than 100% in certain years.
Figure O-2: Otago enrolment by paper level and specific Pacific ethnicity

<table>
<thead>
<tr>
<th>Year</th>
<th>Tokelauan 100 level</th>
<th>Tokelauan 200-400 level</th>
<th>Niuean 100 level</th>
<th>Niuean 200-400 level</th>
<th>Other Pacific Island 100 level</th>
<th>Other Pacific Island 200-400 level</th>
<th>Cook Island 100 level</th>
<th>Cook Island 200-400 level</th>
<th>Tongan 100 level</th>
<th>Tongan 200-400 level</th>
<th>Fijian 100 level</th>
<th>Fijian 200-400 level</th>
<th>Samoan 100 level</th>
<th>Samoan 200-400 level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>2.48</td>
<td>0</td>
<td>14.28</td>
<td>8.63</td>
<td>8.33</td>
<td>0</td>
<td>1.56</td>
<td>0</td>
<td>22.66</td>
<td>8.33</td>
<td>28.57</td>
<td>13.87</td>
<td>8.33</td>
<td>14.28</td>
</tr>
<tr>
<td>1995</td>
<td>2.48</td>
<td>0</td>
<td>9.09</td>
<td>8.63</td>
<td>23.07</td>
<td>0</td>
<td>1.56</td>
<td>0</td>
<td>22.66</td>
<td>7.69</td>
<td>18.18</td>
<td>13.87</td>
<td>13.87</td>
<td>15.3</td>
</tr>
<tr>
<td>1996</td>
<td>2.61</td>
<td>5</td>
<td>6.66</td>
<td>9.13</td>
<td>15</td>
<td>20</td>
<td>2.61</td>
<td>0</td>
<td>13.33</td>
<td>23.25</td>
<td>10</td>
<td>20</td>
<td>15.52</td>
<td>0</td>
</tr>
<tr>
<td>1997</td>
<td>2.61</td>
<td>0</td>
<td>9.13</td>
<td>22.22</td>
<td>23.07</td>
<td>2.61</td>
<td>0</td>
<td>7.69</td>
<td>23.25</td>
<td>11.11</td>
<td>30.76</td>
<td>15.52</td>
<td>11.11</td>
<td>0</td>
</tr>
<tr>
<td>1998</td>
<td>2.61</td>
<td>0</td>
<td>9.13</td>
<td>46.66</td>
<td>2.61</td>
<td>0</td>
<td>23.25</td>
<td>0</td>
<td>6.66</td>
<td>15.52</td>
<td>15.38</td>
<td>0</td>
<td>0</td>
<td>3.81</td>
</tr>
<tr>
<td>1999</td>
<td>2.61</td>
<td>0</td>
<td>9.13</td>
<td>6.66</td>
<td>29.41</td>
<td>2.61</td>
<td>0</td>
<td>23.25</td>
<td>6.66</td>
<td>5.88</td>
<td>15.52</td>
<td>0</td>
<td>0</td>
<td>3.81</td>
</tr>
<tr>
<td>2000</td>
<td>2.61</td>
<td>0</td>
<td>9.13</td>
<td>10</td>
<td>2.61</td>
<td>0</td>
<td>23.25</td>
<td>0</td>
<td>14.28</td>
<td>15.52</td>
<td>5</td>
<td>28.57</td>
<td>3.81</td>
<td>15</td>
</tr>
<tr>
<td>2001</td>
<td>3.12</td>
<td>0</td>
<td>8.69</td>
<td>0</td>
<td>3.12</td>
<td>0</td>
<td>5.55</td>
<td>22.53</td>
<td>9.09</td>
<td>16.66</td>
<td>17.56</td>
<td>9.09</td>
<td>22.22</td>
<td>3.04</td>
</tr>
<tr>
<td>2002</td>
<td>3.12</td>
<td>0</td>
<td>8.69</td>
<td>11.11</td>
<td>3.12</td>
<td>5.55</td>
<td>5.88</td>
<td>22.53</td>
<td>0</td>
<td>17.64</td>
<td>17.56</td>
<td>22.22</td>
<td>23.52</td>
<td>3.04</td>
</tr>
<tr>
<td>2003</td>
<td>3.12</td>
<td>0</td>
<td>8.69</td>
<td>10.5</td>
<td>3.12</td>
<td>5.26</td>
<td>14.28</td>
<td>22.53</td>
<td>5.26</td>
<td>7.14</td>
<td>17.56</td>
<td>26.31</td>
<td>14.28</td>
<td>3.04</td>
</tr>
<tr>
<td>2004</td>
<td>3.12</td>
<td>8.33</td>
<td>8.69</td>
<td>16.66</td>
<td>3.12</td>
<td>0</td>
<td>22.53</td>
<td>33.33</td>
<td>11.11</td>
<td>17.56</td>
<td>25</td>
<td>11.11</td>
<td>3.04</td>
<td>8.33</td>
</tr>
<tr>
<td>2005</td>
<td>3.12</td>
<td>12</td>
<td>8.69</td>
<td>4</td>
<td>3.12</td>
<td>8</td>
<td>22.53</td>
<td>16.66</td>
<td>17.56</td>
<td>16.66</td>
<td>3.04</td>
<td>12</td>
<td>0</td>
<td>49</td>
</tr>
<tr>
<td>2006</td>
<td>2.39</td>
<td>0</td>
<td>8.18</td>
<td>10</td>
<td>3.43</td>
<td>5</td>
<td>20.68</td>
<td>20</td>
<td>20</td>
<td>17.61</td>
<td>5</td>
<td>20</td>
<td>4.04</td>
<td>20</td>
</tr>
<tr>
<td>2009</td>
<td>2.39</td>
<td>5.26</td>
<td>8.18</td>
<td>5.26</td>
<td>5.88</td>
<td>3.43</td>
<td>10.5</td>
<td>5.88</td>
<td>20.68</td>
<td>10.52</td>
<td>11.76</td>
<td>17.61</td>
<td>10.52</td>
<td>11.76</td>
</tr>
<tr>
<td>2010</td>
<td>2.39</td>
<td>4.16</td>
<td>8.18</td>
<td>8.33</td>
<td>4.54</td>
<td>3.43</td>
<td>18.18</td>
<td>20.68</td>
<td>29.16</td>
<td>9.09</td>
<td>17.61</td>
<td>4.16</td>
<td>9.09</td>
<td>4.04</td>
</tr>
<tr>
<td>2011</td>
<td>2.39</td>
<td>0</td>
<td>8.18</td>
<td>7.14</td>
<td>5.55</td>
<td>3.43</td>
<td>10.7</td>
<td>16.66</td>
<td>20.68</td>
<td>17.85</td>
<td>16.66</td>
<td>17.61</td>
<td>28.57</td>
<td>5.55</td>
</tr>
</tbody>
</table>

**Green** = Percentages greater than the national New Zealand population percentage for that specific ethnicity
**Yellow** = national New Zealand percentage of the specific ethnicity
**Red** = Percentages less than the national New Zealand population percentage for that specific ethnicity

109
In Figure O-2 above, yellow indicates the general New Zealand percentage of the specific ethnicity. Percentages highlighted in green are those that are at or above the New Zealand population percentage of that specific ethnicity. The percentages in red are those that are below the national New Zealand population percentage of that specific ethnicity.

The percentages of Fijians for enrolment at both the 100 and 200-400 level has been consistently over the general Fijian percentage within New Zealand over 1994-2012, despite having a few exceptional years of under-enrolment.

Most notably for the sake of improvement, Cook Islander and Tokelauan percentages have been consistently lower than their national population percentages. There were only a few exceptional years where Cook Islander and Tokelauan enrolment at either the 100 level or 200-400 level were proportional to their national population percentages. This suggests Otago Law Faculty should focus on recruiting Cook Islanders and Tokelauans into both 100 and 200-400 levels of the LLB programme. Focusing recruitment on these specific Pacific ethnicities could mean creating opportunities for more Pacific Islands students at law school overall.

**Gender**

Gender is the final demographic factor that Otago provided additional information on from 1994-2012. The percentages of male to female within each race are displayed in Figure O-3 below. For race and gender percentages over time, whole number data was provided by Otago. Otago provided the number of LLB students enrolled by race and gender for the years 1994-2012. The numbers were converted to percentages (number of male/female students of a particular race divided by the total number of that race) so that the gender composition could be visualised.
### Figure O-3: Otago enrolment percentages by ethnicity and gender

<table>
<thead>
<tr>
<th>Year</th>
<th>European Male</th>
<th>Female</th>
<th>Maori Male</th>
<th>Female</th>
<th>Pacific Male</th>
<th>Female</th>
<th>Asian Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>45%</td>
<td>55%</td>
<td>51%</td>
<td>49%</td>
<td>37%</td>
<td>63%</td>
<td>35%</td>
<td>65%</td>
</tr>
<tr>
<td>1995</td>
<td>44%</td>
<td>56%</td>
<td>51%</td>
<td>49%</td>
<td>46%</td>
<td>54%</td>
<td>54%</td>
<td>46%</td>
</tr>
<tr>
<td>1996</td>
<td>42%</td>
<td>58%</td>
<td>49%</td>
<td>51%</td>
<td>49%</td>
<td>51%</td>
<td>27%</td>
<td>73%</td>
</tr>
<tr>
<td>1997</td>
<td>40%</td>
<td>60%</td>
<td>42%</td>
<td>58%</td>
<td>35%</td>
<td>65%</td>
<td>26%</td>
<td>74%</td>
</tr>
<tr>
<td>1998</td>
<td>40%</td>
<td>60%</td>
<td>36%</td>
<td>64%</td>
<td>39%</td>
<td>61%</td>
<td>32%</td>
<td>68%</td>
</tr>
<tr>
<td>1999</td>
<td>40%</td>
<td>60%</td>
<td>42%</td>
<td>58%</td>
<td>28%</td>
<td>72%</td>
<td>28%</td>
<td>72%</td>
</tr>
<tr>
<td>2000</td>
<td>39%</td>
<td>61%</td>
<td>39%</td>
<td>61%</td>
<td>44%</td>
<td>56%</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>2001</td>
<td>38%</td>
<td>62%</td>
<td>33%</td>
<td>67%</td>
<td>34%</td>
<td>66%</td>
<td>41%</td>
<td>59%</td>
</tr>
<tr>
<td>2002</td>
<td>42%</td>
<td>58%</td>
<td>42%</td>
<td>58%</td>
<td>37%</td>
<td>63%</td>
<td>46%</td>
<td>54%</td>
</tr>
<tr>
<td>2003</td>
<td>40%</td>
<td>60%</td>
<td>38%</td>
<td>62%</td>
<td>27%</td>
<td>73%</td>
<td>45%</td>
<td>55%</td>
</tr>
<tr>
<td>2004</td>
<td>39%</td>
<td>61%</td>
<td>35%</td>
<td>65%</td>
<td>24%</td>
<td>76%</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>2005</td>
<td>41%</td>
<td>59%</td>
<td>36%</td>
<td>64%</td>
<td>19%</td>
<td>81%</td>
<td>36%</td>
<td>64%</td>
</tr>
<tr>
<td>2006</td>
<td>41%</td>
<td>59%</td>
<td>37%</td>
<td>63%</td>
<td>48%</td>
<td>52%</td>
<td>36%</td>
<td>64%</td>
</tr>
<tr>
<td>2007</td>
<td>43%</td>
<td>57%</td>
<td>42%</td>
<td>58%</td>
<td>44%</td>
<td>56%</td>
<td>47%</td>
<td>53%</td>
</tr>
<tr>
<td>2008</td>
<td>44%</td>
<td>56%</td>
<td>46%</td>
<td>54%</td>
<td>38%</td>
<td>63%</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>2009</td>
<td>44%</td>
<td>56%</td>
<td>38%</td>
<td>62%</td>
<td>35%</td>
<td>65%</td>
<td>38%</td>
<td>62%</td>
</tr>
<tr>
<td>2010</td>
<td>43%</td>
<td>57%</td>
<td>39%</td>
<td>61%</td>
<td>41%</td>
<td>59%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>2011</td>
<td>42%</td>
<td>58%</td>
<td>38%</td>
<td>62%</td>
<td>46%</td>
<td>54%</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>2012</td>
<td>42%</td>
<td>58%</td>
<td>38%</td>
<td>62%</td>
<td>35%</td>
<td>65%</td>
<td>48%</td>
<td>52%</td>
</tr>
</tbody>
</table>
As is consistent with general university enrolment trends, female enrolment is higher than male enrolment across race over the last 20 years.\(^6\)

Notably, the percentages of Pacific woman enrolled for the LLB degree are higher in number than Pacific LLB male percentages. The difference between Pacific females and males percentages are the greatest than all other races. In 2005 there was 81% Pacific female LLB enrolment compared to only 19% Pacific LLB males. But 2005 was an outlier in terms of the findings, it was not typical.

**SUMMARY**

Otago is the oldest law school examined in this thesis. It is a law school that “culls” its students, meaning entry into formal LLB degree is determined by a student’s success in the introductory first year, especially the LAWS101 paper.

Otago focuses on providing remedial support and implementing Pacific-focused topics. Otago Law Faculty catered to Pacific students by implementing an award, tutorials and workshops, support staff, mentors, Pacific guest lecturers, a Pacific Law Paper and a Pacific Conference.

Specific demographic data on high school decile, Pacific ethnicity and gender suggests Otago Law Faculty should focus on encouraging students from low decile high schools, Pacific males and Cook Islanders and Tokelauans to enroll in the LLB because these demographic populations are especially underrepresented.

Within this background of the structure and demographics of Otago Law Faculty for Pacific students, this Case Study proceeds to explore the impacts of Otago Law Faculty equity programmes and its institution for Pacific students.

3.2 **THE IMPACT OF OTAHO LAW FACULTY EQUITY PROGRAMMES**

**INTRODUCTION**

As described in Part 2, the impact of equity programmes is derived from two sets of data. First the Otago Law Faculty historical archives were analysed to determine when the equity programme was initiated and the general nature and function of the equity programme. The date when the specific equity programme was implemented was transposed onto graphs of Otago Law Faculty student records that compared the percentage of Pacific student law enrolment and completion to the percentages of Pacific population 1) in New Zealand and 2) in the Otago Region.

Such analysis does not account for or eliminate other factors that could have influenced the change in Pacific enrolment and completion percentages. Thus the analysis does not assert a causal or correlation relationship between the equity programmes and changes in enrolment and completion percentages. Instead the analysis makes observations based on coincidence, the occurrence of

---

events that happen at the same that may have some connection. The analysis only suggests that the law school’s equity programme is a factor that may have possibly impacted the admission and completion of Pacific law students.

The following Figures 0-4 and 0-5 are byproducts of the analysis of two data sets. Figure 0-4 illustrates the impacts of each equity programme may have had on the overall enrolment and completion of Pacific law students. Otago did provide further data on enrolment delineated by paper level. Thus the following Figure 0-5 illustrates the impact of Otago Law equity programmes by paper level.
Figure O-4: A Comparison of Otago Equity Programme Developments with Pacific enrolment and completion figures
Figure O-5: A Comparison of Otago Equity Programme Developments with Pacific enrolment figures by paper level
When looking at the overall trends in Figures 0-4 and 0-5 without considering the black lines of when specific equity programmes were implemented, three findings are apparent.

First, there has not been a substantial increase in Pacific LLB enrolment and completion. Pacific LLB overall enrolment from 1996-2012 has ranged and fluctuated between 0.96 and 3.7 percent. (See blue line in Figure 0-4 from 1996-2012). Pacific LLB completion has ranged and fluctuated between 0 and 3.45 percent. (See red line in Figure 0-4 from 1996-2012). There is no general upward trend or dramatic increase over the years. This suggests the Otago Law Faculty's overall impact on the numbers of Pacific law students possibly has been minimal; there is no substantial increase.

Second, the percentage of Pacific enrolled in the introductory paper LAWS101, ranging over the years from 1.9 to 5.49 percent, has been higher than the overall enrolment and completion percentages. (Compare numbers in turquoise line in Figure 0-5 to purple line in 0-5 and red and blue lines in 0-4). This indicates that while, Pacific students are interested in and do take the introductory paper LAWS101, they have not continued further into the LLB programme to enroll in LAWS200 or above. Reasons could be that Pacific students are not passing LAWS101, are applying for second year law and failing to get in, or may not be applying at all. This suggests the Otago Law Faculty impact on possibly increasing the number of Pacific law students at the 200 level and above has been minimal.

Third in comparison to regional standards, the Pacific student enrolment and completion trends, for the most part, have been above the percentage of Pacific peoples in the Otago region. (See Figure 0-4 where blue and red lines remain above the yellow line except for 2005, 2006, and 2008 where they dip below the yellow line. See Figure 0-5 where turquoise and purple lines remain above the yellow line, except for 2004-2008 where the purple line dips below the yellow line.) But, Pacific enrolment and completion have never been the same or greater than the overall percentage of Pacific peoples in the national New Zealand population. (See Figure 0-4 where blue and red lines remain below the orange line and Figure 0-5 where turquoise and purple lines remain below the orange line). This suggests Otago Law Faculty has positively impacted the numbers of Pacific law students to meet the Otago regional Pacific peoples standard. But Otago Law Faculty has consistently fallen short of meeting the national New Zealand Pacific peoples standard.

The above three findings provide an overview context for the Otago Law Faculty's impacts on Pacific law students, in terms of Pacific enrolment and completion. The following sections explain Figures 0-4 and 0-5 in light of specific equity programmes and the potential impact each equity programme has had on Pacific student enrolment and completion.

3.2.1 AWARD
Otago awards the Judge A’e’au Semi Epatai award to the student of Pacific Island descent who gains admission to Second Year Law with the highest mark in the first year Legal System paper.7 The award was established in 2007 to honour Judge Epati, a distinguished Samoan graduate of Otago Law Faculty and first Pacific person to be appointed as District Court Judge. Unfortunately this

7 2013 Faculty of Law Handbook (Otago, 2013) at 91.
award has been sporadically granted, according to anecdotal evidence amongst Otago law students and staff.

Referring to Figure 0-4 presented above, the implementation of the award coincides with an increase from 2007 to 2009 in general Pacific student enrolment (See blue line in Figure 0-4). Students across universities acknowledged in the interviews that awards were instrumental to their decisions to attend law school. (See Appendix A31-A33). Although not a strong correlation, the award coincidence with increase in enrollment combined with the value by students, suggests awards were positive. But there was no coincidence with overall Pacific LLB completion. (See red line in Figure 0-4).

When examining Figure 0-5 by paper level, the implementation of the award coincides with a steady increase and upward trend at the 200-400 level law paper enrolment from 2007 to 2010. (See purple line in O-5).

The Otago Law Faculty implementation of the Judge A’e’au Semi Epati award coincides with a positive increase in Pacific enrolment, yet there was no notable change in regards to Pacific completion. This suggests the award had a somewhat positive impact.

3.2.2 TUTORIALS & WORKSHOPS

Otago has a partially institutionalised tutorial programme for Pacific law students, meaning the Law Faculty and University Pacific hub organise, fund and implement the tutorials. The Otago tutorial programme developed fairly recently and is still experiencing development challenges. In 2007 Otago had not yet developed a tutorial system for Pacific students despite concerns of a low retention rate. An independent review committee recognised creating a tutorial programme would be a financial burden as there were so few Pacific students enrolled in law school, however given the future changes in population demographics the tutorial programme was viewed as a worthwhile investment. By 2013 academic support tutorials were available for all compulsory 100 and 200 level papers through collaboration with the Otago Law Faculty and the Pacific Centre, a hub for Pacific students throughout the university.

Tutors have generally been senior law students who have performed well in that specific paper. Tutors have complete discretion over the subject matter they teach and how they teach. Thus Pacific tutorials are not run in the same way as non-Pacific tutorials. Pacific tutorials do not replace existing tutorials for all students, but instead supplement them.

As the Otago tutorial programme is still developing, challenges in the administration and structure face the tutorial programme in recent years. While tutors are generally selected according to their ability and expertise, rather than ethnicity, in the interests of high quality teaching for participating subjects, there have been concerns regarding the objective quality of the tutors and tutorials. In

---

8 Review of the Faculty of Law Otago (Otago, 12-14 February 2007) at 6.
9 At 6.
10 2013 Faculty of Law Handbook, above n 7, at 15.
12 Administrative Review. Otago Review Pacific Centre (Otago, 5-7 September 2012) at 12.
an Administrative Review of the Pacific Islands Centre, it was suggested Otago tutorials for Pacific law students should monitor the quality and effectiveness of the tutorial system through independent evaluation; evaluation should occur via regular surveys, and focus group discussions of perceptions among students, staff and local Pacific Island community.\textsuperscript{13} Tutorial attendance is completely on a voluntarily basis which has affected attendance rates and impacts of the programme.

Based on interviews with Otago Pacific support staff, workshops are not institutionalised at all and have occurred on a sporadic basis, implemented by the Pacific Islands Law Students Association (PILSA) upon request by Pacific students. There was little documentation on the dates workshops were implemented.

Referring to Figure 0-4 presented above, the implementation of the tutorials in 2008 coincides with an immediate increase in both Pacific enrolment and completion from 2008 to 2009. (See blue and red lines in Figure 0-4). This suggests formal tutorials possibly had a positive impact on Pacific enrolment and completion.

When examining Figure 0-5, by paper level, further trends in enrolment emerge. In 2009 the year following formal tutorial implementation, Pacific enrolment percentages at the 100 level increased by 0.97 and at the 200-400 level increased by 0.90. (See turquoise and purple lines in Figure 0-5).

From Otago quantitative data alone, it cannot be determined exactly what impact the tutorials had. However when data is read alongside qualitative data on tutorials from students across all universities (see Appendix pages A-33 to A-43), there is an indication that tutorials had an overall positive impact.

3.2.3 SUPPORT STAFF

Otago Law Faculty has implemented two positions among academic staff members to look after Pacific law students in 2000.\textsuperscript{14} However, these two positions are responsible for both Maori and Pacific law students. The law school appointed one part-time general staff member as a Pacific Mentor in 2011. The Pacific Mentor coordinated tutorials and events. All other historical archives in the form of reports from the Pacific Islands Centre suggest this position was discontinued after 2011 and the responsibilities were consumed by the Pacific Islands Centre, central hub for all Pacific students.

Nevertheless, in 2000 when the support staff position commenced there was coincidence with an increase in Pacific enrolment and completion immediately in 2000 and 2001. (See red and blue lines in Figure 0-4). This suggests the implementation of the support staff position may have had an immediate impact on both enrolment and completion. But due the lack of quantitative data and small numbers of students, it is difficult to draw the conclusion that support staff positions directly correlated to increased enrolment and completion.

\textsuperscript{13} A 6.
\textsuperscript{14} 2013 Faculty of Law Handbook, above n 7, at 12.
However, the long term impacts of support staff at Otago do not indicate positive trends. Although the initial implementation of support staff did coincide with an immediate increase of Pacific law enrolment and completion percentages, there was no consistent upward trend after appointment. Thus the implementation of support staff coincides with an immediate positive increase in enrolment and completion, but no consistent upward trend.

3.2.4 MENTORS
Otago Law Faculty titled their general staff members who support Pacific law students as “mentors”. Those mentors’ roles were formal as they were contracted by the law schools to perform specific duties in respect to supported Pacific law students. The mentoring was between the staff member and the student. Thus, data on “support staff for Pacific law students” reflects the impact of these mentors.

Otago also established a programme whereby senior law students mentored junior law students. The Otago Pacific Mentor in addition to mentoring students themselves also coordinated senior students to mentor junior students. Unfortunately there was no data in any of the historical archives as to when this mentoring programme between senior and junior students was established. Thus mentors were not included in Figures 0-4 and 0-5 and no impact on Pacific enrolment or completion could be drawn.

3.2.5 PACIFIC GUEST LECTURERS WITHIN THE LAW SCHOOL
Otago Law Faculty hosted a number of Pacific guest lecturers in recent years. Guest lectures included Judge Semi Epati,15 Charles Chauvel (Tahitian Member of Parliament) and Dr. Fanaafi Aiono-Le Tagaloa (Sector Coordinator of Samoa Law and Justice Sector Secretariat in 2011).16 In 2011, guest lecturers presented as a part of its first annual Pacific Legal Issues Week.17 The Inaugural Pacific Legal Issues Week included public lectures, student research presentations, and student debate on Pacific topics.

Since guest lectures occur sporadically throughout the years, no implementation date could be established nor could any impact on completion and enrolment be drawn.

3.2.6 PACIFIC LAW PAPER
In 2011 Otago Law Faculty offered a one-off summer school paper that focused on law in Pacific countries. The paper was taught by a visiting senior lecturer from the University of South Pacific Vanuatu Campus. The paper was called “Colonisation, Globalisation and Pacific Legal Issues” in 2011.18

Referring to Figure 0-4, the implementation of the Pacific Law Paper in 2011 coincided with a slight increase in Pacific completion and enrolment in 2012, the year immediately following. (See red and

---

15 Otago “Vanuatu Exchange” Otago Law Faculty of Law Newsletter (Dunedin, November 2010) at 2
16 Devon Latoa “Inaugural Pacific Legal Issues Week” Otago Law Faculty of Law Newsletter (Dunedin, Summer 2011) at 8
17 2013 Faculty of Law Handbook, above n 7, at 83.
18 Otago “2011 Summer School Law Papers” Otago Law Faculty of Law Newsletter (Dunedin, Winter 2011) at 6
blue lines in Figure O-4). However, since the paper was only implemented recently, long term coincidences and trends are not available.

3.2.7 CONFERENCE

The annual Law & Culture conference began in 2008 and was initiated by Otago Law Faculty. The aim of the conference is to increase the understanding of Pacific legal issues and to strengthen relationships between Pacific legal scholars.19 The conference entails paper presentations by early career researchers and experts,20 panel presentations, and mooting competitions.21 The original Law & Culture conference only included University of Otago and University of the South Pacific in Vanuatu. Each institution would take part in hosting the conference in Dunedin and Vanuatu. In more recent years throughout 2009-2014, the Law & Culture Conference has expanded to include other universities including the University of Auckland, Auckland University of Technology, Victoria University of Wellington, and University of Canterbury.

Focusing on Otago Law Faculty's initial implementation of the conference, Figure O-4 demonstrates that implementation in 2008 coincides with increased overall Pacific enrolment in law papers in the following year. (See blue line in Figure O-4). Conference implementation also coincides with increased overall Pacific completion in 2009. (See red line in Figure O-4). This suggests the implementation of a Pacific-focused conference coincided with positive increases in Pacific student enrolment and completion.

SUMMARY

Otago Law Faculty implemented its first equity programme, namely support staff, in 2000. But the majority of its equity programmes have been implemented in recent years from 2007 onwards. Notably, Otago Law Faculty has no special admissions entry scheme for Pacific students. Instead Otago's equity programmes provide remedial support in the form of support staff and tutorials and Pacific-topic initiatives, such as Pacific guest lecturers, Pacific Law paper, and Pacific Conferences. The coincidence of each of Otago's equity programmes on Pacific LLB student enrolment and completion is summarised in the following table:

**Figure O-6: Summary of Otago Equity Programmes and Impacts on Enrolment and Completion**

<table>
<thead>
<tr>
<th>Type of Equity Programme</th>
<th>Impact on Enrolment</th>
<th>Impact on Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scholarships &amp; Prizes</td>
<td>Positive</td>
<td>No effect</td>
</tr>
<tr>
<td>Tutorials &amp; Workshops</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Support Staff for Pacific LLB students</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Mentors</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Profiling Pacific Guest Lectures</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Law Paper</td>
<td>Positive</td>
<td>Positive</td>
</tr>
</tbody>
</table>

21 2013 Faculty of Law Handbook, above n 7, at 83.
Exchanges & Conferences | Positive | Positive

Note: the impacts on enrolment and completion are the researcher’s suggested limited observation and interpretation of the quantitative data. The low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory. Thus far this Case Study has examined the impacts of Otago Law Faculty’s specific equity programmes for Pacific law students in terms of enrolment and completion. It has focused primarily on the historical archives and student record data.

3.3 Otago Institution Experiences

Now the Case Study shifts gears to explore Otago Law Faculty’s impact in terms of Pacific students’ experiences, focusing on the interview data. This section answers the research question of “what are the experiences of Pacific students in New Zealand law schools?”

The answers to this question arise from predominate themes identified during open coding in Otago law student and staff interviews, the method of which is explained extensively in Part 2. Notably, this Case Study only presents themes that were exclusive to the Otago law experience. Themes that were held in common with Otago and other law schools are discussed in the final comparative case study section of Part 3.

This section is divided into two sections. The first explores how Pacific law students’ backgrounds were perceived to impact their law school experiences. The second explores how Pacific law students at Otago believe they are perceived by other law students.

3.3.1 Pacific Students Background

In response to a question on the relationship between Pacific values and law school values, many Otago participants spoke about the areas of family, high school preparation, and religion in a way that students at other institutions did not.

Away from the Family Obligations

Otago student participants did not emphasise family obligations as conflicting with law school. In large part this was because most participants were not living with family (Participants 16, 18, and 21). However, several student participants noted that they specifically selected Otago Law Faculty because of its location away from family obligations. Location was perceived to be a success factor for doing well in law school.

“Dunedin was the best place to go because you could get away from the fa’alavelaves, chores, which Auckland has a lot of and there’s a lot of distractions” (Participant 18)

“Dad pushed me to Otago because it was away from family, it was away from friends...dad pretty much brought me down here, I didn’t choose it” (Participant 19)
Again while many Otago student participants found their families helped them by providing financial, emotional, and spiritual support (16, 17, and 18), the majority noted that there was conflict between their backgrounds and the skills and content of law school. Student participants' families did not understand the topic, content, and skills required for law school. Otago student participants said:

“They don’t know much about my study” (Participant 20)

“I’ll tell [my parents] how I’m going and stuff. But neither of them are lawyers” (Participant 21)

The majority of Otago student participants felt law school skills and content did not align with their family upbringing.

A LACK OF HIGH SCHOOL PREPARATION

Among Otago student participants, there were mixed perceptions as to whether high school preparation conflicted with law school experiences. Some Otago student participants found high school experiences inadequately prepared them for law school experiences. Student participants felt high school poorly prepared them for law school; they were not given the requisite, skills and knowledge of the structure of law school.

“There was no specific preparation I did. In fact I think they were probably a bit lacking in terms of exposing you to what you would be doing in various courses and letting you know your options at university. So it didn’t really help me prepare for law” (Participant 21)

“I feel I could have been more prepared. I noted that other schools, I think it was Auckland Girls Grammar, they had Legal Studies. I know other schools had Legal Studies. I wish I could have taken that. It could have given me a stronger foundation in learning, especially case precedent” (Participant 18)

“Writing a legal opinion I found was a completely new thing. Nothing I had done in secondary school prepared me for it quite well enough. I mean all that English and grammar stuff obviously helped to write a good opinion, but there’s nothing about how to go about answering a legal question. Nothing prepared me for that” (Participant 15)

Having come to law school without the writing skills or knowledge of the legal system, students found it difficult to transition and to bridge the gap. This may also indicate instruction at the law school itself was inadequate to ease the transition for participants. In contrast, a few Otago student participants felt that high school prepared them generally with English language skills.

“I think you’re prepared for [law school] in the sense that you understand how to put a sentence together and you understand how to do a speech, understand how to do an essay. I think it’s the transfer of the skills you learn in English into a more specific and practical application” (Participant 17)

“I suppose just the English language skills [helped]” (Participant 20)
But overall, high school experiences did not prepare the majority of Otago student participants with skills and knowledge necessary to succeed in law school. Otago staff participants likewise recognised the lack of high school preparation, noting:

"The challenges is not being well prepared...I believe our [Pacific students] are just passing to get here so because they passed, they’re in. Whereas the non-Pacific students are coming in with 'merits' and 'excellence', so they come in and they are well prepared" (Participant 37)

“if you want more Pacific people represented in the legal field then I guess you have to prepare them from the start, right from secondary school with better reading and preparing them to study wisely” (Participant 36)

Generally Otago staff participants were well aware of the preparation issue and were working on encouraging students from low decile high schools to apply to law school and supporting them once in law school by keeping track of their progress (Participants 37 and 38).

RELIGION CONFLICTING WITH LAW SCHOOL VALUES

The conflict between religion and law school was a minor theme among Otago student participants. The majority of student participants did not suggest there was a conflict at all. But two Otago student participants did feel there was conflict, not in regards to church obligations, but in terms of the fundamental principles taught by and nature of the law school and legal system. These two Otago student participants said:

“An example of conflict with spirituality is contract law, it’s so selfish. It conflicts with my Christian beliefs that you should love one another. Whereas contract law is all about self-pursuit, or at least in my perspective, and trying to make the most of your goods” (Participant 18)

“Being assertive...I guess with my religious beliefs, humility and meekness, people would usually see that as being naïve and being an introvert. But as a Christian you always have to put yourself lower than most people...but in law school class, you have to make yourself heard and put your opinions out there regardless of what anyone else thinks...there is a conflict there with religious beliefs, but it’s something that in law school if you don’t say anything then why are you in law school” (Participant 19)

Humility, a trait some participants highly valued, is incompatible with essential skills to legal success. However, while student participants felt religion and church impacted their legal study, staff members did not perceive this to be an issue. Otago staff participants did not generally see religion or church commitments as a barrier for Pacific students in law school. One Otago staff participant suggested:

22 “Merit” and “excellence” refers to the New Zealand National Certificate of Educational Achievement, a standards-based system. In achievement standards, students can gain one of four grades ranging from—Not Achieved, Achievement, Achievement with Merit and Achievement with Excellence. "Merit” and "excellence" are the highest levels that students may achieve.
“Many of the Palagi students have strong religious ties and so do Pacific students, so that’s not really sort of a confinement. They can find fellow Palagi students in the class who are religious and they can be in religious groups as well so there are quite a few strong Christian groups among the university” (Participant 38)

The above statement from the staff member assumes that all religious students are the same. It fails to acknowledge there is a different way that religion and religious commitments are treated and upheld in Pacific communities. While Otago staff participants did not perceive religion as a conflict for Pacific students, they did acknowledge that many Pacific students were Christian and that this may impact them in the classroom. For example, one staff participant stated:

“I’m agnostic...I’m conscious that my own lack of religious belief has to be carefully handled with my relationships with Pacific people because that’s a significant difference that we have between us” (Participant 39)

In summary, Pacific law students’ family, high school preparation and religion were perceived as factors that impacted their law school experiences. More specifically, these factors sometimes conflicted with the values underpinning and skills essential to success in law school.

3.3.2 LAW SCHOOL’S PERCEPTIONS OF PACIFIC PEOPLES
Otago student participants noted there were negative perceptions of Pacific peoples at law school. These negative perceptions included ideas that all Pacific Islanders were invisible and didn’t study law, and that equity programmes for Pacific students were unfair.

PACIFIC ISLANDERS ARE INVISIBLE AND DON’T STUDY LAW
Otago student participants suggested the perception at Otago Law Faculty was that Pacific students were not visible and did not study law. Student participants stated:

“Out of 200 students in my year I think there were 4 or 5 [Pacific law students]. We were very small in numbers...because we were such a minority we almost got ignored” (Participant 15)

“People would presume it’s not really a PI thing to do...like going to university is not the tradition...it’s not a place you would find many Pacific Island numbers. So I wouldn’t say there are brilliant perceptions of Pacific Islanders in law school” (Participant 21)

A few Otago student participants who were identified by others as Pacific based on their skin color felt they were perceived by peers and lecturers as being dumber. These student participants said:

“You do get that sense that people do have that idea that Pacific people are dumb or being another criminal offender...you do sense it. You sense that there’s some kind of inferiority upon you as a Pacific Island person” (Participant 18)

“Usually when I get into class, people look at you and they say ‘I guess you’re in the wrong classroom’. Not in first year, but in second year, third year, fourth year, there’s that perception that I might not be able to speak English or I might not understand what’s going on. Lecturers
give me an extra look to kind of say ‘Do you understand what I just said?’ It’s condescending sometimes...it doesn’t feel good” (Participant 19).

Among participants with light colored skin, no such experience was mentioned. Another Otago student participant suggested that it was unfortunate that there were not more Pacific students in law school or Pacific students who had done well. She said:

“’There’s a bigger group of them than there are of us who have done well and I think that’s difficult because if you look at who’s in the top 10% of the law school, it’s not many Pls. But what Pls have done is pretty exceptional’ (Participant 20)

Overall, Otago student participants felt there was not a strong visible presence of Pacific peoples in law school. There were a few that felt Pacific peoples were perceived as being dumber than their non-Pacific peers, others just did not comment on this.

**PACIFIC EQUITY PROGRAMMES ARE UNFAIR**

A few Otago student participants perceived that non-Pacific peers felt Pacific programmes were unfair. This perception was prevalent primarily when it came to funding and resources. As one student participant explained:

“one friend that I have always asks me about how PILSA funds itself and always asks me about how the Pacific scholarships are funded in a way that’s getting at the point that’s ‘you shouldn’t get any money, why should you get any and someone else who’s not Pacific shouldn’t go to university because they are struggling too’. That’s irritating” (Participant 20)

The experiences of Otago Pacific law students were that they were met with many negative expectations. Student participants felt “invisible” and objects of negative bias.

**CONCLUSION**

Otago Law Faculty has catered to Pacific students to a limited extent by providing remedial support and a few sporadically implemented Pacific-focused initiatives. The Faculty has done very little despite its consistent demographics of being overrepresented with students from high socioeconomic, certain Pacific ethnic and Pacific female backgrounds. Later case studies show that other law schools and universities have taken more and better steps to assist Pacific students, as will be discussed later.

There has been coincidence in the implementation of certain equity programmes and an increase in Pacific law student enrolment and completion, suggesting that equity programmes are positively impacting Pacific law students. But overall the percentage of Pacific law students in the Otago Law Faculty has never been equal to the percentage of Pacific peoples in the national New Zealand population. Thus Pacific peoples at the Otago Law Faculty remain severely underrepresented.

The experiences of Pacific law students exclusive to Otago Law Faculty suggest family and church obligations are not a barrier. But family experience, high school and religious values that are a part of some student participants’ backgrounds do conflict with law school skills, content and
expectations. At Otago Law Faculty, the negative stigma included notions that Pacific Islanders were dumb, did not study law and that Pacific equity programmes were unfair to other students.

Results from the Otago Case Study indicate some reasons why Otago Law Faculty needs to improve for Pacific law students. Reasons why law schools should improve and ways law schools should improve are discussed in depth.
VICTORIA UNIVERSITY OF WELLINGTON CASE STUDY

The Victoria University of Wellington (“Victoria”) Case Study is divided into three sections. Based on historical records and student record data, first the Case Study explores to what extent Victoria Law Faculty caters to Pacific students. The first section presents information and detailed demographics on Victoria Law Faculty’s structure describing what Otago has implemented for Pacific students and any apparent impacts on the demographic composition of the law school. The second section explores the impact of Victoria Law Faculty equity programmes on Pacific law students in terms of enrolment and completion. The final section explores the Victoria-specific experiences of Pacific law students as perceived by students and staff based on analysis of participant interviews.

4.1 HOW HAS VICTORIA CATERED TO PACIFIC STUDENTS?

Victoria law school was formed in 1897. Today the law school is located near Parliament and the courts. Significantly Victoria Law Faculty is one that also “culls” its students. Entrance into the formal LLB programme is determined at the end of students’ first year by the Law Faculty selecting students on the basis of their first year law paper marks in LAWS121, LAWS122, and LAWS123, and their grade point average from non-law university degree courses. There is a maximum of 300 places available in the second year. Students who undertake the 100 level law papers are not guaranteed a place in the LLB degree.

In regards to admission into the LLB degree, Victoria Law Faculty has not catered at all to Pacific peoples. There is no special admissions category or criteria for Pacific students who apply for the LLB programme after taking the 100 level law papers.

Victoria Law Faculty does have alternative methods of admission such as graduate entry, Maori Admissions Process and exceptional circumstances. But these alternative methods of admission do not provide Pacific students with any advantage over peers of other ethnicities.

Analysis of data on Victoria Law Faculty historical records inclusive of Law Faculty Student handbooks, Annual Reports, Academic Calendars, Faculty Newsletters, and the University website revealed that instead of setting an admissions scheme for Pacific students, the Victoria Law Faculty has catered to Pacific students by other means. Victoria focuses on providing remedial support exclusive to Pacific students and implementing Pacific-focused topics open to any law student. More specifically, Victoria Law Faculty catered to Pacific students by implementing a scholarship,

23 Victoria Faculty of Law Prospectus 2012 at 13.
24 Victoria Faculty of Law Undergraduate Prospectus 2012 at 13-14.
tutorials and workshops, support staff, mentors, a space for Pacific students, Pacific guest lecturers, and a Pacific Law Paper.

4.1.1 VICTORIA'S DETAILED DEMOGRAPHICS
Because Victoria did provide additional information on Pacific ethnicity, gender and grade point averages from 1994-2012, these detailed demographics further contextualise the Victoria Case Study, with an emphasis on Pacific students.

PACIFIC ETHNICITY
Demographic information was provided on specific Pacific ethnicity. As noted in Part 1, the category “Pacific” is an amalgamation of many different ethnicities. Examining Victoria Law Faculty composition by ethnicity establishes which specific ethnicities are lacking in number so that law schools can target specific ethnic groups.

Because Victoria provided data on Pacific ethnicity, the following Figure V-1 compares the percentage of students at the 100 and 200 level of the law degree to the general national percentage by Pacific ethnicity. Percentages were calculated using the method described in the Otago Case Study of Part 3 on Pacific Ethnicity.
<table>
<thead>
<tr>
<th>Year</th>
<th>Tokelauan National Population</th>
<th>Tokelauan 100 level</th>
<th>Tokelauan 200-400 level</th>
<th>Niuean National Population</th>
<th>Niuean 100 level</th>
<th>Niuean 200-400 level</th>
<th>Other Pacific Island National Population</th>
<th>Other Pacific Island 100 level</th>
<th>Other Pacific Island 200-400 level</th>
<th>Cook Island National Population</th>
<th>Cook Island 100 level</th>
<th>Cook Island 200-400 level</th>
<th>Tongan National Population</th>
<th>Tongan 100 level</th>
<th>Tongan 200-400 level</th>
<th>Fijian National Population</th>
<th>Fijian 100 level</th>
<th>Fijian 200-400 level</th>
<th>Samoan National Population</th>
<th>Samoan 100 level</th>
<th>Samoan 200-400 level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>2.48</td>
<td>8.33</td>
<td>0</td>
<td>8.63</td>
<td>4.17</td>
<td>0</td>
<td>1.56</td>
<td>0</td>
<td>0</td>
<td>22.66</td>
<td>12.9</td>
<td>30.76</td>
<td>13.87</td>
<td>16.67</td>
<td>7.69</td>
<td>3.05</td>
<td>4.2</td>
<td>7.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>2.48</td>
<td>0</td>
<td>0</td>
<td>8.63</td>
<td>0</td>
<td>0</td>
<td>1.56</td>
<td>0</td>
<td>0</td>
<td>22.66</td>
<td>31.57</td>
<td>13.87</td>
<td>10.53</td>
<td>3.05</td>
<td>40</td>
<td>10.53</td>
<td>51</td>
<td>60</td>
<td>47.36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>2.61</td>
<td>6.66</td>
<td>5.26</td>
<td>9.13</td>
<td>0</td>
<td>0</td>
<td>2.61</td>
<td>0</td>
<td>0</td>
<td>23.25</td>
<td>6.66</td>
<td>26.31</td>
<td>15.52</td>
<td>5.26</td>
<td>0</td>
<td>15.8</td>
<td>50</td>
<td>86.66</td>
<td>47.36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>2.61</td>
<td>5.88</td>
<td>3.57</td>
<td>9.13</td>
<td>2.94</td>
<td>3.57</td>
<td>2.61</td>
<td>0</td>
<td>0</td>
<td>23.25</td>
<td>8.82</td>
<td>21.42</td>
<td>15.52</td>
<td>5.88</td>
<td>0</td>
<td>11.8</td>
<td>50</td>
<td>64.70</td>
<td>60.71</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>2.61</td>
<td>5.55</td>
<td>3.7</td>
<td>9.13</td>
<td>0</td>
<td>0</td>
<td>2.61</td>
<td>5.55</td>
<td>0</td>
<td>23.25</td>
<td>11.11</td>
<td>11.11</td>
<td>15.52</td>
<td>0</td>
<td>3.7</td>
<td>5.6</td>
<td>18.5</td>
<td>72.22</td>
<td>62.69</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>2.61</td>
<td>3.44</td>
<td>3.12</td>
<td>9.13</td>
<td>0</td>
<td>0</td>
<td>2.61</td>
<td>3.44</td>
<td>6.25</td>
<td>23.25</td>
<td>13.79</td>
<td>3.12</td>
<td>15.52</td>
<td>3.45</td>
<td>3.13</td>
<td>13.8</td>
<td>15.6</td>
<td>62.06</td>
<td>68.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>2.61</td>
<td>6.25</td>
<td>2.77</td>
<td>9.13</td>
<td>0</td>
<td>5.56</td>
<td>2.61</td>
<td>0</td>
<td>5.55</td>
<td>23.25</td>
<td>12.5</td>
<td>5.55</td>
<td>15.52</td>
<td>12.5</td>
<td>2.78</td>
<td>3.81</td>
<td>12.5</td>
<td>19.4</td>
<td>56.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>3.12</td>
<td>0</td>
<td>13.95</td>
<td>8.69</td>
<td>0</td>
<td>4.65</td>
<td>3.12</td>
<td>0</td>
<td>6.97</td>
<td>22.53</td>
<td>10.52</td>
<td>0</td>
<td>17.56</td>
<td>15.79</td>
<td>6.98</td>
<td>3.04</td>
<td>5.3</td>
<td>14</td>
<td>68.42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>3.12</td>
<td>12.5</td>
<td>11.76</td>
<td>8.69</td>
<td>0</td>
<td>3.12</td>
<td>8.33</td>
<td>5.88</td>
<td>22.53</td>
<td>0</td>
<td>0</td>
<td>17.56</td>
<td>4.17</td>
<td>17.65</td>
<td>3.04</td>
<td>12.5</td>
<td>14.7</td>
<td>49</td>
<td>62.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>3.12</td>
<td>0</td>
<td>12.19</td>
<td>8.69</td>
<td>0</td>
<td>3.12</td>
<td>7.4</td>
<td>2.43</td>
<td>22.53</td>
<td>7.4</td>
<td>4.87</td>
<td>17.56</td>
<td>11.11</td>
<td>14.63</td>
<td>3.04</td>
<td>14.8</td>
<td>9.8</td>
<td>49</td>
<td>59.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>2.39</td>
<td>8.69</td>
<td>6.25</td>
<td>8.18</td>
<td>0</td>
<td>4.17</td>
<td>3.43</td>
<td>0</td>
<td>6.25</td>
<td>20.68</td>
<td>8.69</td>
<td>2.08</td>
<td>17.61</td>
<td>8.7</td>
<td>10.42</td>
<td>4.04</td>
<td>17.4</td>
<td>12.5</td>
<td>48.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>2.39</td>
<td>8.82</td>
<td>5.55</td>
<td>8.18</td>
<td>0</td>
<td>2.78</td>
<td>3.43</td>
<td>5.88</td>
<td>8.33</td>
<td>20.68</td>
<td>5.88</td>
<td>8.33</td>
<td>17.61</td>
<td>14.71</td>
<td>8.33</td>
<td>4.04</td>
<td>11.8</td>
<td>16.7</td>
<td>48.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>2.39</td>
<td>8.57</td>
<td>0</td>
<td>8.18</td>
<td>0</td>
<td>4.76</td>
<td>3.43</td>
<td>5.71</td>
<td>4.76</td>
<td>20.68</td>
<td>5.71</td>
<td>19.04</td>
<td>17.61</td>
<td>5.71</td>
<td>9.52</td>
<td>4.04</td>
<td>20</td>
<td>23.8</td>
<td>48.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>2.39</td>
<td>0</td>
<td>0</td>
<td>8.18</td>
<td>2.63</td>
<td>0</td>
<td>3.43</td>
<td>7.89</td>
<td>13.63</td>
<td>20.68</td>
<td>10.52</td>
<td>18.18</td>
<td>17.61</td>
<td>2.63</td>
<td>9.09</td>
<td>4.04</td>
<td>15.8</td>
<td>18.2</td>
<td>48.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>2.39</td>
<td>2.04</td>
<td>0</td>
<td>8.18</td>
<td>2.04</td>
<td>0</td>
<td>3.43</td>
<td>6.12</td>
<td>20</td>
<td>20.68</td>
<td>12.24</td>
<td>25</td>
<td>17.61</td>
<td>2.04</td>
<td>0</td>
<td>4.04</td>
<td>6.1</td>
<td>15</td>
<td>48.99</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
At the 100 level for enrolment, Fijians, Samoans and Tokelauans for the majority of years throughout 1994-2012 have been proportional to their national populations. This demonstrates there is a significant interest from these ethnicities in the LLB degree as these populations enroll at the 100 level. There is stark contrast at 100 level enrolments for Cook Islanders, Niueans and Tongans. For those three Pacific ethnicities, enrolment percentages at the 100 level are well below their respective national population percentages. This suggests Victoria Law Faculty should encourage Cook Islanders, Niueans and Tongans to enroll in the LLB at the 100 level.

With the exception of Fijians, at the 200-400 level enrolment is not as proportional as that at the 100 level. Overall, this indicates that while Pacific ethnicities are interested and enroll at the 100 level they are not gaining admission to the full LLB programme. Equity programmes should focus on getting more Pacific people enrolled at the 200-400 level. Programmes should especially focus on Cook Islanders, Niueans and Tongans as these ethnicities historically have been severely disproportional to their national population. Focusing recruitment on these specific Pacific ethnicities could mean creating opportunities for more Pacific Islands students at law school overall.

The number of Pacific students by ethnicity graduating from Victoria law school is even more troubling than Pacific enrolment in law papers. The below table illustrates the number of Victoria graduates of each Pacific ethnicity. Graduation numbers were too small to be effectively converted to percentages. Thus they are displayed in whole numbers in the table below.

**Figure V-2 Victoria Graduation Numbers by specific Pacific ethnicity**

<table>
<thead>
<tr>
<th>Year</th>
<th>Samoan</th>
<th>Cook Is Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Other Pacific</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1992</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1993</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1994</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>1995</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>1996</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1997</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>1998</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1999</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2000</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>2001</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>2002</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2003</td>
<td>7</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>2004</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>2005</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>2006</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>2007</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>2008</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>
The overall total number of Pacific graduates at Victoria is very low, with 11 at the most graduating in some years—2001, 2003, and 2006. Samoans have had the highest number of graduates overall over time, graduating 8 in 2001 and 2006. Nevertheless, graduation statistics at Victoria are extremely bleak. Victoria Law School, when catering to Pacific students, should especially aim to attain Pacific graduates.

**GENDER**

Gender is another demographic factor that Victoria provided additional information on. The percentages of male to female within each race are displayed in Figure V-3 below. Percentages were calculated using the method described in the Otago Case Study of Part 3 on Pacific Ethnicity.

**Figure V-3: Victoria enrolment by gender**

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>1991</td>
<td>46%</td>
<td>54%</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>1992</td>
<td>46%</td>
<td>54%</td>
<td>41%</td>
<td>59%</td>
</tr>
<tr>
<td>1993</td>
<td>46%</td>
<td>54%</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>1994</td>
<td>46%</td>
<td>54%</td>
<td>46%</td>
<td>54%</td>
</tr>
<tr>
<td>1995</td>
<td>43%</td>
<td>57%</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>1996</td>
<td>40%</td>
<td>60%</td>
<td>36%</td>
<td>64%</td>
</tr>
<tr>
<td>1997</td>
<td>42%</td>
<td>58%</td>
<td>38%</td>
<td>62%</td>
</tr>
<tr>
<td>1998</td>
<td>41%</td>
<td>59%</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>1999</td>
<td>41%</td>
<td>59%</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>2000</td>
<td>41%</td>
<td>59%</td>
<td>31%</td>
<td>69%</td>
</tr>
<tr>
<td>2001</td>
<td>41%</td>
<td>59%</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>2002</td>
<td>38%</td>
<td>62%</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>2003</td>
<td>40%</td>
<td>60%</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>2004</td>
<td>41%</td>
<td>59%</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>2005</td>
<td>40%</td>
<td>60%</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>2006</td>
<td>40%</td>
<td>60%</td>
<td>31%</td>
<td>69%</td>
</tr>
<tr>
<td>2007</td>
<td>40%</td>
<td>60%</td>
<td>35%</td>
<td>65%</td>
</tr>
<tr>
<td>2008</td>
<td>42%</td>
<td>58%</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>2009</td>
<td>40%</td>
<td>60%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>2010</td>
<td>42%</td>
<td>58%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>2011</td>
<td>42%</td>
<td>58%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>2012</td>
<td>42%</td>
<td>58%</td>
<td>36%</td>
<td>64%</td>
</tr>
</tbody>
</table>
As is consistent with general university enrolment trends, female enrolment is higher than male enrolment across race over the last 20 years.

Over the years Pacific LLB female percentages are significantly higher in number than Pacific LLB male percentages. The difference between Pacific females and males percentages are the greatest than all other races. Most recently in 2012 there was 73% Pacific female LLB enrolment compared to only 27% Pacific LLB males. This suggests Victoria Law Faculty if possible should focus on recruiting and attaining Pacific males to the LLB degree when catering to Pacific students’ needs.

**Grade Point Average**

The final additional demographic Victoria provided information on was grade point average by ethnicity. This provides a picture of Pacific students within Victoria Law Faculty. Grade point averages indicate how Pacific students are doing in terms of outcomes and grades in comparison to students of other ethnicities. The grades and grade point average scale at Victoria Faculty of law is as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage marks</th>
<th>GPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>85-100</td>
<td>9</td>
</tr>
<tr>
<td>A</td>
<td>80-84</td>
<td>8</td>
</tr>
<tr>
<td>A-</td>
<td>75-79</td>
<td>7</td>
</tr>
<tr>
<td>B+</td>
<td>70-74</td>
<td>6</td>
</tr>
<tr>
<td>B</td>
<td>65-69</td>
<td>5</td>
</tr>
<tr>
<td>B-</td>
<td>60-64</td>
<td>4</td>
</tr>
<tr>
<td>C+</td>
<td>55-59</td>
<td>3</td>
</tr>
<tr>
<td>C</td>
<td>50-54</td>
<td>2</td>
</tr>
<tr>
<td>D</td>
<td>40-49</td>
<td>1</td>
</tr>
<tr>
<td>E</td>
<td>0-39</td>
<td>1</td>
</tr>
</tbody>
</table>

Based on information provided by Victoria, mean grades over all LAWS papers 100-400 level and the number of students for each race are displayed in Figure V-4 below.
Figure V-4: Victoria Mean Grade Point Averages for 100-400 level papers by Ethnicity

<table>
<thead>
<tr>
<th>Year</th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
<th>TOTAL STUDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean Total LLB GPA</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
</tr>
<tr>
<td>1991</td>
<td>3.38</td>
<td>324</td>
<td>2.06</td>
<td>56</td>
<td>2.09</td>
<td>24</td>
<td>2.7</td>
<td>26</td>
<td>2.38</td>
</tr>
<tr>
<td>1992</td>
<td>4.17</td>
<td>197</td>
<td>2.72</td>
<td>51</td>
<td>1.66</td>
<td>5</td>
<td>4.28</td>
<td>13</td>
<td>3.55</td>
</tr>
<tr>
<td>1993</td>
<td>4.07</td>
<td>221</td>
<td>2.03</td>
<td>55</td>
<td>2.11</td>
<td>15</td>
<td>3.62</td>
<td>17</td>
<td>4.66</td>
</tr>
<tr>
<td>1994</td>
<td>3.38</td>
<td>328</td>
<td>2.48</td>
<td>62</td>
<td>1.5</td>
<td>34</td>
<td>2.94</td>
<td>33</td>
<td>3.1</td>
</tr>
<tr>
<td>1995</td>
<td>3.72</td>
<td>271</td>
<td>2.63</td>
<td>40</td>
<td>2.22</td>
<td>18</td>
<td>3.58</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>1996</td>
<td>4.1</td>
<td>333</td>
<td>2.23</td>
<td>63</td>
<td>1.6</td>
<td>29</td>
<td>3.36</td>
<td>22</td>
<td>1</td>
</tr>
<tr>
<td>1997</td>
<td>4.06</td>
<td>313</td>
<td>1.71</td>
<td>42</td>
<td>2.1</td>
<td>16</td>
<td>3.31</td>
<td>26</td>
<td>3</td>
</tr>
<tr>
<td>1998</td>
<td>4.07</td>
<td>385</td>
<td>1.79</td>
<td>63</td>
<td>2.6</td>
<td>26</td>
<td>2.77</td>
<td>43</td>
<td>3.36</td>
</tr>
<tr>
<td>1999</td>
<td>4.7</td>
<td>379</td>
<td>2.32</td>
<td>69</td>
<td>1.37</td>
<td>19</td>
<td>3.21</td>
<td>38</td>
<td>8</td>
</tr>
<tr>
<td>2000</td>
<td>3.57</td>
<td>337</td>
<td>2.36</td>
<td>56</td>
<td>1.98</td>
<td>24</td>
<td>2.15</td>
<td>42</td>
<td>0</td>
</tr>
<tr>
<td>2001</td>
<td>3.94</td>
<td>356</td>
<td>2.64</td>
<td>56</td>
<td>2.11</td>
<td>27</td>
<td>3.13</td>
<td>52</td>
<td>3.5</td>
</tr>
<tr>
<td>2002</td>
<td>4.63</td>
<td>346</td>
<td>2.88</td>
<td>62</td>
<td>3.38</td>
<td>32</td>
<td>4.04</td>
<td>56</td>
<td>2</td>
</tr>
<tr>
<td>2003</td>
<td>4.34</td>
<td>300</td>
<td>2.99</td>
<td>62</td>
<td>2.28</td>
<td>23</td>
<td>3.63</td>
<td>47</td>
<td>1</td>
</tr>
<tr>
<td>2004</td>
<td>4.11</td>
<td>386</td>
<td>1.69</td>
<td>76</td>
<td>1.84</td>
<td>30</td>
<td>3.46</td>
<td>74</td>
<td>1</td>
</tr>
<tr>
<td>2005</td>
<td>3.67</td>
<td>367</td>
<td>1.95</td>
<td>90</td>
<td>0.99</td>
<td>34</td>
<td>3.1</td>
<td>62</td>
<td>1.6</td>
</tr>
<tr>
<td>2006</td>
<td>3.77</td>
<td>375</td>
<td>2.09</td>
<td>76</td>
<td>1.57</td>
<td>45</td>
<td>3.25</td>
<td>66</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>3.58</td>
<td>432</td>
<td>2.51</td>
<td>81</td>
<td>1.47</td>
<td>35</td>
<td>3.12</td>
<td>57</td>
<td>1.25</td>
</tr>
<tr>
<td>2008</td>
<td>3.33</td>
<td>429</td>
<td>2.03</td>
<td>78</td>
<td>1.48</td>
<td>38</td>
<td>2.97</td>
<td>67</td>
<td>2.52</td>
</tr>
<tr>
<td>2009</td>
<td>3.69</td>
<td>481</td>
<td>2.52</td>
<td>82</td>
<td>1.35</td>
<td>49</td>
<td>2.97</td>
<td>65</td>
<td>1.9</td>
</tr>
<tr>
<td>2010</td>
<td>3.37</td>
<td>511</td>
<td>1.86</td>
<td>94</td>
<td>0.98</td>
<td>54</td>
<td>2.81</td>
<td>76</td>
<td>1.68</td>
</tr>
<tr>
<td>2011</td>
<td>3.65</td>
<td>450</td>
<td>2.04</td>
<td>96</td>
<td>1.66</td>
<td>51</td>
<td>2.54</td>
<td>59</td>
<td>2.35</td>
</tr>
<tr>
<td>2012</td>
<td>3.61</td>
<td>445</td>
<td>2.59</td>
<td>90</td>
<td>1.74</td>
<td>40</td>
<td>2.92</td>
<td>65</td>
<td>1.85</td>
</tr>
</tbody>
</table>
The mean grade point average for Pacific students at the 100-400 level over time is significantly lower than all other races. Most recently in 2012, the Pacific grade point average was 1.74, which is a D and not passing. Even recent minorities with smaller numbers enrolled than Pacific LLB students such as Middle Eastern, Latin American and African have higher grade point averages. Victoria Law Faculty should focus on assisting Pacific students to increase their grades in order to cater to Pacific students’ needs.

**SUMMARY**
Victoria is one of the larger law schools with 300 places for students in second year of the LLB degree. It is a law school that “culls” its students, granting entry into the formal LLB degree based upon students’ success primarily in the first year introductory papers LAWS121, LAWS122, and LAWS123. Victoria has catered to Pacific students by implementing a scholarship, tutorials and workshops, support staff, mentors, a space for Pacific students, Pacific guest lecturers, and a Pacific Law Paper.

Specific demographic data on Pacific ethnicity and gender suggests Victoria Law Faculty should focus on encouraging Pacific males, Cook Islanders, Niueans and Tongans to enroll in the LLB because these demographic populations are underrepresented. Two major issues confronting Victoria law school are Pacific law students’ grade point averages and LLB degree completion numbers. Pacific law student grades and completion numbers are significantly low, especially in comparison to other ethnicities.

Upon presenting the background, structure and demographics of Victoria Law Faculty for Pacific students, this Case Study proceeds to explore the impacts of Victoria Law Faculty equity programmes and its institution for Pacific students.

**4.2** **THE IMPACT OF VICTORIA LAW FACULTY EQUITY PROGRAMMES**

**INTRODUCTION**
The impact of Victoria Law Faculty equity programmes is derived from two data sets—historical archives and Pacific student enrolment and completion compared to Pacific populations. Further explanation of the data sets is set out in Part 2 and the Otago Case Study.

The researcher would like to re-emphasise that the following analysis only makes observations based on coincidence; it does not assert a casual or correlation relationship between the equity programmes and changes in enrolment and completion percentages. Such analysis suggests that the law school’s equity programme is *a factor* that may have impacted enrolment and completion of Pacific law schools.

The following Figures V-5 and V-6 are byproducts of the aforementioned analysis of two data sets. Figure V-5 illustrates the impacts each equity programme may have had on the *overall* enrolment and completion of Pacific law students. Victoria did provide further data on enrolment delineated by paper level. Thus the following Figure V-6 illustrates the impact of Victoria Law equity programmes by *paper level*. 
Figure V-5: A Comparison of Victoria Equity Programme Developments with Pacific enrollment and completion figures
Figure V-6: A Comparison of Victoria Equity Programme Developments with Pacific enrollment figures by paper level

- Percentage of Pacific peoples in Wellington Region
- Percentage of Pacific peoples in NZ General Population
- Percentage of Pacific enrolled in LAWS 100 level
- Percentage of Pacific enrolled in LAWS 200-400
When examining the overall trends in Figures V-5 and V-6, without considering the equity programmes denoted by the black lines, a few findings are apparent.

First, there has not been a substantial increase in overall Pacific LLB enrolment and completion over the last ten years from 2002-2012. Pacific LLB overall enrolment has only fluctuated between 1.31 and 2.54 percent. (See blue line in Figure V-5 from 2002-2012). Pacific LLB completion has only fluctuated between 1.6 and 3.38 percent. (See red line in Figure V-6 from 2002-2012). There is no general upward trend or dramatic increases over these years. This suggests Victoria Law Faculty’s overall impact and numbers of Pacific law students was minimal in these years; there was no substantial overall increase.

Second, there has been an increase in Pacific LLB enrolment in 100 level papers and decrease in Pacific LLB enrolment in 200-400 level papers from 2001-2012. There is an upward trend in the turquoise line in Figure V-6 from 2001-2012; whereas there is a downward trend in the purple line in Figure V-6 from 2001-2012. This suggests Victoria Law Faculty’s overall impact increased the number of Pacific law students enrolling at the 100 level, but not into the formal LLB degree programme at the 200 level and higher.

Third when compared to regional standards, for all years the Pacific LLB enrolment overall and by paper level and completion percentages have remained below the percentage of Pacific peoples in the Wellington region. (See Figure V-5 where blue and red lines remain below the yellow line at all times. See Figure V-6 where turquoise and purple lines remain below the yellow line at all times). Notably Pacific LLB percentages generally remain below the percentage of Pacific peoples in the national New Zealand percentages. (See V-5 where blue and red lines remain below the orange line at all times. See V-6 where purple line remains below the orange line at all times and turquoise line remains below the orange line in 1997-2001, 2003-2005, 2007-2008, 2012.) There are a few exception years—1996, 2002, 2006, 2009-2012—where the percentage of Pacific LLB students enrolled in 100 level law papers were proportional to the national New Zealand population. But due to the “culling” structure of Victoria Law Faculty, enrolment at the 100 level only suggests Pacific students are interested and enrolled in law, not that they are gain admission to the formal LLB degree. Thus while there has been interest among Pacific students to take the 100 level paper, for the most part Victoria Law Faculty has failed to meet both the Wellington region and national Pacific peoples standards.

The three findings above provide an overview context for the Victoria Law Faculty’s impacts on Pacific law students, in terms of enrolment and completion. The following sections explain Figures V-5 and V-6 in light of specific equity programmes and the potential impact each equity programme has had on Pacific student enrolment and completion.

4.2.1 SCHOLARSHIP
Victoria’s Quentin-Baxter Memorial Scholarship Fund is awarded in odd years (i.e. 2011) to Pasifika students and to Maori students in even years (i.e. 2010). The scholarship is for full time students
enrolled in one or more second year law courses and provides $2000 per annum for up to three years.26

Historical archival data indicating the first award of Victoria’s scholarship was unavailable. Thus the impact of the scholarship on enrolment and completion percentages could not be drawn from the data.

4.2.2 TUTORIALS & WORKSHOPS
Victoria Law Faculty runs both tutorials and workshops independently with limited assistance from Pasifika at Vic, the central Pacific hub at Victoria. The law faculty tutorials have existed informally from the early 1990s, but it is unclear as to when they were formalised.

In 2012, it is the Pacific Law Students’ Coordinator and Law Faculty’s Adviser to Pacific Students, based in the Faculty of law, who organise and provide tutorials.27 In 2013, supplementary tutorials assist students in the practical application of legal rules and concepts; additional programmes are provided for specific purposes including intensive pre-exam review classes, mentoring and targeted workshops.28 Attendance to Victoria Law Faculty tutorials and workshops is voluntary.

Unfortunately the impact of Victoria Law Faculty tutorials and workshops could not be drawn. Statistical data for all law schools prior to 1994 was unavailable directly from law schools themselves as their records did not reach back that far. Nor was data available from the Tertiary Education Commission, whose records prior to 1994 were only on Pacific students generally without reference specifically to Pacific law students. Thus the impact from Victoria’s 1990 tutorials, in terms of enrolment and completion, cannot be drawn.

4.2.3 SUPPORT STAFF
Victoria law school has a general and academic staff member to support Pasifika students. The roles were formalised between 2000 and 2005. The Pasifika Law Students Coordinator is a general staff member who provides advice and assistance for Pacific law students. Their role also includes organizing tutorials and workshops, promoting scholarships and keeping students informed about events concerning Pacific students.29 The Adviser to Pacific Students is an academic staff member who generally sees Pacific law students only in major crisis situations, the day to day operations and dealings with Pacific law students are predominantly the responsibility of the general staff Pasifika Law Students Coordinator.

Referring to Figure V-5 and V-6, the implementation of the Victoria Law Faculty support staff positions in 2000 coincided with an increase in enrolment and completion in the following year 2001. (See increase in blue and red lines from 2000 to 2001 in V-5 and increase in turquoise and purple lines from 2000 to 2001 in V-6). This suggests the support staff position may have had an immediate impact on both completion, enrolment overall and at every paper level. But the low

---

26 Quentin-Baxter Memorial Scholarship Fund Scholarship Regulations.
27 “Pacific Law Coordinator” Victoria Faculty of Law <www.victoria.ac.nz/law>.
28 Faculty of Law Student Handbook (Victoria, 2013) at 23.
29 At 24.
numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

However, although the initial implementation of support staff did coincide with an immediate increase for Pacific students in the following year, there were no consistent upward trends upon implementation. This may suggest the Victoria Law Faculty's support staff may have initially increased enrolment and completion in the year after, but such impacts were not sustained in following years. However again this observation is tempered by the fact that due to low numbers of Pacific students and lack of more detailed quantitative data correlation cannot be drawn conclusively.

4.2.4 MENTORS
Victoria Law Faculty relied mainly on the central Pacific hub at Victoria to provide and organise mentors. The central Pacific mentoring programme was extended to include the law school in 2002.30 But since the mentoring programme was not exclusive to and directly organised by the law school itself, this thesis did not examine the impacts of the mentoring programme.

4.2.5 PACIFIC SPACE
Victoria Law Faculty recently provided a specialised study and learning space for Maori and Pasifika students in the law library in 2012.31 Because this space was implemented in the year data student record data was collected, there was no data to suggest the impacts of the space in terms of Pacific enrolment and completion.

4.2.6 PACIFIC GUEST LECTURERS WITHIN THE LAW SCHOOL
Victoria’s New Zealand Centre for Public Law hosted Leaua’lali’i Tasi Malifa of the University of the South Pacific in 2000,32 and Professor Bob Hughes University of the South Pacific Vanuatu in 2001.33 There was no indication from historical archives of recent visits from Pacific guest lecturers. Since guest lectures occurred sporadically no implementation date could be established nor could the impacts on completion and enrolment be suggested.

4.2.7 PACIFIC LAW PAPER
Victoria Law Faculty offered a Pacific Legal Studies paper at the 300 level in 2001. The paper focused on “selected topics on the legal systems of Pacific states including their historical development, the relationship of customs to imported and enacted law and the implications of independence”.34

---

31 Annual Report 2012 (Victoria, 2012) at 9; Victoria Faculty of Law “Te Kauwae Paraoa is open” (press release, 16 March 2012).
33 Annual Report 2001 (Victoria, 2001) at 22.
34 Calendar 2001 Victoria(Victoria, 2001) at 496; Calendar 2002 Victoria(Victoria, 2002) at 508.
Also throughout 2001-2002, Victoria Law Faculty offered a 300 level Legal History paper, which examined the legal history of the Pacific alongside those of New Zealand and England. The paper did not focus on Pacific issues exclusively, but did weave the legal histories of Pacific within it.

The implementation of these papers in 2001 coincided with an increase in Pacific enrolment at the 100 and 200-400 levels. In 2002, the year following implementation, there was an increase. (See increase in turquoise and purple lines from 2001 to 2002 in Figure V-6). This may suggest that implementing papers with a Pacific-focus positively impacted Pacific enrolment at both the 100 and 200-400 levels. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusive.

SUMMARY
Victoria Law Faculty implemented its first equity programme (tutorials) relatively early in 1990. There was a huge gap from 2002-2011 Victoria Law Faculty did not implement any new equity programmes for Pacific students. Notably, Victoria Law Faculty has no special admissions entry scheme for Pacific students. Instead Victoria Law Faculty’s equity programmes focus on remedial support in the form of tutorials, support staff and an allocated space, and Pacific-topic initiatives, such as Pacific guest lecturers and Pacific law papers. The coincidence of each of Victoria’s equity programmes on Pacific LLB student enrolment and completion is summarised in the following table:

Figure V-7: Summary of Victoria Equity Programmes and Impacts on Enrolment and Completion

<table>
<thead>
<tr>
<th>Type of Equity Programme</th>
<th>Impact on Enrolment</th>
<th>Impact on Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scholarships &amp; Prizes</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Tutorials &amp; Workshops</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Support Staff for Pacific LLB students</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Mentors</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Space</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Profiling Pacific Guest Lectures</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Law Paper</td>
<td>Positive</td>
<td>Positive</td>
</tr>
</tbody>
</table>

Note: the impacts of equity programmes on enrolment and completion are the researcher’s own interpretation of the limited data. The low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusive.

This Case Study so far examined the impacts of Victoria Law Faculty’s specific equity programmes for Pacific law students in terms of enrolment and completion. It has focused primarily on the historical archives and student record data.

35 Calendar 2001 Victoria, above n 34, at 496.
36 Calendar 2002 Victoria, above n 34, at 507.
4.3 Victoria Institution Experiences

The Case Study now explores Victoria Law Faculty’s impact in terms of Pacific students’ experiences, focusing on the interview data. This section answers the research question “what are the experiences of Pacific students in New Zealand law schools.”

As with the Victoria Case Study, the answers to this question arise from predominate themes from Victoria law student and staff interviews during open coding, the method of which is explained extensively in Part 2. This Case Study only presents themes that were exclusive to the Victoria law experience. Themes that were held in common with Victoria and other law schools are discussed in the final comparative case study section of Part 3.

This section is divided into two sections. The first explores how Pacific law students’ backgrounds were perceived to impact their law school experiences. The second explores Victoria Law Faculty’s perceptions of Pacific peoples.

4.3.1 Pacific Students Background

In response to a question on the relationship between Pacific values and law school values, Victoria participants spoke about the areas of family, high school preparation and religion in a way that students at other institutions did not.

Family Values and Obligations

The conflict between family values and law school values was a major concern for Victoria student participants. Conflict arose on the issues of time commitment, choices in whether to study and where to study. This was articulated in the following student comments:

“Because the law school is Westernised, it doesn’t really take into consideration...because in Samoan culture and Pacific Island culture in general family is important. We look at family as outranking school so especially when it comes to our elders. If they are sick then you have to stay at home...that outranks school...church and family is important in Pacific Island person’s life and that’s kind of hard for a non-Pacific Islander to get their head around. So with assignments, tests and missing class it makes it difficult to pass or pass with a good grade” (Participant 22)

“I think that’s what non-Pacific tend to forget, there are different priorities. I think for Pacific it’s all about family and home. I know many friends whose parents have told them to leave school aside to get a job because it was more immediate. You’re more able to help your family because you’re earning money. As opposed to the idea that if you let your child go to Uni they can study for 3-5 years they will earn triple, quadruple of what they will be giving you at that point in time. I think it’s just different priorities” (Participant 23)

“It’s external pressures of possibly being the only one who has a license to move family around. There’s the possibility as well as being the only one who knows how to fill out bureaucratic forms for different organizations and you know being the one that’s aware of institutionalised ways of doing things...your family relies on you heavily because you are seen to be the bedrock
and the one that they can rely on. That’s possibly a pressure that mainstream students don’t experience” (Participant 24)

“By the time you hit whatever age you should have this amount of kids already just by being of Pacific descent and everything. And you know you need to have kids and get married and get a job...There’s just by the family I think there’s a lot of pressure...you know there will be uncles and aunties all the time who are like when are you going to get married, when are you going to have kids. I think it’s because they didn’t have to do the whole long degree thing.” (Participant 28)

“Pacifica people in general are quite a social people and law is a very demanding discipline of study and education. That’s a cultural change that I think needs to happen. You have to realise it’s going to be quite demanding, it’s going to be quite challenging....you’re committing to 4 to 5 to 6 years of your life to gaining this really solid and profound education. So are really in it for the long haul” (Participant 24)

Similarly Victoria staff participants were aware of the difference in priorities for Pacific students when it came to families. Victoria staff participants understood that Pacific students’ family obligations affected deadlines compliance (Participant 40), tutorial and lecture attendance (Participant 42), and study time and study space (Participant 42). However, one Victoria staff participant noted that not all law staff were wary of the issue Pacific students faced.

“[One staff member] asked me ‘why do [Pacific students] fail, everyone says it’s because they’ve got family and church commitments and all the extracurricular stuff’ and he was like ‘but we have that too’. I think [non-Pacific staff] struggle to understand why [Pacific students are] struggling” (Participant 42)

While the majority of Victoria participants noted the conflict between family and law school, one student participant did note the value of hard work was similar between the two.

“I mean it’s all work here so I guess that’s sort of similar to Pacific culture you know you work hard. You work hard to get the degree I guess. So in that respect it’s the same” (Participant 25)

Overall, Victoria student participants raised major concern regarding the conflict between family and law school values and priorities.

IT DEPENDS WHICH HIGH SCHOOL...

Many Victoria student participants found there was conflict between their high school preparation and law school experience. Namely, in high school they were surrounded by peers who were not motivated, and high school did not introduce the content or structure of law school. Victoria participants remarked:

“I knew a lot of smart Pacific Islanders, but they didn’t take school seriously and now most of them are married or pregnant or are enrolled at Polytech, even though they could have enrolled in Uni if they had chosen to” (Participant 22)
“Content, all of that was completely new to me and I struggled just to remember it all and learn it all” (Participant 24)

“They didn’t really prepare me for trying to get into law school. They viewed the law degree as any other degree. They didn’t warn me that I would have to fight my way into second year and beyond” (Participant 27)

In contrast, other Victoria student participants found no conflict. These participants found the transition from high school to law school was smooth because they had acquired the requisite skills, content and network connections in high school. For instance, Victoria student participants said:

“At X, one of the parents was a lawyer...he offered to do a legal studies course. It was in the mornings very early...I thought it was quite interested because we had a class called theory of knowledge and there’s critical analysis in that respect as well....[I got to see] how the court system worked” (Participant 23)

“My school was in central Auckland...it’s always in the top 10...so there is a real high emphasis on academics. So I think in that sense my school was really like everyone learned this sort of stuff. It was quite high quality” (Participant 26)

“I was fortunate enough to do IB, international bachelorette diploma...it’s just that course itself, you know you’re writing essays that are around 1500 words and you had to do an extended essay which was 40,000 words. So you got Used to writing that amount and I guess just even like the critical analysis in English class that helped as well” (Participant 23)

“In high school you have those sort of work experience days when you go to someone’s parent’s office and you learn about that. I think we ended up going to Meredith Connell or one of the law firms and that’s sort of what got me going, what sort of sparked my interested in law” (Participant 23)

Thus the high school experiences of Victoria student participants were vastly different; creating conflict for some but not others. One Victoria staff participant reiterated and expanded upon the impact she perceived high school experiences had on law school experiences. She stated:

“I found that many of the students in their final years of college didn’t take law compatible subjects. So it was kind of like science and maths. They weren’t writing essays, they weren’t preparing speeches. You know they weren’t doing much reading....I had a couple of students who took Classics, History, Geography in their final years of school and they did really well because they could articulate their ideas better than the students who didn’t practice it much in college....I find that students who come from lesser ranked schools are less prepared. I get a few and you know where they’re from, especially if they’re from Wellington you know where their schools stand” (Participant 42)

Therefore, high school experiences did conflict with law school for some Victoria student participants, but not for all.
Religion and church were seen as important to Victoria student participants. But only one student participant suggested church commitments and obligations were so time-consuming as that it made it difficult to attend class, pass classes or pass with good grades (Participant 22). Another student noted the differences in Pacific and law school values, giving the example of prayer:

“If you were having a shared lunch at a Pacific programme, you’d start off with a prayer. You know its central to Pacific values. But in a mainstream programme you just go through the food and start eating. So I think it’s just the small things that make a difference, just to create an environment we feel comfortable in” (Participant 27)

Victoria staff participants were well aware of that Pacific students tended to prioritise church over law school (Participants 41 and 42). However, staff participants were not always sure of how to address the issue:

“One of the differences between or amongst European, Maori and Pacific is the church groups in Pacifica communities plays a much larger and stronger role. Now I need more information on that, but if that is the case then involve them. We need to do that. Whatever helps them and if it doesn’t work then don’t do it again. We’ll just try and see” (Participant 41)

One student participant suggested that the value of church overrode the value of entering law school, more so for Pacific males. She stated:

“In your Pacific community there’s a lot of considerations that we give towards our church. Our church families…like being called to ministry and things like that come up all the time. Not so much with females, but with males it can be like ‘why don’t you start a church or something like that. You know you should be preaching the word….for the men it’s like hurry up and get a job really, you need to be providing for your family, looking after your family that is already there” (Participant 28)

But, once in law school the majority of Victoria student participants felt there was no conflict and they could effectively manage their time to attend to both church and law school commitments. Victoria student participants also realised the separation of ideas in Christianity and law school. For instance students remarked:

“Even though [my mum] taught us Christian values and all that sort of stuff…in my mind law school is law school. This is a different thing. It doesn’t matter if it conflicts because I still have to do it anyways” (Participant 26)

“Definitely in terms of morals there’s a lot of controversial things we discuss in class and stuff that could challenge your view and challenge your Pacific stance. You know they say a lot of things about Christianity and stuff. I’m Christian you know so that could sometimes affect what I think. But apart from that I don’t think it stands as a hindrance of some sort” (Participant 28)
One student participant perceived law school practices, namely in regards to law school as a whole, as being consistent with their Christian beliefs. This participant said:

“A lot of it is very much entrenched in my religious beliefs we’re constantly taught as males we’re to be the providers of families and to be the bread winner and the head of the home and the patriarch. So we’re encouraged very much to get an education based in today’s society because of the lack of employment and you need to have marketable skills to go and compete in the marketplace so we’re encouraged in that way to ensure you have some means that can guarantee you work that will provide” (Participant 24)

Overall among Victoria participants the value of church was important. Church did not necessarily conflict with law school commitments, but it did conflict will law school values.

4.3.2 Law School’s Perceptions of Pacific Peoples

In response to a question on the perception of Pacific peoples and student at law school, many Victoria participants noted there were negative perceptions. These negative perceptions included ideas that all Pacific Islanders were quota students, Maori not Pacific Islanders should get special treatment and that Pacific Islanders are invisible and dumb.

“ALL PACIFIC ISLANDERS ARE QUOTA STUDENTS”

Victoria student participants stated that Pacific Islanders at Victoria law school were perceived as being quota students (Participants 25, 26, and 28). This perception was held by staff and students, inclusive of Pacific students. Victoria students explained:

“[there’s] a lot of instances when lecturers or tutors say specifically to Pacific student that you don’t have to worry about getting a B+ average in first year because you have the quota. But they don’t know that Pacific Islanders don’t have the quota, it’s only Maori....a lot of people look down on Pacific Islanders just because they think we get it easy and that makes it hard for Us” (Participant 22)

“My assignments weren’t up to scratch according to this one lecturer so I went to them to find out what it was that I needed to do....that professor he asked me ‘so how did you get into second year law?’ and I said ‘sorry?’ and he said ‘did you come through on the Pacific quota?’ and I said ‘I’m sorry sir there is no Pacific quota and I came through on my own merit’. ...It was a very intense form of racism....he didn’t even know that’s what he was doing. I was offended by that” (Participant 24)

“We get stigmatised with the Maori students because the Maori students do have a quota for entry into second year law. Pacific students don’t. We have to fight with the rest of mainstream students to get a place into second year law. But there is a perception that we do have a quota just because we are another brown face. And there is a Pacifica coordinator so they automatically assume that there are quotas set aside for Us. But the reality is that we actually have to get the same or better grades than everybody else to get in” (Participant 27)

The perception that “all Pacific Islanders are quota students” is especially problematic since Victoria does not have a quota or targeted admissions scheme for Pacific students
“MAORI, NOT PACIFIC ISLANDERS, GET SPECIAL TREATMENT”

One Victoria student participant felt that although there was the perception that Pacific Island students got as much support as Maori, in reality there was very little content and resources dedicated to Pacific compared to Maori. She said:

“the Maori students are really up there and I feel like Pacific students are lower...even though there’s the MPI room...it’s more Maori, it’s got a Maori name and everything is Maori design...but there’s no place just for Pacific students here well at the law school anyway” (Participant 26)

Although this idea was not consistent among other Victoria participants, it is noted in brief here because this conception was consistent with responses in the Waikato case study.

PACIFIC ISLANDERS ARE INVISIBLE AND DUMB

Victoria student participants felt Pacific students were perceived as being invisible (Participants 23 and 25). For example student participants said:

“We’re not really visible through the law school. We don’t even have a society. So in that way we’re not even represented basically.” (Participant 26)

“We’ve got Pacific students who are Pacific but who are more interested in being studious than being Pacific. There is no push for Pacific rights on the student’s behalf. It’s kind of like you’re Pacific but it doesn’t really matter” (Participant 42)

Another negative perception Victoria student participants suggested was that Pacific students were dumb. Participants said:

“I just always feel like people look down at you. Like you’re dumb, you’re brown...everyone just thinks brown people are really loud and don’t do a lot of work and stuff” (Participant 26)

“You kind of feel like there is that stereotype about how Pacific Islanders are not as bright as the average kiwi...sometimes you will hear comments in passing about having to do better because you need to prove your intelligence” (Participant 23)

“I think the expectation is that less than half of us [Pacific students] will actually make it to graduate with our law degree” (Participant 28)

The overall experiences of Victoria Pacific law students demonstrate they were met with negative expectations among staff and peers.

CONCLUSION

Victoria Law Faculty has catered to Pacific students to a limited extent by providing remedial support and a few sporadically implemented Pacific-focused initiatives. The Faculty has done very little despite its demographics of Pacific students who are achieving lower grade point averages and are consistently underrepresented in comparison to national and regional populations of Pacific
peoples. Later case studies show that other law schools and universities have taken more and better steps to assist Pacific students, as will be discussed later.

There was coincidence in the implementation of certain equity programmes, namely support staff and Pacific law papers, and increase in Pacific law student enrolment and completion. This may suggest these equity programmes are positively impacting Pacific law students. It is unfortunate that other equity programmes are not thoroughly documented so that their impacts could be drawn. Despite the positive impacts that were suggested, Victoria Law Faculty the percentage of Pacific law students in Victoria Law Faculty has never been equal to the percentage of Pacific peoples in the Wellington region. Thus Pacific peoples at the Victoria Law Faculty remain severely underrepresented.

The experiences of Pacific law students exclusive to Victoria law Faculty indicate family and church obligations are often barriers to law school success. But, high school experience was either a barrier or success factor for law students, depending on the particular experience. At Victoria Law Faculty the negative stigma Pacific law students experienced were ideas among peers and staff that all Pacific Islanders were quota students and that Pacific Islanders were invisible and dumb.

Results from the Victoria Case Study indicate some reasons why Victoria Law Faculty needs to improve for Pacific students—to improve its Pacific statistics, to make an impact through equity programmes in terms of enrolment and completion, and to improve the experience for Pacific law students in spite of conflicting background factors and stigma. Reasons why law schools should improve and ways law schools should improve based on this data is discussed in depth in Part 4.
UNIVERSITY OF AUCKLAND CASE STUDY

The University of Auckland ("Auckland") Case Study, like previous case studies, is divided into three sections. First, based purely on historical archive data, the Case Study explores to what extent Auckland Law Faculty caters to Pacific students. The second section explores the impact of Auckland Law Faculty's equity programmes for Pacific students in terms of enrolment and completion, using historical archive and student record data. The final section explores Auckland-specific experiences of Pacific law students as perceived by students and staff based on analysis of participant interviews.

5.1 HOW HAS AUCKLAND CATERED TO PACIFIC STUDENTS?

AUCKLAND’S STRUCTURE

In 1883 Auckland University, as a College of the University of New Zealand, offered vocational study in law. In 1962 the University of Auckland itself became fully independent. Today the Law School is located at the University of Auckland City campus, which is walking distance from the courts.

Auckland Law Faculty is one that also "culls" its law students. This means that entry into the LLB degree is determined at the end of students' first year. The Law Faculty selects students on the basis of their first year university academic record, with emphasis placed on the marks obtained in the first year law papers, LAWS121G and LAWS131. 37 In recent years the minimum composite grade for entry has been between a B+ (grade point average of 6.00) and A- (grade point average of 7.00). A maximum of 300 places are available each year for the LLB programme. As was noted in the 2010 University of Auckland Annual Report, “demand for places in Part II of the LLB degree was as strong as ever [and] entry requirements are the most challenging they have ever been”.38 Thus students who undertake the LAWS101 paper are not guaranteed a place in the LLB degree programme.

In addition to this general admission scheme, Auckland has alternative methods of admission including graduate entry and targeted admission schemes for Maori, residents of indigenous Pacific ethnicity, and disabled students.39 Notably Auckland Law Faculty has a targeted admissions scheme for Pacific students; it is the only law school in New Zealand to cater to Pacific students in this manner.

Furthermore, Auckland Law Faculty has the most extensive number of equity programmes. Analysis of data on Auckland Law Faculty historical records inclusive of Law Faculty Student handbooks, Annual Reports, Academic Calendars, Faculty Newsletters, University Equity Office Policies and Reports and the University website revealed that its equity programmes include a

37 The University of Auckland Faculty of Law Undergraduate Prospectus 2012.
38 The University of Auckland 2010 Annual Report at 29.
39 The University of Auckland Faculty of Law Undergraduate Prospectus 2012, above n 37.
targeted admissions scheme, prize, tutorials and workshops, support staff, mentors, Pacific space, Pacific guest lecturers, Pacific law paper, and Pacific mooting.

Because Auckland did not provide additional detailed demographics on its law school population, this Case Study moves on to explore the impacts of Auckland Law Faculty equity programmes and its institution for Pacific students.

5.2 THE IMPACT OF AUCKLAND LAW FACULTY EQUITY PROGRAMMES

INTRODUCTION
The impact of Auckland Law Faculty equity programmes is derived from a combination of the historic archives and student records. A further explanation of the data collection and analysis is set out in Part 2 and the Otago Case Study.

To re-emphasise, the following analysis only makes observations based on coincidence, it does not assert a casual or correlation relationship between the equity programmes and changes in enrolment and completion percentages. Such analysis suggests that the law school's equity programme is a factor that may have impacted enrolment and completion of Pacific law schools.

The following Figure A-1 is a byproduct of the aforementioned analysis of two data sets. It illustrates the impacts each equity programme may have had on the overall enrolment and completion of Pacific law students. Unfortunately Auckland did not provide information on enrolment delineated by paper level.
Figure A-1: A Comparison of Victoria Equity Programme Developments with Pacific enrolment and completion figures
Looking at the overall trends in Figure A-1 without considering the black lines when specific equity programmes were implemented, there are three findings.

First, there is a general upward trend in Pacific LLB enrolment and completion from 1996 to 2012. Both blue and red lines in Figure A-1 increase with a visible upward fashion. This suggests the Auckland Law Faculty’s overall impact on the numbers of Pacific law students has been positive over the years, at least in terms of enrolment and completion.

Second in comparison to Pacific population standards, Auckland Law Faculty’s percentage of Pacific law student enrolment from 2003 to 2012 has been at or above the Pacific percentage in Auckland region. (See blue line from 2003 to 2012 existing at or above the yellow line in Figure A-1). Also, Auckland Law Faculty’s percentage of Pacific enrolment from 1996 to 2012 has always been above the Pacific percentage in the national New Zealand population. (See blue line is always above the orange line in Figure A-1). This suggests Auckland Law Faculty has positively impacted the numbers of Pacific law students enrolled in the LLB to meet the Auckland region and national New Zealand Pacific people’s standards.

Third, Auckland Law Faculty’s percentage of Pacific completion has always been below the Pacific peoples Auckland region percentage. (See red line is always below the yellow line in Figure A-1). But in most years (except for 1996-1997, 1999, 2003, 2005-2006), Auckland Law Faculty’s percentage of Pacific completion has been above the Pacific peoples national New Zealand percentage. (See red line is mostly above the orange line in Figure A-1). This suggests Auckland Law Faculty has positively impacted the number of Pacific law student completing the LLB degree when compared to the national New Zealand percentage, but not in comparison to the Auckland regional percentage.

The above three findings provide an overview context for the Auckland Law Faculty’s impacts on Pacific law students in terms of Pacific enrolment and completion. The following sections explain Figure A-1 in light of specific equity programmes and the potential impact each equity programme has had on Pacific student enrolment and completion.

5.2.1 Targeted Admission Scheme (TAS)

Auckland Law Faculty is the only one that operates a Targeted Admissions Scheme (TAS) expressly for Pacific peoples. TAS was implemented in 1988. In 2013 the TAS reserved 13 places for residents of indigenous Pacific ethnicity in the 200-level LLB papers;\(^{40}\) this is the same number of places that were reserved in 2004.\(^{41}\) Pacific applicants are also able to obtain places under the general admission scheme described above, that takes the top 300 students.

To be eligible for TAS the following are required:

\(^{40}\) *Faculty of Law Undergraduate Handbook* (Auckland, 2013) at 8.

• Proof of Indigenous Pacific descent/ancestry;
• A completed family tree of parents, grandparents and great-grandparents detailing those who are of indigenous Pacific Island descent;
• New Zealand citizenship or permanent residence;
• At least a C+ grade in all first year LLB papers and successful completion of 6 non-law courses;
• A written personal statement outlining identification with the applicant’s Pacific community (i.e. knowledge of language, participation in community activities); and
• An interview.42

For the purposes of TAS, “Pacific” includes Samoa, American Samoa, Tonga, Cook Islands, Niue, Tokelau, Fiji, Rotuma, Solomon Islands, New Caledonia, Papua New Guinea, Kiribati, Tuvalu, Palau, Marshall Islands, Federal States of Micronesia, Wallis and Futuna, Hawai’i, French Polynesia, and Rapanui. Notably all Pacific ethnicities are lumped into one category without preference to ethnicities or countries with historical relationships with New Zealand. Furthermore TAS is for New Zealand residents only; thus Pacific international students are excluded.

TAS places emphasis on genuine Pacific connection. “Proof of ancestry” includes certification of ancestry by church elder, community leader or chief who knows the family, justice of peace or solicitor. The certifier is also to be of Pacific Island descent and cannot be the applicant’s sibling, spouse, parent or grandparent. TAS, being the only entry scheme explicitly targeting Pacific persons, has many requirements and evidential burdens to consider.

Auckland’s TAS from its inception in 1988 until 1991 determined the number of Pacific reserved places by calculating the percentage of the ethnic group to the national population in the area northward of a line approximately east-west across the central North Island.43 Generally TAS was introduced with the aim of maintain and increasing the number of Pacific students as a percentage of the total student body.44 As of 2013 while there has been public debate as to the place of admissions schemes in professional courses,45 no one has challenged the legality of the TAS.

Unfortunately due to lack of data, information on enrolment and completion prior to 1996 are unavailable. Thus the before and after impact of TAS are not available. Despite lacking the data before TAS was implemented, from 1996 onwards the general trends discussed earlier in this section may apply. TAS coincides with a long term upward trend in Pacific LLB enrolment and completion. (Both blue and red lines in Figure A-1 increase with a visible upward fashion from

---

42 “Faculty of Law Targeted Admission Scheme (Pacific) – LLB Part II 2013 Guidance Sheet” (Auckland, 2013) at 1.
45 Rodney Hide “Racial quotas let down med school talent pool” The New Zealand Herald (online ed, Auckland, 17 June 2012); Jessi Mee “Students defend Maori, Pasifika medical quota to ‘balance’ health” Pacific Scoop (online ed, Auckland, 28 August 2012); “Transcript: Is New Zealand a racist country?” (24 April 2013) 3rd Degree presents The Vote <www.3news.co.nz>.

152
TAS also coincides with enrolment percentages that are always significantly greater than completion percentages. (See blue line is always greater than red line in Figure A-1). This suggests TAS may have a greater impact on enrolment than completion.

By design TAS increases the number of Pacific law students enrolled in law school by reserving seats for Pacific students. This automatically keeps enrolment proportional to the Pacific Auckland regional and New Zealand national populations. Unfortunately TAS does not necessarily operate to keep Pacific completion proportional to the Pacific Auckland regional populations.

5.2.2 PRIZE
Auckland Law Faculty awards the Lallu Ram Sharma Prize in Pacific Legal Studies to the student with the best research essay in LAWGENRL 428 South Pacific Legal Studies. The one-off award is worth $100. There are no requirements for the recipient to be of Pacific ethnicity. The only requirement is academic research skill in the area of South Pacific legal studies. Unfortunately the award is granted sporadically as the South Pacific Legal Studies paper is offered inconsistently from year to year.46

No significant trend or pattern emerges in enrolment or completion when the Auckland Lallu Ram Sharma prize was implemented in 2010. This may be because the prize is limited in number and recently implemented, thus it may not have a visible effect on overall trends yet.

5.3.3 TUTORIALS & WORKSHOPS
Auckland Law Faculty runs Pasifika Academic Support Strategies (PASS) that includes both tutorials and workshops. The tutorial programme was developed informally by Pacific students in 1991; by 1992 tutorials were run for all 100 and 200 level papers by a mixture of lecturers on a voluntary basis and paid law student tutors recommended by lecturers.47 In 2013 PASS programmes focus on "supplementing compulsory academic courses and furnishing students with skills and experiences that are helpful for entering the legal profession...providing a smoother transition into law school to ensure Pasifika students realise their potential."48 PASS operates a strict attendance policy in which if students are enrolled they must attend every PASS tutorial or workshop and must file a tutorial absence notice with the Pasifika Academic Coordinator in the event that a student needs to be absent due to class clash, illness, family emergency or similar reason. If an enrolled student fails to give notice twice for their absence, the student is excluded from all subsequent PASS initiatives.49

PASS tutorials are offered regularly for all compulsory 100 and 200 level papers, while tutorials for 300 level courses are available according to student demand. PASS tutorials are compulsory for students that gain entry to 200 level papers via TAS; all other Pasifika students may voluntarily in PASS.50 PASS workshops are run for compulsory courses prior to all tests and exams; they are only

---

46 2010 Calendar: The Auckland (Auckland, 2010) at 726; Faculty of Law Undergraduate Handbook, above n 40, at 107.
47 Review of the Faculty of Law (University of Auckland, 1993) at 97.
48 “Pasifika Academic Support Strategies (PASS)” Auckland Faculty of Law <www.law.auckland.ac.nz>.
49 “PASS attendance policy” Auckland Faculty of Law <www.law.auckland.ac.nz>.
50 “PASS tutorials” Auckland Faculty of Law <www.law.auckland.ac.nz>.
open to students who participate in the PASS tutorial programme as they follow on from regular tutorials.\footnote{51 “PASS workshops” Auckland Faculty of Law <www.law.auckland.ac.nz>.}

Unfortunately due to lack of data, information on enrolment and completion prior to 1996 are unavailable. As with TAS the before and after impact of tutorials and workshops are not available. Despite lacking the data before tutorials were implemented, from 1996 onwards the general trends discussed earlier in this section may apply. Tutorials coincide with a long term upward trend in Pacific LLB enrolment and completion. (Both blue and red lines in Figure A-1 increase with a visible upward fashion from 1996-2012). Tutorials also coincide with enrolment percentages that are always significantly greater than completion percentages. (See blue line is always greater than red line in Figure A-1). This suggests tutorials may have a greater impact on enrolment than completion. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

5.3.4 SUPPORT STAFF
Auckland Law Faculty has both a Pasifika Academic Coordinator and a Pasifika Academic Councillor. As a general staff member the Pasifika Academic Coordinator provides prospective and current LLB students with academic and cultural support; they organise TAS students, PASS programme and Pasifika Honours Club.\footnote{52 “Pasifika Academic Coordinator” Auckland Faculty of Law <www.law.auckland.ac.nz>.} In 1993, the Coordinator role was an unpaid position.\footnote{53 Review of the Faculty of Law, above n 47, at 97.}

The Pacific Academic Councillor works with the Pasifika Academic Coordinator and oversees all events for Pacific law students. The Councillor role was present in 1993,\footnote{54 At 97.} but anecdotal evidence suggests the role was not a long-term appointment until 2007.

When the support staff position was formalised in 2007, there was coincidence with an increase in enrolment and completion in 2008. (See increase in red and blue line from 2007 to 2008 in Figure A-1). This may suggest support staff had an immediate positive impact on both Pacific enrolment and completion. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

5.3.5 MENTORS
The Auckland law Pasifika Academic Coordinator informally matched senior law students with junior law students and worked with centralised university Tuakana programme to find appropriate mentors. The start date of informal mentoring is unknown. Thus the impacts of the mentoring programmes could not be drawn.

5.3.6 PACIFIC SPACE
Auckland Law Faculty provided a dedicated study space for Pacific law students as there were areas designated for all Pacific students in all faculties by 2002.\footnote{55 Annual Report. A Year in Review Annual Report 2002 (Auckland, 2002) at 30.} The implementation of Pacific space did not coincide with a positive trend in enrolment or completion when it was first implemented in
2002. In fact, Pacific enrolment and completion negatively decreased the year after the space was implemented. (See decrease in blue and red line from 2002 to 2003 in Figure A-1). This might suggest that the implementation of a space for Pacific students may have negatively impacted Pacific enrolment and completion. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory. Other factors such as other initiatives and awareness, size and use of the space may have contributed to that.

5.3.7 Pacific Guest Lecturers
Auckland Law Faculty hosted Honourable Misa Telefoni Retzlaff, Samoa’s Deputy Prime minister and Minister of Finance in 2004, and Tongan Solicitor General ‘Asipeli ‘Aminiasi Kefu in 2010. Since guest lectures occur sporadically no implementation date could be established nor could the impacts on completion and enrolment be suggested.

5.3.8 Pacific Law Paper
Auckland Law Faculty offered South Pacific Legal Studies sporadically at the 400 level in 2006-2013 for 15 points. In 2003 South Pacific Legal Studies was revived after some years’ absence and was planned to be offered biennially. To develop South Pacific legal studies further, the Board of Reference for South Pacific Legal Studies was established in 2006. The paper has generally been described as

“Legal study of Pacific Island states located in the regions of Micronesia, Melanesia and Polynesia. Distinctive features of law arising in Pacific states including: sources of law, relationships between custom and law; corruption and anti-corruption measures; democracy and governance; constitutional crises and constitutional futures; environmental and trade issues; regional issues; human rights issues.”

The implementation of a Pacific Law Paper in 2003 coincided with a slight increase in completion in the immediate year following (see red line increase in Figure A-1 from 2003-2004). But enrolment remained unchanged (see blue line from 2003-2004 in Figure A-1). This may be because the paper is not offered consistently or annually, once it was initially implemented.

5.3.9 Pacific Mooting Competition
Only Auckland Law Faculty offers the chance for students to do a moot on Pacific legal issues as a part of the internal law school curriculum. The Pacific Moot at Auckland counts towards the compulsory Part III moot. The moot began in 2010. The moot gives participants the opportunity

---

57 Catriona MacLennan “Tongan constitutional reform debated at the Law School” Law News (online ed, New Zealand, 29 April 2010).
61 2012 Calendar: The Auckland, above n 58, at 625.
62 Faculty of Law Undergraduate Handbook, above n 40, at 74.
to research and present a legal argument in a situation that approximates an appellate hearing.\textsuperscript{63} The Pacific moot did not coincide with an upward trend in Pacific enrolment or completion. (See red and blue lines in Figure A-1 from 2010-2012). Thus there was no positive impact from implementing the Pacific moot in terms of overall enrolment and completion. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory. Other factors such as the moot staff facilitators and awareness of the program may have contributed to this result.

\textbf{SUMMARY}

Auckland Law Faculty implemented its first equity programme early in 1988 and continues to add equity programmes throughout 1996-2010. Auckland Law Faculty has the only targeted admissions scheme for Pacific students in New Zealand. In addition, it offers a plethora of equity programmes including prize, tutorials and workshops, support staff, mentors, Pacific space, Pacific guest lecturers, Pacific law paper, and Pacific moot. The coincidence of each of Auckland’s equity programmes on Pacific LLB enrolment and completion is summarised in the following table:

\textbf{Figure A-2: Summary of Auckland Equity Programmes and Impacts on Enrolment and Completion}

<table>
<thead>
<tr>
<th>Type of Equity Programme</th>
<th>Impact on Enrolment</th>
<th>Impact on Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Admission Scheme</td>
<td>Positive</td>
<td>Slight positive</td>
</tr>
<tr>
<td>Scholarships &amp; Prizes</td>
<td>No effect</td>
<td>No effect</td>
</tr>
<tr>
<td>Tutorials &amp; Workshops</td>
<td>Positive</td>
<td>Slight positive</td>
</tr>
<tr>
<td>Support Staff for Pacific LLB students</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Mentors</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Space</td>
<td>Negative</td>
<td>Negative</td>
</tr>
<tr>
<td>Profiling Pacific Guest Lectures</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Law Paper</td>
<td>No effect</td>
<td>Positive</td>
</tr>
<tr>
<td>Pacific Law Students Association</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Mooting Competition</td>
<td>Negative</td>
<td>Negative</td>
</tr>
</tbody>
</table>

Note: the impacts on enrolment and completion are the researcher’s suggested limited observation and interpretation of the quantitative data. The low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

This Case Study thus far has examined the impacts of Auckland Law Faculty’s specific equity programmes for Pacific law students in terms of enrolment and completion. It has focused primarily on the historical archives and student record data.

\textsuperscript{63} At 85.
5.4 AUCKLAND INSTITUTION EXPERIENCES

Shifting focus, this Case Study now explores Auckland Law Faculty’s impact in terms of Pacific students’ experiences based on interview data. It answers the question “what are the experiences of Pacific students in New Zealand law schools”.

The answers to this question arise from predominate themes from Auckland law student and staff interviews during open coding, explained in Part 2. This Case Study only presents themes that were particular to the Auckland law experience. These Auckland-specific themes in summary were:

<table>
<thead>
<tr>
<th>Pacific Students Background</th>
<th>Family Obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High School</td>
</tr>
<tr>
<td></td>
<td>Consistency with Religious Values</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Law School’s Perceptions of Pacific Peoples</th>
<th>“All Pacific Islanders are Quota Students”</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“Maori, not Pacific Islanders, deserve special treatment”</td>
</tr>
<tr>
<td></td>
<td>“Pacific equity programmes are unfair”</td>
</tr>
</tbody>
</table>

Themes that were held in common with other law schools are discussed in the final comparative case study section of Part 3.

This section is divided into two sections. The first explores how Pacific law students’ backgrounds were perceived to impact their law school experiences. The second explores Auckland Law Faculty’s perceptions of Pacific peoples.

5.4.1 PACIFIC STUDENTS BACKGROUND

In response to a question on the relationship between Pacific values and law school values, many Auckland participants spoke about the areas of family, high school preparation, and religion in a way that students at other institutions did not.

FAMILY OBLIGATIONS

The value of family and family obligations was especially prevalent among Auckland participants, especially since many student participants lived at home with their families and were very active in their extended families. Auckland student participants suggested that law school conflicted with family time, obligations and responsibilities. For instance:

“The biggest conflict is time with family because I’m Usually at Uni trying to get stuff done. They didn’t get it at first that I was needing to study a lot to actually pass or to be on top of a lot of things” (Participant 8)

“you can’t always be there at law school because we’ve got obligations and responsibilities that I bet you the average student would never face. And these are obligations and responsibilities that you can’t get out of or negate, you have to fulfill them” (Participant 11)
“because of family reasons...you are expected to attend every family obligation and contribute to every family birthday, wedding and stuff. It just takes a lot of your time. And then sometimes your family wouldn’t understand that you need time to do your study” (Participant 13)

The extensive family obligations on Pacific law students were similarly acknowledged and recognised by some of the Auckland staff participants. Staff participants further reiterated the mismatch between the law school institution and Pacific values:

“where I think there is a big issue is family expectations and church expectations...actually it isn’t just a cultural expectation, it’s a necessity. There isn’t anyone at home with the little ones. They have to do it or they have to work otherwise the mortgage at home won’t be paid and that’s just the way it is. I think we are getting better at appreciating that and understanding that. But a lot of times it’s hidden and indeed even with some students that I’ve known for several years, I have to weasel out of them that there’s a crisis at home and that we can accommodate it. So I definitely think there is a gap between the values of the institution and the values of Pacific peoples. I don’t have an answer to how we deal with that. I don’t think it’s at a policy level that it needs to change, it needs to change at a personal level of the people here” (Participant 34)

Similarly, another Auckland staff participant noted the lack of understanding stating:

“I think often lecturers just don’t understand...you know like ‘well you tell your family your studies are very important or maybe a funeral’. But they don’t understand the obligation and the feeling that you have to be with your family. Your family does come first. Then from home as well a lot of parents don’t necessarily understand the type of commitment that’s required and the time that’s required.” (Participant 33)

Many Auckland student participants suggested they being free from certain family obligations or having family members understanding of their commitment to studies enabled participants to succeed in their studies. Yet Auckland student participants noted, not all Pacific students were so fortunate and were greatly affected by family or cultural obligations (Participants 8, 9 and 14).

While Auckland student participants noted their families supported them emotionally, financially, in terms of logistics such as transport (Participants 8, 11, 12 and 14), student participants stated their families could not and did not provide academic support on legal studies content or skills. For example a student participant remarked:

“in regards to actual legal substance or anything, no there’s no real contribution because no one comes from a legal background in our family. No one has an understanding of the law as such” (Participant11)

Thus the expectations of law school conflicted with the environment Auckland student participants had been raised in.

IT DEPENDS WHICH HIGH SCHOOL...
On the issue of high school experiences and preparation clashing with law school skills, expectations and culture Auckland student participants’ responses were varied. Some student participants noted there was no conflict and certain aspects of high school greatly assisted them in university legal studies. These aspects included academic advisors, high school friend groups, certain papers, and skills (Participants 8, 9, 10, 12 and 14). For example, student participants said:

“I took that paper [at X College] and I did very well in it and that kind of prepped me in understanding what the law is, understanding what common law is, statute law…you know the basic structure of governance. I got a fair idea of what it feels like and what it’s like in the legal field” (Participant 9)

“[in high school] they had thinking skills and then each week we went through different ways of thinking or habits of mind and stuff…so ya that was something that was quite helpful now in retrospect” (Participant 12)

“everyone in my year level they were really driven and they all knew that they wanted to go to Uni. I think being in that kind of environment really pushed me to go. Being at Uni felt like the next natural step. I didn’t really consider doing anything else…going to high school was really interesting experience because that high school only had 2% Pacific Islanders. It was near the city and I lived in South Auckland. So it was like completely different world” (Participant 14)

In contrast to some student participants having no conflict between their high school and law school experiences other Auckland student participants found the opposite— their high school experiences conflicted with LLB studies at university. These students felt ill-prepared and in some instances that high school set them up for failure at law school. Student participants attributed the conflicting factors to careers advisors, principals and structure of the high school itself. Auckland student participants stated:

“In regards to the advice that [careers advisors] give you, giving you the confidence to study, that was just real poor. I went to X College, the most racist school in the country with the most racist principal because we have the highest rates of expulsion for Pacific students and he wouldn’t do anything about it so ya…” (Participant 11)

“Because the problem with high school in Tonga is that we were taught in Tongan but we had to do our exams in English. So my English is still FOB, still fresh. It’s just difficult for the teachers to teach you in Tongan and then expect you to write your answers in English. In English they teach you English in Tongan, they explain the stuff to you in Tongan and then expect you to write an essay in English…Coming here my first lectures, I couldn’t even understand” (Participant 13)

Some Auckland staff participants were aware of the difficulties some students faced coming from high schools that poorly prepared them for law school. But it was generally a challenge to bridge the gap at the law school. As one staff participant suggested:

“I think that your secondary school, where you spend your secondary education environment, it has a really big impact on how prepared you are for university…the biggest challenge is that
we can’t fix what kind of secondary schooling the person went to. The person may have all the academic ability and we can only do so much” (Participant 33).

There were huge differences among Pacific student participants in regards to their high school experiences. Some felt disadvantaged, while others were not, by the high school experience. Thus some students’ high school experiences were consistent with law school, while others’ conflicted.

**LAW SCHOOL CONSISTENT WITH RELIGIOUS VALUES**

Compared to family and high school, religion was a relatively minor theme that Auckland student participants perceived conflicted with their legal studies. The majority of Auckland student participants valued and acknowledged they had church and religious obligations.

But, in terms of time commitment these obligations generally were not perceived to conflict with law school study. Although one student participant did note that for other Pacific students church time commitments were an issue that conflicted with law school:

“I wasn’t your stereotypical Islander. I didn’t play sports. I didn’t go to church. So those two things were the staples in a lot of Pacific students’ lives, I didn’t have those so I didn’t have that extra responsibility, that extra burden in my life. Instead I dedicated that time to study” (Participant 8)

One Auckland student participant found that her religious values conflicted with law school extramural culture, namely law school student events. She noted:

“one of the things for me personally that makes it hard to interact or socialise... [is that the student events] are really alcohol based or they’re centred around drinking and stuff and just for me it makes me uncomfortable to go because I don’t really drink and because I was brought up Christian....So that whole culture, that’s not really a culture that I sign onto” (Participant 12)

The disjuncture at law school events was in the minority, but nevertheless important to note.

A few Auckland student participants stated church and religion were reasons why they chose to study law. Thus they perceived law school as being consistent with and a vehicle for their personal values to a certain extent. These student participants suggested:

“I felt like this was my calling just to use law as a vehicle to pursue other things and help people” (Participant 11).

“I [previously] worked for the church. I saw some of the problems because there was no legal advice. They went through some financial difficulties. So I wanted to help. So that’s why I wanted to do law” (Participant 13).

The religious values of helping people and the church played heavily on Auckland student participants’ decisions to study law. Yet there was little indication as to whether these student expectations were met through pursuit of the law degree.
In summary, Pacific law students’ family, high school and religion were perceived as factors that impacted their law school experiences. Family and high school conflicted with law school, while religion was consistent with law school values generally.

5.4.2 Law School’s Perceptions of Pacific Peoples
In response to a question on the perception of Pacific peoples and student at law school, many Auckland participants noted there were negative perceptions. These negative perceptions included ideas that all Pacific Islanders were quota students, Maori not Pacific Islanders deserve special treatment and Pacific equity programmes are unfair.

“All Pacific Islanders are Quota Students”
Many Auckland student participants found law students assumed all Pacific students got into law school through the Pacific Targeted Admissions Scheme, when in fact Pacific students had entered through the general admissions scheme.

“the perception is that if you’ve made it into law school then you’ve made it under the scheme, under the quota scheme or targeted admissions scheme...we have that label of being quota students to the student population and that attitude is prevalent in what is known as Law Revue...There’s always guaranteed to be a skit about Pacific students making it into law through the quota or having an easier road to law school because we are Pacific. We’re always targeted; we’re always victims of that kind of perception” (Participant 11)

“There’s a lot of PIs that got through the general scheme. But you know the still see Us as getting in easy. We’ve all been categorised into one people. They just assume ‘oh he’s PI, he got in the easy way”’ (Participant 9)

Student participants also noted there was the assumed presumption that the Targeted Admissions Scheme was the “easier route to get in” (Participants 9 and 12) and that it was not actually needed (Participant 8)

“Maori, not Pacific Islanders, deserve special treatment”
In regards to the quota, some Auckland student participants felt the negative perception extended so that the assumption was that all brown students were quota students and had the same difficulties (Participants 8, 9, 11, 12 and 13).

An Auckland student participant said there was the perception that Maori, not Pacific Islanders deserved special treatment. He stated:

“a lot of people get why Maori get [quotas], why there’s extra support for Maori because of the Treaty of Waitangi. They get that. But I’ve also heard various comments about Pacific Islanders shouldn’t because they are not part of the Treaty. There is no reason why they should be getting this extra support. They definitely get the Maori side. So if I say I came through the Maori quota, they would be a little bit disgruntled but they would understand why” (Participant 8).

“Pacific Equity Programmes are unfair”
Auckland student participants perceived that many students felt Pacific programmes, especially the Targeted Admissions Scheme, were unfair (Participants 9). Auckland student participants noted:

“in first year when I did Law and Society, there was a question around [special admissions policies] and that’s when you kind of felt everyone was against the policy in the class because they thought it wasn’t equal, wasn’t fair and that everyone should try to get in by merit or by not having an unfair advantage” (Participant 10)

One student participant attributed the animosity towards Pacific entry schemes to the fact that the programme was on a competitive entry basis.

“Just because law is so competitive just to get in, plus having [TAS] for Pacific students, it can easily rattle non-Maori and non-Pacific...there definitely is this mentality about Pacific students down here. It’s not a very nice one” (Participant 8)

The experiences of Auckland Pacific law students were that they were met with many negative expectations.

CONCLUSION

Auckland Law Faculty has gone to a great extent to cater to Pacific students by initiating many equity programmes and implementing them early on starting in the 1980s. In comparison to the two previously mentioned case studies, Auckland has more steps to assist Pacific students in the Law Faculty by implementing the highest number of equity programmes. Overall, Auckland Law Faculty's efforts have been rewarded in that Pacific enrolment and completion have increased over the years from 1996-2012 and Pacific percentages in law remain above the Pacific peoples national New Zealand percentages.

There has been coincidence in the implementation of certain equity programmes and an increase in Pacific law student LLB enrolment and completion. This suggests that the targeted admission scheme, tutorials and support staff are positively impacting Pacific law students. There was coincidence in the implementation of other equity programmes, such as Pacific space and the mooting programme, and a decrease in Pacific law student LLB enrolment and completion.

The experiences of Pacific law students exclusive to Auckland Law Faculty suggest family obligations are a barrier. High school was a barrier for some and success factor for others. Religion was perceived as a “success” factor in law school. At Auckland, the negative stigma included notions that all Pacific Islanders were quota students, Maori not Pacific Islanders deserved special treatment and that Pacific equity programmes were unfair.

Results from the Auckland case study indicate some reasons why Auckland Law Faculty needs to improve for Pacific law students. Reasons why law schools should improve and ways law schools should improve are discussed in depth in Part 4.
UNIVERSITY OF WAIKATO CASE STUDY

Consistent with all previous case studies, the University of Waikato ("Waikato") Case Study is divided into three sections. Based on historical records, the Case Study explores to what extent Waikato Law Faculty caters to Pacific students. The second section explores the impact of Waikato Law Faculty's equity programmes on Pacific law students in terms of enrolment and completion. The Case Study ends with an exploration of Waikato-specific experiences of Pacific law students based on student and staff participant interviews.

6.1 HOW HAS WAIKATO CATERED TO PACIFIC STUDENTS?

WAIKATO'S STRUCTURE
Waikato Law Faculty was founded in 1990 and explicitly adopted the principles of professionalism, biculturalism and the study of law in context. The law school has a commitment to encourage the development of a truly indigenous New Zealand jurisprudence in which the best of Maori and common law traditions inspire how law evolves.

Unlike all other law schools Waikato does not cull its students after students have taken first year law. Instead, once students are enrolled in first year law papers, they are fully enrolled in the LLB programme. To enter into the LLB degree all applicants must apply to the Admissions Committee, which considers factors such as NCEA academic results at Level 3, other forms of assessment and school and community involvement. Waikato Law Faculty is a relatively smaller law school, accepting about 250 law students each year. There is no alternative entry scheme to Waikato Law Faculty.

Analysis of data on Waikato Law Faculty historical records inclusive of Law Faculty Student handbooks, Annual Reports, Academic Calendars, Faculty Newsletters, and the University website revealed while there is no separate admissions scheme for Pacific law students, the present direct entry scheme that applies to all ethnicities does cater to Pacific students. (This will be discussed in depth in the section following). Other ways Waikato Law Faculty has catered to Pacific students is by implementing tutorials and workshops, support staff, Pacific guest lecturers, a Pacific Law Paper, Pacific moot and exchanges.

Because Waikato did not provide additional detailed demographics on its law school population, this Case Study moves on to discuss the impacts of Waikato Law Faculty equity programmes and its institution for Pacific students.

64 Te Piringa. Bachelor of Laws (LLB) Brochure.
65 Criteria for Admission to Particular Qualifications, s 4.1.
6.2 The Impact of Waikato Law Faculty Equity Programmes

Introduction
Consistent with previous case studies, the impact of Waikato Law Faculty equity programmes was found by combining information from historic archives and student records. Further in depth explanation of this process is detailed in Part 2 and the Otago Case Study.

Notably, the following analysis only makes observations based on coincidence; it does not assert a casual or correlation relationship between the equity programmes and changes in enrolment and completion percentages. Such analysis suggests that the law school’s equity programme is a factor that may have impacted enrolment and completion of Pacific law schools.

The following Figure W-1 is a byproduct of the aforementioned analysis of two data sets. It illustrates the impacts each equity programme may have had on the overall enrolment and completion of Pacific law students. Unfortunately Waikato did not provide information on enrolment delineated by paper level.
Figure W-1: A Comparison of Victoria Equity Programme Developments with Pacific enrollment and completion figures
Looking at the overall trends in Figure W-1 without considering the black lines when specific equity programmes were implemented, there are three findings.

First, there are general upward trends in Pacific LLB enrolment and completion from 1994 to 2012. (Both blue and red lines in Figure W-1 increase over time). This may suggest Waikato Law Faculty’s overall impact on the number of Pacific law students has been positive over the years, at least in terms of enrolment and completion.

Second in comparison to the percentage of Pacific peoples in the Waikato regional population, from 1998 to 2012 both the percentages of Pacific student enrolment and completion remain at or above the Waikato regional population, with the exception of 2002 for completion. (See both red and blue lines in W-1 remain at or above the yellow line from 1998-2012, with the exception of the red line dropping below the yellow line in 2002). This suggests Waikato Law Faculty has positively impacted the number of Pacific law students enrolling and completing the LLB degree when compared to regional Waikato percentages of Pacific peoples.

Third in relation to the percentage of Pacific peoples in the Waikato region population, both the percentages of Pacific student enrolment and completion for the most part remain at or above the national New Zealand population. Pacific LLB enrolment percentages reached above the national percentages from 2006 onwards. (See blue line in Figure W-1 that remains above the orange line from 2006-2012). Pacific LLB completion percentages likewise reached above the national percentages from 2008-2012, with the exception of 2011. (See red line in Figure W-1 that remains above the orange line from 2008 to 2012, except for in 2011 when the red line dips below the orange line). This suggests in recent years, Waikato Law Faculty has positively impacted the number of Pacific law students enrolling and completing the LLB degree when compared to national New Zealand percentages of Pacific peoples.

The above three findings provide an overview context for the Waikato Law Faculty's impacts on Pacific law students in terms of Pacific enrolment and completion. The following sections explain Figure W-1 in light of specific equity programmes and the potential impact each equity programme has had on Pacific student enrolment and completion.

6.2.1 DIRECT ENTRY ADMISSIONS SCHEME

Waikato Law Faculty is the only law school in New Zealand to operate a direct entry admissions scheme with no intermediate year.66 This is not a scheme implemented for Pacific students exclusively. However it is examined in this thesis because the scheme appears to have assisted Pacific students gain entry into the LLB and was characterised by interview participants as being integral to their law school experience.

All other law schools offer applicants a place in the LLB degree only after they have completed 100 level law papers and achieved a certain mark. In contrast Waikato Law Faculty’s admission procedure considers applicants, who have yet to enter 100 level law papers on a case by case basis. To apply all applicants must supply:

66 LLB Brochure. Bachelor of Laws (Waikato-Faculty of Law, 2013).
• Previous academic results (i.e. NCEA results, other university transcripts of previous studies, other qualifications already earned);
• proof of other achievements;
• a personal statement that tells the Admissions Committee something about the applicant (i.e. information about previous study, previous employment, community involvement and other achievements) and why they want to study law at Waikato

While Waikato Law Faculty's admission criteria emphasise academic merit like other law schools, it is unique in that it also considers achievements outside academia for all applicants. In 2000, it was noted that this method appeared to be particularly successful in raising the percentage of Maori law students.

No comment was made with regard to the impact of Waikato Law Faculty's admission scheme on Pacific students. But in considering applications, the Admissions Committees would be able to select Pacific students who were dedicated to Pacific communities. The decision would lay solely at the Admissions Committee's discretion as there is no set number of places for Pacific students.

Since Waikato Law Faculty has operated its direct entry scheme since the law school began, there is no need to examine data before the implementation of the scheme because no such data is available. There is no data for 1990 to 1994. Nevertheless from 1994 onwards, implementation of the direct entry scheme coincides with increased percentages in Pacific LLB enrolment and completion. This is the general trend that was noted earlier in the case study. (See general upward trend of blue and red lines in Figure W-1 from 1994 to 2012). The direct entry scheme also coincides with the other trends noted earlier; that Pacific enrolment and completion percentages generally remain above the percentages of Pacific peoples in the Waikato regional population. (See W-1 where red and blue lines generally remain above the yellow line).

The Waikato Law Faculty implementation of the direct entry scheme coincides with a positive increase in Pacific enrolment and completion over time. This suggests the scheme may have a positive impact for Pacific peoples, even though it was not designed to explicitly assist Pacific students. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

6.2.2 TUTORIALS AND WORKSHOPS
Waikato Law Faculty's tutorial programme for Pacific law students waxed and waned depending upon access to funding, law staff organization, law student demands and law faculty deans. Significantly, unlike other universities that have centralised hubs for Pacific students across all disciplines, no such entity exists at Waikato. Any tutorial programme must come from either students themselves or the law faculty. In 2010, the Pacific Law Students' Association (PLSA) organised and implemented the PLSA tutorial programme, which provides supplementary support to Pacific students. In 2012 the tutorials became led by a professional Law Faculty staff member.

67 LLB Brochure. Bachelor of Laws (Waikato-Faculty of Law, 2013).
the Pacific Mentor. Nevertheless, the tutorials still rely “heavily on current students willing to take up the challenges of assisting our students”.69 This indicates tutorials were largely student initiated, organised and run. Tutors were Pacific students who had completed the papers previously. Attendance was voluntary.

In 2012 tutorials were held for Contracts, a 200 level paper, and Land law, a 300 level paper; these tutorials were deemed “successful” by the then PLSA president.70 “Success” was not determined objectively as there was no recorded evaluation process in place. Notably no tutorials were held for 100 level papers; this contrasts to most other law schools. However a possible explanation for the lack of tutorials at the 100 level may because of Waikato’s direct admission policy. Students admitted to 100 level papers have already been through a selection process and are academically capable. Also direct admission relieves the pressure of having to compete for a place in the programme. Tutorials at Waikato may be more appropriate at the upper level classes if that is where students struggle the most.

The implementation of the student-initiated and formalised in 2010 coincides with an increase in Pacific enrolment percentages in the years following 2011-2012. (See blue line increase in Figure W-1 from 2011-2012). This suggests formal tutorials positively impacted Pacific student enrolment. In regards to the coincidence between tutorials and completion, Waikato Law Faculty tutorials did not coincide with an increase in completion from 2011-2012. Coincidence between tutorials and completion rates is difficult to measure since tutorials are provided for students throughout law school, not just in their penultimate year. However, the data does suggest that tutorials did not necessarily impact. But the low numbers of Pacific students and lack of more detailed quantitative data means these suggested observations are not conclusory.

6.2.3 SUPPORT STAFF

Waikato Law Faculty has a general staff member and a few official and unofficial academic staff members who assist Pacific law students. The Pacific Mentor, who is a part-time general staff member, meets with students one on one to offer course advice and assignment guidance, especially if Pacific students are having difficulties. The PLSA Academic Advisor is the official academic staff member who oversees PLSA and Pacific law students generally. The Advisor refers students to relevant resources, advocates for students in internal law faculty and university processes, ensures quality advice is given, and that the academic progress of each student is monitored. However, the adviser does not give opinions on assessment and teaching methods.71 These positions began in 2008.

Waikato Law Faculty’ implementation the formal support staff positions coincides with an increase in Pacific enrolment and completion in the same year. (See increase in red and blue lines in Figure W-1 from 2007 to 2008). This suggests support staff positively impacted Pacific enrolment and

---

69 “PLSA Tutorial Programme” Waikato-Faculty of Law <www.waikato.ac.nz/law/student/plsa>.
70 “PLSA Tutorial Programme” Waikato-Faculty of Law <www.waikato.ac.nz/law/student/plsa>.
71 Undergraduate Handbook Waikato-Faculty of Law (Waikato, 2013) at 66.
completion. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusive.

6.2.4 MENTORS
Waikato Law Faculty titled their general staff members who support Pacific law students as “mentors”. Those mentors’ roles were formal as they were contracted by the law schools to perform specific duties in respect to supported Pacific law students. The mentoring was between the staff member and the student. Thus the data is same as that for “support staff”.

6.2.5 PACIFIC GUEST LECTURERS
Waikato Law Faculty Law hosted guests with research interests in Pacific legal issues. Waikato hosted Sally Engle Merry, who focuses on law and society in Hawai’i and Fiji, as a part of a “under the Eye of the Law: Mobile Peoples in the Pacific” Symposium,72 and Howard Schiffman who spoke on the South Pacific Fisheries Regime.73 Since guest lectures occur sporadically no implementation date could be established nor could the impacts on completion and enrolment be considered.

6.2.6 PACIFIC LAW PAPER
Waikato Law Faculty had no record of implementing a law paper that exclusively focused on Pacific law. Anecdotal evidence suggests that Waikato Law Faculty has similarly woven some Pacific laws and customs into general law papers. For instance iefoga, a Samoan method of mediation, was integrated into its Dispute Resolution paper, when it has had the appropriate staff to do so. However, there were not dates available as to when the Pacific components were offered. Thus the impact on completion and enrolment could not be suggested.

6.2.7 PACIFIC MOOT EXCHANGES
The Pan Pacific Moot originated in 1994 and Waikato Law Faculty began participating in 1998; past competitions have also been held in Australia, Papua New Guinea, and Vanuatu.74 Waikato law students hosted and competed in the Pan Pacific Moot in 2004,75 and 2012 against teams from the University of the South Pacific and University of Fiji.76

The implementation of participation in the Pan Pacific Moot in 1998 coincides with an immediate increase in Pacific student enrolment in 1999, the year following, and a general upward trend from 1998 onwards to 2012. (See blue line increasing after 1998). This suggests the moot may have had

---

74 “About the Pan Pacific Moot Competition” (n.d) University of the South Pacific School of Law: Mooting <www.United Statesp.ac.fj/>.
75 “About the Pan Pacific Moot Competition” (n.d) University of the South Pacific School of Law: Mooting <www.United Statesp.ac.fj/>.
a positive impact on Pacific student enrolment. But the low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

SUMMARY
Waikato Law Faculty has implemented equity programmes for Pacific students starting with the Pan Pacific moot in 1998. Notably, Waikato Law Faculty does not “cull” its student after first year law and has no special admissions scheme for Pacific students. Yet since it formed with a direct entry scheme, Pacific percentages have maintained an upward trend in enrolment and completion and have generally remained at or above the Pacific percentages in the Waikato regional population. Waikato Law Faculty has implemented a number of equity programmes including tutorials and workshops, support staff, mentors, Pacific guest lecturers, Pacific Law papers and Pacific moot exchanges. The coincidence of each of Waikato Law Faculty’s equity programmes on Pacific LLB enrolment and completion is summarised in the following table:

Figure W-2: Summary of Waikato Equity Programmes and Impacts on Enrolment and Completion

<table>
<thead>
<tr>
<th>Type of Equity Programme</th>
<th>Impact on Enrolment</th>
<th>Impact on Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Entry Scheme</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Tutorials &amp; Workshops</td>
<td>Positive</td>
<td>No effect</td>
</tr>
<tr>
<td>Support Staff for Pacific LLB students</td>
<td>Positive</td>
<td>Positive</td>
</tr>
<tr>
<td>Mentors</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Profiling Pacific Guest Lectures</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Pacific Law Paper</td>
<td>Not available from data</td>
<td>Not available from data</td>
</tr>
<tr>
<td>Conference &amp; Exchanges</td>
<td>Positive</td>
<td>No effect</td>
</tr>
</tbody>
</table>

Note: the impacts on enrolment and completion are the researcher’s suggested limited observation and interpretation of the quantitative data. The low numbers of Pacific students and lack of more detailed quantitative data means this suggested observation is not conclusory.

Thus far the Waikato Case Study has focused on historical archives and student records data to examine the impacts of Waikato Law Faculty’s specific equity programmes for Pacific law students in terms of enrolment and completion.

6.3 WAikato Institution Experiences

The Case Study now shifts focus to Waikato Law Faculty’s impact on Pacific students experiences based on interview data. This section answers the research question of “what are the experiences of Pacific students in New Zealand law schools?”

The following findings arise from Waikato law student and staff participant interviews during open coding. The method of analysis is thoroughly explained in Part 2. Significantly this Case Study only
presents themes that were exclusive to the Waikato law experience. Themes held in common with other law schools are discussed in the final comparative section in Part 3.

This section is divided into two sections. The first explores how Pacific law students’ backgrounds were perceived to impact their law school experiences. The second explores Waikato Law Faculty’s perceptions of Pacific peoples.

6.3.1 PACIFIC STUDENTS BACKGROUND

In response to a question on the relationship between Pacific values and law school values, many Waikato participants spoke about the areas of family, and high school preparation in a way that students at other institutions did not.

SOME FAMILY OBLIGATIONS AND VALUES CONFLICT WITH LAW SCHOOL

Among Waikato student participants family obligations conflicting with law school time commitments on a regular ongoing basis was a theme for some, but not all student participants. One Waikato participant articulated this conflict stating:

“If you went to a Papa mentor and talked to them about the cultural thing, if you had struggles with family or community or church commitments and stuff they’d be like you’re studying an you need to focus on your students. They just don’t see that sometimes as Pacific people you can’t focus on your studies.” (Participant 1)

Waikato staff participants also acknowledged the existence of this conflict between the value of family and law school’s value. In regards to Pacific students one Waikato staff participant stated:

“Some of them have obligations where they have to go home back to the Islands…I’ve had that happen to me several times with a student. Where there’s crisis in the family or events in the family they have to go home. Or…they have to go back to Auckland…I think that’s probably one of the main disadvantages is having to. But it’s actually something you have to do. So you have to make the decision” (Participant 31)

Another Waikato staff participant recognised the conflict in values and remained dissatisfied with how the university and law school dealt with such issues. He stated:

“I get very annoyed if someone is putting in for an extension because a close relative has died or something. They’ve got to produce a copy of the death certificate. You know that’s actually quite culturally very insensitive” (Participant 32)

There were quite a few Waikato student participants who chose to study at Waikato because family and relatives lived in the area (Participants 1, 2, 3, and 7). There were a few Waikato student participants that admitted they were studying law primarily to impress their parents. As one student participant stated:

“I think for us Islanders, as PIs it’s all about pleasing others like especially when it comes to your parents, you kind of don’t want to disrespect them and say no” (Participant 4)
As the above quotes indicate, family as the motivation to study law was not perceived as a conflict with the law school culture. Rather family was perceived as a conflict within the individual student themselves.

The type of support available for Pacific students was perceived as a conflict. While Waikato student participants felt family supported them financially, emotionally, morally and spiritually (Participants 1, 2, 5, 6 and 7), family could not support Pacific students academically or in terms of law school content. Waikato student participants remarked:

“They don’t really help in a knowledgeable way because you know they haven’t studied or anything” (Participant 7)

“With my studies I just have to stay focused. My mum can’t call the lecturers here.” (Participant 6)

One Waikato participant thought the Pacific family value of sharing conflicted with law school and becoming a lawyer. She stated:

“because Pacific Islanders are such a collective where they’re used to giving and sharing and so becoming a lawyer I guess there would be a huge conflict” (Participant 5)

For the above participant, law did not prioritise community and pro bono work enough to be consistent with her and her family’s values.

**HIGH SCHOOL DID NOT HELP**

No Waikato student participant found their high school experiences to be consistent with law school experiences. Waikato student participants felt poorly prepared in high school in regards to subject matter (Participant 2), study skills and habits and careers advisors (Participant 5). Student participants said:

“I was kind of thrown into the deep end. I didn’t [know how to] do research” (Participant 4)

“They don’t hold your hand as much as they do in secondary school where you can get a chance to redo your assessments and stuff… I think secondary schools just need to be more upfront with students about what really is expected at university and prepare them for it” (Participant 1)

“Our careers advisor was really bad. She constantly belittles us. I don’t know if it was just me as a Samoan, but that’s what I felt like” (Participant 7)

Waikato staff participants did not comment directly on the issue of high school preparation. Thus it was the conflict between high school and law school derived from Waikato student participants exclusively.

In summary, Pacific law students high school experiences and to some extent family were perceived factors that impacted their law school experience. Some felt that family and collective values conflicted with the values underpinning skills essential to success in law school.
6.3.2 Law School’s Perceptions of Pacific Peoples

In response to a question on the perception of Pacific peoples and student at law school, for the most part Waikato participants thought they were treated no differently than any other student. But for some Waikato participants there were some negative perceptions of Pacific students, namely that they were lazy.

A unique theme to Waikato was that the majority of Waikato participants noted there was conflict between Pacific and Maori, especially in regards to resources. Participants felt there was emphasis on Maori and lack of emphasis on Pacific.

Pacific Islanders are Lazy

Generally the negative perception was that a few Waikato student participants found that Pacific students were perceived to be lazy. Student participants said:

"Most people take [Pacific students to be] pretty easy going students. Sometimes we can be a bit too easy-going, a bit too laid back and the whole Island time last minute thing."
(Participant 1)

"That we settle too much for just a pass rather than trying to aim higher, trying to aim for As"
(Participant 4)

But overall when asked about the perceptions of Pacific Islanders, the majority of Waikato student participants indicated there were no negative perceptions.

Maori, Not Pacific Islanders, Get More Resources

One theme that emerged from Waikato student participants was the idea the Maori continued to get more help, resource access, and Maori specific content than Pacific students. Waikato student participants said:

"[Maori] get more resources. They get more funding...this law school just pushes the Maori side...they have obligations to help Maori students that are far more greater than helping Pacific students"
(Participant 1)

"I know that...the Maori law association have actual lecturers helping them out, like they have a whole system they put in place for them. Whereas Us Pacific Islanders PILSA we have to set up our own kind of system...there is no actual Pacific Island person on campus who we can go to sort these things out to actually find a trained tutor"
(Participant 5)

"For Maori there is the Maori moot. One day there could be a Pacific Island moot with specific Pacific focus"
(Participant 6)

"There’s a lot of focus on Maori and for our culture I think there needs to be something more, even like a hub that we can just come to. You know how Auckland has the fale. I reckon just something like that so we can come together and just be supportive for each other. I think both a centralised space and staff members, we need a space for ourselves and we also need staff
and Pacific people we can look up to and go to for help, instead of just the one liaison member that we have” (Participant 7)

A Waikato staff participant further explained the emphasis on Maori legal issues and lack of emphasis on Pacific legal issues, admission and special allowances. He said:

“We are now very much in the middle of a complaints process, settlements are being entered into but also different tribes are at different points of the continuum. You have major tribes like Ngai Tahu and Tainui over here in the Waikato who are well advanced. Tainui received its settlement 17 years ago in 1995, they have invested. They are a major player in the economy here. They own the largest shopping centre here...so that is very much a focus with aboriginal title, how do you advise them to invest and continue to improve and continue on the treadmill of continuing success...that has taken centre stage to the extent of crowding out...so Pacific is like an adjunct. If you’ve got a bit of time then do it and attend to the Pacific” (Participant 29)

“The staff that focused on Pacific development retired or moved on and really weren’t replaced so the school is really trying to revive that part of its component, so it became less connected to the Pacific. The law school...in the 1990s was the law school of first choice. Students came here rather than any place else in New Zealand and we have a number of alumni throughout the Pacific...but again the law school kind of lost its focus in the early 2000s” (Participant 30)

“There’s the danger that we can get over focused on Maori, but we can forget about Pacific students. While we acknowledge Maori as tangata whenua particular to our university, our charter has a specific connection to the Pacific so I mean in one sense if you look we have a sufficient representation of Maori lawyers but we have a huge underrepresentation of Pacific lawyers” (Participant 32)

Waikato participants suggest that contemporary legal issues dictate that Pacific legal issues are not a priority.

CONCLUSION

Waikato Law Faculty has catered to Pacific students directly through equity programmes (tutorials, support staff, mentors, Pacific guest lecturers, Pacific law paper, Pacific Moot exchange) and indirectly through the Direct Admissions Scheme.

There has been coincidence in the implementation of certain equity programmes and an increase in Pacific law student enrolment and completion, suggesting that equity programmes are positively impacting Pacific law students. The overall percentage of Pacific law students enrolled and completing the LLB in the Waikato Law Faculty from 1998-2012 has generally been proportional to the percentages of Pacific peoples in the Waikato regional population. Also the percentage of Pacific law students enrolled and completing from 2007-2012 has been proportional to the percentages of Pacific peoples in the national New Zealand population. Thus Pacific peoples at the Waikato Law Faculty are representative of the national population of Pacific peoples.
The experiences of Pacific law students *exclusive* to Waikato Law Faculty suggest for some that family obligations and values were a barrier and that high school was definitely a barrier. The general perception of Pacific students at Waikato Law Faculty was not negative, despite a feeling by some that others perceived Islanders as lazy. Notably a major theme that impacted Waikato Law Faculty Pacific students was the idea that Maori, not Pacific students, should and did get more resources and focus throughout the curriculum and law school.

Results from the Waikato Case Study indicate some reasons *why* Waikato Law Faculty needs to improve for Pacific law students. Reasons why law schools should improve and ways law schools should improve are discussed in depth in Part 4.
Comparing Case Studies

Having explored the experiences of Pacific students within each individual law school, this thesis now moves on to examine all case studies together to explore the overall and comparative experiences of Pacific students across New Zealand law schools. This final section of Part 3 provides a holistic view of law schools in New Zealand for Pacific LLB students. It is based upon analyzing historical archive, student record and participant interview data sets from all law schools as a whole. This final section also begins to answer research question 4 as it explores components of a model law school that is most preferred by Pacific students.

This section begins by examining the overall demographics and common themes within all New Zealand law schools. It provides a profile of Pacific LLB students within New Zealand law schools, notably the ethnic composition that impacts experiences. Thus it answers research questions 2 and 3 on the impact of New Zealand law schools on Pacific law students and the experiences of Pacific students in New Zealand law schools.

The final section compares individual case studies to observe how particular types of equity programmes, namely admissions schemes and support staff, impact Pacific students in terms of enrolment and completion and in terms of satisfaction. Thus it answers research questions 2 and 3 on the impact and experience of equity programmes.

7.1 Ethnic Representation in New Zealand Law Schools

The section provides an overview of the demographic make-up of Pacific law students across all six New Zealand law schools, comparing the ethnic composition at each law school. This profile reiterates the fact that in 2012 Pacific students remain a minority and are underrepresented in New Zealand law schools.

The results in this section address the research question of “How have New Zealand law schools impacted Pacific law students?” To answer that question this section provides a picture of law school’s ethnic compositions in comparison the regional and national New Zealand populations. This section is secondary subgroup analysis of a large set of official government and university data. Because the official data is all-encompassing, the results are representative of all law schools unless otherwise noted. Details on the method are within Part 2.

7.1.1 Enrolment

Enrolment in the LLB programme indicates access to law school. Access to tertiary education generally has improved and increased between 2002 and 2007 for Pacific people. But because all six law schools have specific entry requirements for enrolment into the LLB in addition to university entrance, enrolment into LLB programmes is more challenging to attain especially at the 200-level and beyond.

Examining enrolment addresses the issue of whether Pacific peoples are a group of persons that “need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community” in accordance with Section 73(b) of the Human Rights Act 1993 and are truly “underrepresented among the students undertaking the programme” in accordance with Section 224(6) of the Education Act 1989. (These requirements were described in Part 1). This section adopts Mackinnon (2000)’s first suggested interpretation of “underrepresented” as “the proportion of members is less than its proportion in the local or national population”.\textsuperscript{78} It compares the percentage of Pacific law students to the percentages of Pacific in the national and regional population through percentages.

In Table C-1 the New Zealand National Population data are based on the 2013 Census while all other data are based upon university data from 2012. Thus a limitation of the data is that national population data is more recent than the university data and thus not as desirable because it is not taken from the same year as the university data. There could have been differences between 2012 and 2013. Nevertheless, when using either the 2006 or the 2013 Census data for the national population, the outcome remains the same in terms of underrepresentation and overrepresentation.

In the table below, the percentages highlighted in green are those that are at or above the New Zealand National population percentage. The percentages in red are those that are below the national New Zealand population percentage. Note: Percentages for each ethnicity were rounded to the nearest hundredth, thus the total percentage overall may be greater than 100% in certain years.

\textbf{Table C-1: Enrolment Percentages across Law Schools indicating over and under representation in comparison to New Zealand national population in 2012}

<table>
<thead>
<tr>
<th></th>
<th>Pakeha/ European</th>
<th>Asian</th>
<th>Maori</th>
<th>Pacific</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>45.7</td>
<td>22.5</td>
<td>11.1</td>
<td>14.1</td>
<td>6.4</td>
</tr>
<tr>
<td>Auckland University of Technology</td>
<td>52.4</td>
<td>22</td>
<td>7.2</td>
<td>8.6</td>
<td>9.6</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>51.9</td>
<td>11.4</td>
<td>21.5</td>
<td>10.3</td>
<td>4.7</td>
</tr>
<tr>
<td>Victoria University of Wellington</td>
<td>72.7</td>
<td>9.1</td>
<td>10.4</td>
<td>\textbf{4.5}</td>
<td>2.9</td>
</tr>
<tr>
<td>University of Canterbury</td>
<td>74.2</td>
<td>10.9</td>
<td>8.1</td>
<td>\textbf{3.1}</td>
<td>3.4</td>
</tr>
<tr>
<td>University of Otago</td>
<td>81</td>
<td>5.4</td>
<td>7.8</td>
<td>\textbf{3.4}</td>
<td>2.1</td>
</tr>
<tr>
<td><strong>New Zealand national Population\textsuperscript{*}</strong></td>
<td>74</td>
<td>11.8</td>
<td>14.9</td>
<td>\textbf{7.4}</td>
<td>2.9</td>
</tr>
</tbody>
</table>

\textcolor{green}{Green}= Percentages greater than the national New Zealand population percentage for that specific ethnicity  
\textcolor{yellow}{Yellow}= national New Zealand percentage of the specific ethnicity  
\textcolor{red}{Red}= Percentages less than the national New Zealand population percentage for that specific ethnicity

\textsuperscript{78} Ken Mackinnon “The ‘Best Qualified’—for What? The place of affirmative action in a mission-focused New Zealand law school admissions policy” (2000) 4 Yearbook of New Zealand Jurisprudence 71 at 112.
In 2013 Pacific people comprised 7.4% of the New Zealand national population.\textsuperscript{79} In comparison to the national New Zealand population, half of New Zealand’s law schools exceed the national ethnic percentage while the other half are below the national ethnic percentage in their student body. Pacific students had greater percentages than the national population in the law schools that were located farthest North—University of Auckland (14.1%), Auckland University of Technology (8.6%), and University of Waikato (10.3%). (See Table C-1, comparing numbers highlighted in green in comparison to the one in yellow). Pacific student percentages were less than the national population in law schools that were located the farthest South—Victoria University of Wellington (4.5%), University of Canterbury (3.1%) and University of Otago (3.4%). (See Table C-1, comparing numbers highlighted in red in comparison to the one in yellow). Upon comparison with the New Zealand national population at first instance, it appears the Northern most law schools have achieved equal representation and perhaps overrepresentation of Pacific students in the LLB student body, while Southern law schools have underrepresentation of Pacific students.

But making comparisons to New Zealand’s national population may not be accurate because there are not as many Pacific people located in the Southern region as the Northern region. Generally, Auckland and Wellington are the most common regions for Pacific peoples to live, not the South Island.\textsuperscript{80} Thus as Mackinnon (2000) suggested, it may be necessary to make comparisons to local regions.\textsuperscript{81}

Comparison to local region populations paints a different picture than that of comparison to the national population. “Local region population” is the region which the university is located and its boundaries are in accordance with those in the 2006 Census.

In the table below, the percentages highlighted in green are those that are at or above their regional percentage. The percentages in red are those that are below their regional percentage. Yellow indicates the regional percentage.

**Table C-2: Enrolment Percentages across Law Schools indicating over and under representation in comparison to Regional populations**

<table>
<thead>
<tr>
<th></th>
<th>Pakeha/European</th>
<th>Asian</th>
<th>Maori</th>
<th>Pacific</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>45.7</td>
<td>22.5</td>
<td>11.1</td>
<td>14.1</td>
<td>6.4</td>
</tr>
<tr>
<td>Auckland University of Technology</td>
<td>52.4</td>
<td>22</td>
<td>7.2</td>
<td>8.6</td>
<td>9.6</td>
</tr>
<tr>
<td>Auckland Region*</td>
<td>56.4</td>
<td>18.9</td>
<td>11</td>
<td>14.3</td>
<td>9.4</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>51.9</td>
<td>11.4</td>
<td>21.5</td>
<td>10.3</td>
<td>4.7</td>
</tr>
</tbody>
</table>

\textsuperscript{79} Statistics New Zealand. New Zealand in Profile 2014.
\textsuperscript{80} Statistics New Zealand “QuickStats About Pacific Peoples 2006 Census” (n.d) at 3.
\textsuperscript{81} Ken Mackinnon, above n 78, at 112.
Waikato Region Population* | 70.4 | 4.9 | 20.9 | 3.2 | 12
Victoria University of Wellington | 72.7 | 9.1 | 10.4 | 4.5 | 2.9
Wellington Region* | 69.8 | 8.4 | 12.7 | 8 | 12.1
University of Canterbury | 74.2 | 10.9 | 8.1 | 3.1 | 3.4
Canterbury Region* | 77.3 | 5.7 | 7.2 | 2.1 | 14.4
University of Otago | 81 | 5.4 | 7.8 | 3.4 | 2.1
Otago Region* | 79.5 | 4.1 | 6.5 | 1.6 | 14.6

**Green** = Percentages greater than the regional for that specific ethnicity  
**Yellow** = regional percentage of the specific ethnicity  
**Red** = Percentages less than the regional population percentage for that specific ethnicity

Only Auckland University of Technology (8.6%) and Victoria University of Wellington (4.5%) had underrepresentation of Pacific LLB students in their law schools in comparison to their respective regions. (See numbers highlighted in red compared to their respective numbers in yellow in Table C-2). Auckland University of Technology law school had 8.6% Pacific enrolment, while its surrounding Auckland region had 14.3% Pacific people; Victoria University of Wellington had 4.5% Pacific enrolment, while its surrounding Wellington region had 8% Pacific people.

While only 2 of the 6 schools have an underrepresentation of Pacific enrolment, the 4 remaining schools have equal or over representation of Pacific enrolment. The one law school with equal representation percentages to its surrounding region is the University of Auckland with 14.1% Pacific enrolled and 14.3% Pacific in the Auckland region. A possible explanation for this matching percentage is the University of Auckland’s TAS, which ensures a proportional number of Pacific students are enrolled in 200 level papers and higher. This suggests TAS has a positive impact in achieving equal representation and percentages.

Overrepresentation of Pacific LLB students in the remaining 3 law schools is more difficult to explain. The percentage of Pacific students enrolled (10.3%) at the University of Waikato’s law school is more than three times the percentage of Pacific people in the Waikato region (3.2%). Similarly over-representative, but not at as high a level are the University of Canterbury and University of Otago law schools. Canterbury law school has 3.1% Pacific LLB students compared to 2.1% Pacific in the Canterbury region, while Otago law school has 3.4 Pacific LLB students compared to 1.6% Pacific in the Otago region.

Notably all 3 of these regions—Waikato, Canterbury and Otago—are not where Pacific people typically reside. Thus relative overrepresentation indicate Pacific students have moved from their home region, in New Zealand or internationally, to attend these law schools.
Upon comparison to local region populations, it could be suggested that only Victoria and AUT have an underrepresentation of Pacific students requiring correction. Waikato, Otago and Canterbury have an overrepresentation of Pacific LLB students and the University of Auckland is the only law school that has proportional enrolment.

Whether “underrepresentation” is defined in relation to the national or regional population percentages makes a difference. The only law school to have underrepresentation of Pacific LLB enrolment in comparison to both national and regional population percentages is Victoria.

To answer the research question of “How have law schools impacted Pacific students?” in relation to enrolment and completion statistics, it depends on how equal ethnic representation is calculated—whether it is equal to the national or regional population. University of Auckland and University of Waikato Law Faculty statistics did result in equal ethnic representation in composition of the law student body by both national and regional measures. At all other law schools it could be said that they have not yet achieved equal ethnic representation in the composition of the law student body.

7.1.2 COMPLETION

Getting Pacific students enrolled into the LLB is important. But a more significant issue is ensuring Pacific students complete their LLB. Examining completion addresses the research question 3 on the experiences of Pacific law students. It also addresses the issue of whether Pacific peoples are a group of persons that “need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community” in accordance with Section 73(b) of the Human Rights Act 1993.

The below tables examine completion percentages based on the percentage of Pacific LLB students across all universities who completed their LLB in 2012. This data was sourced from the Tertiary Education Commission. At the time data was collected, there was no completion data available from Auckland University of Technology. New Zealand 2013 and 2006 Census data was used to determine national and regional percentage figures respectively.

In the table below, the percentages highlighted in green are those that are at or above the New Zealand national population percentage. The percentages in red are those that are below the national New Zealand population percentage. Yellow indicates the national New Zealand percentage. Note: Percentages for each ethnicity were rounded to the nearest hundredth, thus the total percentage overall may be greater than 100% in certain years.

**Table C-3: Completion Percentages across Law Schools indicating over and under representation in comparison to New Zealand national population**

<table>
<thead>
<tr>
<th></th>
<th>Pakeha/European</th>
<th>Asian</th>
<th>Maori</th>
<th>Pacific</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>52.3</td>
<td>21.4</td>
<td>8.3</td>
<td>11.9</td>
<td>5.9</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>48</td>
<td>19.8</td>
<td>16</td>
<td>10.2</td>
<td>5.7</td>
</tr>
<tr>
<td>Victoria University of Wellington</td>
<td>76.3</td>
<td>9.3</td>
<td>8.9</td>
<td>1.6</td>
<td>3.6</td>
</tr>
</tbody>
</table>
When comparing each law school's Pacific LLB completion percentages to that of the national New Zealand population (7.4%), only two law schools meet percentages (See numbers in green compared to number in yellow in Table C-3). The University of Auckland at 11.9% and University of Waikato at 10.2% have completion percentages greater than the national Pacific population percentages. Victoria at 1.6%, Canterbury at 3.4% and Otago at 2.5% fail to meet completion Pacific LLB percentages equal to the national Pacific population percentages.

Examining completion percentages with regional populations, suggests other trends. In the table below, the percentages highlighted in green are those that are at or above their regional percentage. The percentages in red are those that are below their regional percentage. Yellow indicates the regional percentage. Note: Percentages for each ethnicity were rounded to the nearest hundredth, thus the total percentage overall may be greater than 100% in certain years.

Table C-4: Completion Percentages across Law Schools indicating over and under representation in comparison to Regional populations

<table>
<thead>
<tr>
<th></th>
<th>Pakeha/European</th>
<th>Asian</th>
<th>Maori</th>
<th>Pacific</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Auckland</td>
<td>52.3</td>
<td>21.4</td>
<td>8.3</td>
<td>11.9</td>
<td>5.9</td>
</tr>
<tr>
<td>Auckland Region*</td>
<td>56.4</td>
<td>18.9</td>
<td>11</td>
<td>14.3</td>
<td>9.4</td>
</tr>
<tr>
<td>University of Waikato</td>
<td>48</td>
<td>19.8</td>
<td>16</td>
<td>10.2</td>
<td>5.7</td>
</tr>
<tr>
<td>Waikato Region Population*</td>
<td>70.4</td>
<td>4.9</td>
<td>20.9</td>
<td>3.2</td>
<td>12</td>
</tr>
<tr>
<td>Victoria University of Wellington</td>
<td>76.3</td>
<td>9.3</td>
<td>8.9</td>
<td>1.6</td>
<td>3.6</td>
</tr>
<tr>
<td>Wellington Region*</td>
<td>69.8</td>
<td>8.4</td>
<td>12.7</td>
<td>8</td>
<td>12.1</td>
</tr>
<tr>
<td>University of Canterbury</td>
<td>81</td>
<td>5.1</td>
<td>6.8</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>Canterbury Region*</td>
<td>77.3</td>
<td>5.7</td>
<td>7.2</td>
<td>2.1</td>
<td>14.4</td>
</tr>
<tr>
<td>University of Otago</td>
<td>81.5</td>
<td>6</td>
<td>7.7</td>
<td>2.5</td>
<td>2.1</td>
</tr>
<tr>
<td>Otago Region*</td>
<td>79.5</td>
<td>4.1</td>
<td>6.5</td>
<td>1.6</td>
<td>14.6</td>
</tr>
</tbody>
</table>

Green = Percentages greater than the regional for that specific ethnicity
Yellow = regional percentage of the specific ethnicity
Red = Percentages less than the regional population percentage for that specific ethnicity

University of Waikato, University of Canterbury and University of Otago all have completion percentages higher than their respective regional percentages. (See numbers in green compared to respective numbers in yellow in C-4). But University of Auckland and Victoria University of Wellington have lower completion percentages than their respective regional percentages. (See numbers in red compared to respective numbers in yellow in C-4).
The following table summarises the Pacific LLB profile in terms of enrolment and completion and in relation to the national and regional percentages.

**Table C-5: Summary of Pacific LLB enrolment and completion percentages by Law School in comparison to percentages of National and Local Regions by ethnicity**

<table>
<thead>
<tr>
<th>Enrolment</th>
<th>National Percentage</th>
<th>Regional Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overrepresentation</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Equal representation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underrepresentation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Completion</th>
<th>National Percentage</th>
<th>Regional Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overrepresentation</td>
<td>x</td>
<td>NA</td>
</tr>
<tr>
<td>Equal representation</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Underrepresentation</td>
<td>NA</td>
<td>x</td>
</tr>
</tbody>
</table>

Of all law schools, the University of Waikato is the only one that has an equal or overrepresentation of Pacific LLB students in enrolment and completion by using both national and regional percentages for comparison. However, non-completion could mean a number of things and not necessarily a structural fault. Unfortunately from the data set given, exact causes of enrolment and completion disparities could not be determined. The limited data may only suggest that University of Waikato’s Law Faculty has the most positive impact for Pacific LLB students to enroll and complete their degrees. With the exception of Waikato, all other universities have an underrepresentation of Pacific LLB students either in enrolment and/or completion and by national and/or regional measures. Representativeness is one aspect that indicates the kind of impact a law school has on its students.

Ideally student record data on gender, ethnicity, high school, age, exam results, etc. should have been gathered and made publicly available to the researcher. Such data would have enabled the researcher to pinpoint at where law schools are going wrong for Pacific law students. For example, whether certain Pacific ethnicities are having difficulties or the correlation between high school decile and second year exam results. Results could have assisted law schools to identify problem areas to work on in the future.
7.2 NEW ZEALAND LAW SCHOOL INSTITUTIONAL CONFLICT

Thus far, this case study comparison has examined the overall impact of New Zealand law schools in terms of enrolment and completion. Those impacts were based on quantitative data and the law school’s perspective on how Pacific students are doing in terms of outcomes. Now the thesis shifts to examine the overall impact of New Zealand law schools in terms of Pacific law student experience based on participant interviews. This addresses research question 3 on Pacific law students’ experiences.

Using the method described in Part 2, six major themes emerged from thematic analysis of staff and student interviews across four law schools. The themes found across all law schools are the heart and strength of thesis’s analysis because interviews reached saturation on these themes and capture Pacific students experiences unique to the New Zealand law school environment.

7.2.1 THEMES FROM PARTICIPANT INTERVIEWS

CHALLENGING AUTHORITY

A major theme amongst both staff and student participants across all 4 participating law schools was that the law school as an institution conflicted with Pacific students’ tendency to be “humble” (Participant 33), “shy” (Participant 21) or “speak their minds” (Participant 13). Participants recognised that law school’s expectations to challenge authority constantly were not always consistent with Pacific upbringing.

Among student participants, stating opinions was a foreign concept. A number of students found that challenging authority in the law school context was contrary to their values as Pacific people. Engrained in student participants was the value to respect their elders especially in public setting letting others speak first (Participant 27). The following quote illustrates the conflict between law school and home/community culture that participants found:

“In Samoan culture, you don’t necessarily answer back to your parents. You don’t speak up and in law school you are taught to speak up. You are taught to say your opinion...But when I went home I started speaking up more and [my mum] was like ‘shh...hey don’t think because you go to law school you can speak up’” (Participant 18)

While the majority of participants attributed their value of respecting and obeying authority to community and family upbringing, one participant did suggest the value stemmed from her religious beliefs. She contrasted Christian values with that of law school saying:

“I guess with my religious beliefs, humility and meekness, people would usually see that as being naïve and being an introvert. But as a Christian you always have to put yourself lower than most people...but in law school you have to make yourself heard and put your opinions out there regardless of what anyone else thinks” (Participant 19)
In addition to community, home and religion reasons, a staff participant suggested the “shyness” could be “just a result of Pacific Islanders being a minority at University” (Participant 21).

Both student and staff participants recognised that the issue of challenging authority arose in many aspects of law school—tutorials, lectures, opinion writing and assessment. In tutorials, participants noted Pacific LLB students found it difficult to put arguments forward against tutors and in front of other students. In lectures, participants suggested Pacific LLB students did not feel comfortable confronting the lecturers because they felt they were holding the whole class back. In opinion writing, participants found Pacific LLB students had difficulty asserting their own opinion and critically analyzing authority figures such as judges. The following story from a participant illustrates the conflict one student found in an assessment where she needs to cross-examine a witness:

“The first time I cross examined a witness I was fine with it because it was a young guy so I didn’t mind. You know I basically ripped him to shreds in trying to discredit him completely. I didn’t mind that. But the next time...it was an older man and I think the cultural side of me found it so unbelievably uncomfortable having to almost imply that someone that was older was lying...I don’t know how I would cope in real life. I found that aspect of it quite uncomfortable” (Participant 1)

Regardless, the “shyness” and “humility” was not perceived by students as a flaw inherent to their background. Instead the law school’s requirement to challenge authority was perceived as something that would take adjusting and getting used to. As one student participant noted, she did not want to be excluded from the Socratic Method in lectures because of her race (Participant 23). The following quotes illustrate student participants’ realization of the conflict and the need to challenge authority to be successful at law school.

“You know in Tonga we’re just expected to be quiet most of the time and take whatever. Here you are encouraged to speak your mind and provide your opinions, which is hard for me. I’m learning how to do that” (Participant 13)

“For Fijian Indians, you don’t question your parents or elders in the community. You just listen and get on with it...But at law school you’re supposed to be a critical mind, you’re supposed to analyses and critique whatever a judge says...without a critical and analytical mind you won’t be doing as well at law school” (Participant 15)

While student participants realised they needed to adjust their mind set to law school in order to challenge authority, student participants felt not all staff were aware of the conflict they faced. As one student participant stated:

“I think there’s not an appreciation that there’s a possibility that Pacific students are at a disadvantage because of the way and style of teaching is so foreign to the way and upbringing of Pacific people” (Participant 24)

The majority of staff participants interviewed was well aware of the “cultural mismatch” between “the skeptical, adversarial and Western scientific approach to law and Pacific respect for authority” (Participant 39). But staff participants likewise did admit that not all law school staff knew of the
issues facing Pacific students at law school. Staff participants recommended efforts be undertaken to educate and raise awareness among law school staff on the issue of challenging authority for Pacific LLB students. One staff participant explained the lack of their colleagues’ awareness:

> Often academic staff think that they’re adjusting themselves because they’re treating [Pacific LLB students] equally. But in fact they need to treat them differently in order to treat them equally. (Participant 34)

A few staff participants shared their strategies for encouraging participation. These strategies were helpful to all students, but even more so for Pacific LLB students. One strategy was entailed positioning oneself as a lecturer alongside students rather than in an authoritarian position. As one staff participant explained:

> “You can’t do things that establish barriers between you or build hierarchies…you have to be on the same level with them. You have to let them know that you care, that you’re not just doing your job and can’t be bothered” (Participant 33)

To establish oneself alongside students, staff participants suggested three strategies. First, staff participants emphasised a need to know student personally and to allow student to know staff members personally. As one staff participant explained getting to know the student could be accomplished by approaching students before the lecture and asking students “who they are and where they come from”, specifically in the Pacific Island context their name, where they were born and their church affiliations (Participant 31). Staff participants thought it was important to attend Pacific LLB events such as orientation and social events to establish and build personal connections with students (Participant 32). Letting students know the staff members could be accomplished by “exposing” the lecturer as a person. One staff participant gave the following example:

> if I have no one to look after my son, I bring my son in and I go “this is [X]” and I introduce him by name to the other students because it makes me human…it allows me to share and that’s really important and I think there are lots of ways where we could be people to the students as opposed to institutional officials. (Participant 34)

Second another strategy, which coincided with getting to know students personally, was identifying students at risk. For instance, one staff participant would take notice when students were absent from class, approach them and asking why they were absent (Participant 31). Staff participants would encourage students at risk towards appropriate support services and “provide a friendly face” and “sounding board” (Participant 36). Staff participants acknowledged that referrals and encouragement needed to be undertaken tactfully. A staff participant said:

> I have a chat with them to talk about it and say that we do have remedial help; we have extra tutorials for the students to go to. But I don’t want them to feel ashamed or bad about it. I think that’s a bit of a barrier sometimes because people can sometimes feel they don’t want to talk about it because they are feeling they have let someone down, which they haven’t. But it’s making them feel that you know it can happen to anyone and they should just get back on the boat and keep working. (Participant 38)
In addition to building connections between student and staff, a third strategy staff participants suggested to combat the issue of challenging authority was to build a strong community base through diversity in the student body (Participant 30). This entailed increasing the numbers of Pacific students so there is community among them. As one staff participant explained:

“some pacifika students can feel more slightly shy about putting themselves forward in the same way whereas some other students from different backgrounds can be slightly more prepared just to say how good they are or to speak out in classes and tutorials...we are establishing a strong community base where people do feel they can talk, they can share ideas and get used to talk about the law” (Participant 35)

Within the third strategy, a few staff participants stated it was important to establish a strong community basis among Pacific LLB students as the “greatest strength is that they give support for each other” (Participant 38). In exclusive Pacific tutorials, Pacific LLB students could be among their peers and feel more free to ask questions and engage with the tutor (Participant 37).

Finally a fourth strategy adopted by one staff participant pertained to law school assessment at one school. The staff participant explained that the law school purposefully used active frequent assessments over the year instead of 100% final year exams. This assessment strategy worked especially well for

Those students who are less talkative in class or who are less comfortable in approaching teaching staff outside of class to ask questions. This is a way to ensure they are getting feedback on their progress. (Participant 30)

In conclusion, Pacific law students experienced law school as an institution that encouraged and required challenging authority and elders in all aspects—lectures, tutorials, written opinions, and mock trials. For many, the practice of challenging authority felt hugely disrespectful given the community values students were brought up and successful in. Time to adjust and understanding from staff to ease the transition were appreciated and considered as means to positively impact the transition to law school for Pacific students.

**INDIVIDUALISM**

Another major theme amongst participants in all four law schools was the law schools’ focus on individualism. Participants criticised the law school as overly focusing on individual achievement, which contrasted to a Pacific focus on the “collective, communal” (Participant 11), especially family, and the ideas of “service” and “social justice” (Participant 33). As two student participants explained:

“Just that whole individualistic approach as opposed to us because we grow up in communities where we live together as a family, we work with everyone. But down here at law school it’s all about the individual, you pursue what you want to do” (Participant 11)

“I find legal study at times to be a very individualistic approach and I think that there needs to be a more of a community sense in the respect to achieve a greater purpose. Law at times is very much every man for himself and one prosecution versus one defendant and although law
is meant to achieve some greater good and greater purpose it seems to be inherent of the rights of one man over another man. I think somewhere along the lines a certain community aspect has gone missing” (Participant 17)

Some consequences of the individualistic focus for some student participants were feelings of isolation and loneliness that sometimes led to hesitation to participate in the uncomfortable environment. For example student participants remarked:

“I remember when I first got into law school, I felt real alone. I didn’t want to go to class. I skipped class so many times, I wouldn’t go to tutorials because I was like ‘oh I have no friends’, I was the only black kid in class” (Participant 14)

“You won’t find people just coming up to you and having a chat. People are still quite reserved even in second year when you had everyone get into second year. You had those groups of people sitting with each other and it was hard to break down those groups. If you didn’t, there wasn’t much interaction” (Participant 15)

Despite feelings isolation and loneliness due to the focus on individualism, some student participants overcame barriers through resilience. Student and staff participants suggested mechanisms such as support programmes generally (Participant 33), collaborative projects in the curriculum (Participant 30), Pacific Island Student Law Associations (Participant 23), opportunities for group and community work (Participant 31) were consistent with Pacific backgrounds and made Pacific students feel more welcome.

Related to the issue of individualism at law school were the value of family and the extent of family support for law school. While all student participants noted the family was valued high among Pacific students, the extent of family support in law school was mixed among student participants.

For some student participants, family obligations were a huge mandatory commitment that adversely impacted their choice of law school. For instance student participants remarked:

“I couldn’t afford [to move away]…. [My parents] wanted me to stay…just because I’m the youngest and I’m the only girl” (Participant 10)

“I couldn’t go to law school X or law school Y because I couldn’t look after mum and dad at the same time. So I chose law school Z because it was local and I could work on my obligations to my parents, church and family” (Participant 11)

The above comments connect to previous findings on Pacific underrepresentation at law schools with smaller Pacific communities in the surrounding city. The comments explain that Pacific students may be limited to selecting law schools located near family homes.

Some student participants noted their families did not understand the long term time commitments involved with a law degree. Thus family obligations adversely impacted some student participants’ study time, mental stability, and decision to remain in law school in the following instances:
“My family don’t get that when I’m at Uni, that’s only part of the work. When you go home, it’s like they’re still over you....my grandmother she likes us to have Sundays off. Unfortunately for her I need to maximise all my time.” (Participant 8)

“There are pressures from church and your family, your extended family and that weighs in on your mental stability...some Pacific Islanders take those pressures a lost more worse than others” (Participant 19)

“For Pacific [people] it’s all about family and home. I know many friends whose parents have told them to leave school aside to get a job because it was more immediate. You’re more able to help your family because you’re earning money” (Participant 23)

“By the time you hit a certain age you should have this amount of kids already just being of Pacific descent and everything...by the family there’s a lot of pressure...I’m only 20. You know there will be uncles and aunties all the time who are like when are you going to get married...I think it’s because they didn’t have to do the whole long degree thing” (Participant 28)

Staff participants were aware of the intense family obligations some students were facing and noted the need for greater understanding. However, staff participants were unsure of how the law school as an institution could deal with such issues.

“Law particularly is competitive and it’s a fairly regulated environment. So if something is due today it’s due today. Things in the Pacific, they are regulated, but in a different way. Certainly time isn’t so significant and the dominate Pakeha European culture would say a family event isn’t a reason to miss a performance date. Well a family event probably is significantly more important for members of the Pacifica group. So there are often problems about compliance with deadlines and so on” (Participant 40)

“I had a student a number of years ago her father would ring up and say we want you back in Samoa tomorrow when she had tests and everything on. And the difficulty of explaining to the father you just can’t do it. When we had a graduation dinner he was so happy and everything because she had finished but I felt like saying well you haven’t helped her along the track” (Participant 32).

One staff participant suggested that to deal with the family obligations Pacific students had, other lecturers and staff needed to change at a personal level. For instance, law schools could better explain to parents about the needs of students.

“A lot of time its hidden...I have to weasel out of them that there’s a crisis at home and that we can accommodate it. So I definitely think there is a gap between the values of the institution and the values of Pacific people. I don’t have an answer to how we deal with that. I don’t think it’s at a policy level that it needs to change. It needs to change at a personal level of the people here.” (Participant 34)
Family obligations were not an issue for all student participants. For other student participants, families had open expectations, were very understanding of law school time commitments and encouraged student participants to prioritise law studies. For example:

“I had the freedom to choose what I wanted to study, as opposed to many of my friends who have had that ambition imposed upon them” (Participant 11)

“They’ve always understood that if I can’t make church activities, if I can’t make family meetings when I’m studying. They always are ‘it’s okay, put your students first’. They give a real good support system” (Participant 14)

While student participants were split on the extent of family obligation thrust upon them, all student participants recognised their family could not support them academically. For example one student participant stated:

“In regards to actual legal substance...there’s no real contribution because no one comes from a legal background in our family. No one has an understanding of the law as such” (Participant 11)

Staff participants agreed that there was a lack of family experience in law school or positive role models for Pacific students, which other law students may already have. Staff participants noted this may negatively impact Pacific law students.

“People from a European background generally at the moment in New Zealand may have the advantage of more parents or more friends or people they know who work in the law. It doesn’t seem as strange or unknown” (Participant 35)

“For their families a lot of them have not been through University so they would be unable to help [the students] and even understand what they are going through” (Participant 36)

Without family academic support or role models, many student participants were left to figure out University and law school issues on their own. Study habits were often difficult to acquire as was especially noted by several staff participants. For example, one noted:

“The skills like note-taking, essay writing, writing exams in English under pressure; those are vital skills that are needed to get passed and get good grades. They really depend heavily on quality written English expression on the part of the individual, under time pressure. It’s a very particular skill set. It’s not one necessarily developed in the environment which many Pacific Island people are growing up.” (Participant 39)

In conclusion, Pacific law students experienced law school as an institution that required individuals to work and succeed alone, regardless of family needs and obligations. For many, the individual assignments felt foreign because home life and their preconceived notions of being a lawyer were community based and for “the greater good”. Creating inclusiveness and community within the law school and being respectful and aware of family obligations are ways to improve the impact of New Zealand law schools on Pacific law students.
**ELITISM AND CULTURAL CAPITAL**

The elite attitude and type of cultural capital predominant within law school among the general study body, certain lecturers and the institution conflicted with Pacific students' backgrounds and type of cultural capital. This impacted the law school experience for Pacific students.

The elitism and chance to attain cultural capital did serve as motivating factor for students to study law. Some student participants were motivated by the status and prestige of the law degree, especially since the degree was highly regarded by their families and communities. Also the perceived prestige of particular law schools influenced many student participants' choice in law school.

“Like typical Samoan family...they always when you're doing something good, especially if you're back at Uni doing law degree or doctor degree, they'll always hold you in high esteem” (Participant 9)

“I didn’t apply to AUT or Waikato because they didn't seem as recognised...they didn’t seem as prestigious you know what I mean. Ideally I would have liked to go to Auckland because last year it was like the top law school or whatever.” (Participant 26)

However upon entering law school, some student participants felt their previous community and high school experiences did not give them the appropriate cultural capital to succeed or compete in law school in comparison to their peers.

“There’s a predominant affluent Pakeha white collar or top tier corporate culture that’s inherent among the law students, your Aucklanders and Wellingtonians” (Participant 17)

“There’s a bigger group of them than there are of us who have done well and I think that’s difficult because if you look at who’s in the top 10% of law school, it’s not many PIs” (Participant 20)

“[There’s] certain individuals I find come with law or the field of law, the degree of arrogance or the family lines that can be seen to exist in some law schools where mum and dad are both solicitors and I’m going to be a solicitor too.” (Participant 17)

“Coming to law school off the bat I was categorised by the colour of my skin...I hadn’t experienced this prior to law school. I realise it was quite an elitist environment, that it was tolerant of Pacific and Maori students being there, but only because it had to be.” (Participant 24)

Student participants perceived that many high school staff had low expectations for their students, thus they did not provide student participants with guidance on what law school entailed.

“Secondary school, my careers advisors were real hopeless because I don’t know...they just had like if you're a brown kid, they’re just like the rest of them sort of thing and the rest of my mates they never made it out of 7th form” (Participant 11)
“I guess [high school teachers] aren’t Used to the idea of Islanders wanting to go to Uni so I guess that’s why she looked at me funny...So they just had lower expectations of us. [Going to law school] wasn’t the standard, it was an exception” (Participant 5)

“Our careers advisor was the worst...I would tell her I want to do law and she would say something like ‘are you sure you want to do law? You know someone like you...’ and she started going off...She constantly belittled us” (Participant 7)

“To better prepare for the LLB they need to tell students from the outside that you will need to fight for a place in second year law and beyond. Just because you get into first year doesn’t mean you’re automatically going to graduate with a law degree. The reality is far different than what you get in secondary school” (Participant 27)

Another aspect of high school that poorly prepared student participants was the curriculum.

“I feel I could have been more prepared. I noted that other schools, I think it was Auckland Girls Grammar, they had Legal Studies. I know other schools had Legal Studies. I wish I could have taken that. It could have given me a stronger foundation in learning, especially case precedent. And maybe that would have given me a stronger foundation in law school than where I am now” (Participant 18)

Similarly, staff participants recognised that high school experiences for Pacific students did not provide them with the appropriate capital and skill sets to succeed in law.

“I believe our [Pacific] students are just passing to get here [to Uni]. So because they passed, they’re in. But non-Pacific students are coming in with ‘merits’ and ‘excellent’. So they come in and they’re well prepared” (Participant 37)

In response, a few staff participant suggested ways to address the high school preparation and capital problem. Staff participants suggested bringing Pacific law students into high schools with a high Pacific population at Year 9 or 10 to spark high school students interest and to engage them early on (Participants 34 and 37). Another staff participant suggested Pacific students needed someone to believe in them. He remarked:

“What makes a different I find...does someone really believe in them. I told her ‘you’ve done really well to have come from that school to get into university’. And she said ‘ya I had a headmaster who really believed in me’. It requires a teacher at school to believe they can get to university” (Participant 38)

Many student participants felt there were negative attitudes towards Pacific peoples once in law school. Staff participants were not aware of these attitudes. According the student participants, one elitist negative attitude common among certain peers and staff was the assumption that Pacific people just “can’t study law” (Participant 16).

“You get that sense that people do have that idea that Pacific people are dumb or being another criminal offender. You sense there’s some kind of inferiority upon you as a Pacific person” (Participant 18)
“Usually when I get into tutorial, people look at you and they say ‘I guess you’re in the wrong classroom’. Not in first year, but in second, third and fourth year. There’s that perception that I might not be able to speak English or I might not understand what’s going on. Lecturers give me an extra look to kind of say ‘Do you understand what I just said?’ It’s condescending sometimes…It doesn’t feel good” (Participant 19)

Another elitist attitude prevalent was among student participants only at Auckland, that had a targeted entry scheme, and Victoria, that did not have a targeted entry scheme, was that all Pacific students got into law school under the quota. This attitude was assumed even when a student had gotten in through general admission and when the law school had no quota for Pacific students. Again this elitist attitude was perceived by student participants only, not staff participants.

“A lot of people don’t agree with the quota system. At Law Revue they mock us…we used to hold free sausage sizzles and we used to say if you can say something in any Pacific language, you can get a free sausage….so they made a skit and their skit was ‘if you can say anything in any Pacific language, you can get into law school’. Ya so those kind of jokes. It’s a bit hostile” (Participant 14)

“My assignments weren’t up to scratch according to this one lecturer so I went to them to find out what it was that I needed to do….that professor he asked me ‘so how did you get into second year law?’ and I said ‘sorry?’ and he said ‘did you come through on the Pacific quota?’ and I said ‘I’m sorry sir there is no Pacific quota and I came through on my own merit’. …It was a very intense form of racism….he didn’t even know that’s what he was doing. I was offended by that” (Participant 24)

“We get stigmatised with the Maori students because the Maori students do have a quota for entry into second year law. Pacific students don’t. We have to fight with the rest of mainstream students to get a place into second year law. But there is a perception that we do have a quota just because we are another brown face” (Participant 27)

Some student participants felt such elitist attitudes had no negative effects on their law school experience and took the attitude as just another “mountain to climb” (Participant 22). But other student participants did feel such elitist attitudes impacted their behavior and choices at law school. For example becoming a “snob to conform to the environment” (Participant 10) or dropping out of law school because of insecurity (Participant 14).

Staff participants suggested there may be a lack of understanding of the disadvantage many Pacific students come from. Thus general awareness would be helpful.

“there is the challenge sometime of making sure people from other backgrounds are aware of why you’re doing it and the importance of it to Pacifika students because you can sometimes get a little bit of a backlash “oh why aren’t we getting special tutorials?” or “why aren’t we getting to go to a conference in Australia” “why is it that there is this assistance and support given to Maori or Pacifika students and not to Us”. So I think it’s really important that people understand why this is occurring and how important it is to put everyone in an equal or more equal starting position and to make sure the law profession of the future reflects the diversity
of the country and therefore meets the needs of the people of the country because if you were only to have lawyers from" (Participant 35)

In conclusion, Pacific law students experienced law school as an institution full of elitist academics and peers who had cultural capital to naturally succeed and viewed equity programmes for Pacific students as an “easy way in”. For many Pacific students, competing with such peers was difficult given the disadvantage in high school preparation prior to law school. Understanding of and empathizing with Pacific students, their backgrounds and values, was perceived as one way law school staff could positively impact Pacific students experiences.

**LANGUAGE**

Language was a theme among student participants across all 4 law schools that was perceived as a conflict between Pacific students and the law school institution. Language issues included challenges in both written technical language and formal oral presentations.

The degree of challenge depended upon student participants’ previous experience with the English language. About a half of all student participants spoke another language in addition to English. These student participants were accustomed to speaking another language at home, attended school predominantly in another language and/or grew up in communities where other languages were more dominant. Student participants commented on the challenge based on their previous experiences in English:

“*English was a language that I just picked up probably 11 years ago. So trying to understand the English is hard and then you add the legal jargon and then that’s just all over the place. So that was a problem for me*” (Participant 9)

“*The problem with having gone to high school in Tonga is that we were taught in Tongan but we had to do our exams in English. So my English is still FOB (“fresh off the boat”), still fresh...Coming here my first lectures, I couldn’t even understand...so it was a big gap coming from Tonga, especially if you go to school in the church school and not the public school*” (Participant 13)

Despite having issues with English language, student participants remarked that they eventually just “got used to it” (Participant 15). However, the process of language acquisition did take a while to master and there was a period of initial shock, especially in the first year.

“*When I first came I could speak English and I could write in English but not really that fluent in it. But since last year up to this year I can now understand the law, interpret the law and apply it*” (Participant 6)

A few student participants felt the transition period prevented them from being able to compete with students who had English as a first language (Participant 9).
In addition to struggling with the language themselves, a few student participants had to endure hostility among the general law school body regarding their inability to speak English. As one student participant explained:

“My friend, we were doing a moot and English is her second language. Two girls in the room were laughing. They were just fully laughing the whole time saying ‘she can’t speak English’. So those kind of attitudes can really put someone down. And my friend was like ‘maybe I shouldn’t be a lawyer because I can’t speak English properly’. Obviously she was in law school so she’s not as dumb as those girls were making her feel” (Participant 14)

The majority of staff participants recognised English language was a challenge for some Pacific students. These staff participants understood New Zealand law conflicted with Pacific culture. Staff participants noted:

“The focus on high quality written English of a technical kind is the essence of being a lawyer. That, I think, is not something that is deeply embedded in Pacific culture...Often at home a different language is spoken and they are not writing in English and they’re not growing up in a culture that’s saturated in written English literature. The language issue cannot be bypassed and the written character of the legal enterprise, that’s vital” (Participant 39)

“There will be some because of a mixed language background perhaps they don’t have as great facility in English as the monolingual majority. That for law is a distinct impediment that may also relate to levels of literacy, you know the amount, the volume of reading you can do relatively quickly” (Participant 40)

In addition to language differences, staff participants understood New Zealand law conflicted with Pacific culture. For instance, a staff participant noted:

“The ways of learning and the ways in which the laws are indeed expressed and written aren’t necessarily the ways in which Pacific culture has been established” (Participant 35)

In response, some staff participants suggested steps that could be taken to assist Pacific students with language issues. Two staff participants suggested the remedial Pacific tutorials should give Pacific students “rigorous writing tasks” (Participant 39). As one staff participant explained:

“If you ask them a question and they give you an answer its perfect, perfect answer they know it. But then when it comes to writing it down on that piece of paper, they don’t articulate their ideas as well they could” (Participant 42).

Another staff participant stated that he provided Pacific students “every opportunity to use their cultural standing to improve their position in the law faculty”. Through being outstanding in their culture, students then became admired as leaders. He gave the following example:

“We had a visit by the Tongan Attorney General...He came here and when he visited we got our Tongan students to do a ceremony to welcome him...I’m quite fond of promoting our language so I want Tongan to be the language of that first encounter.” (Participant 31)
Finally, another staff participant explained that he changed his lecturing style to be inclusive of Pacific students who spoke other languages. He explained:

“I have to be very conscious that although I’m speaking to a predominantly based group that has English as their first language, there are these students [for whom English is not their first language]. So I adopt an approach that is more teaching than lecturing. So it’s much more detailed in terms of giving them very clear hints, very clear signs and guideposts so that they are in a position where hopefully they can complete the rest of the picture through their own initiative by way of self-study...It’s certainly not the model that I used to adopt where you would lecture and then expect them to also cope like you expect the rest of the majority white population” (Participant 29)

In conclusion, Pacific law students experienced law school as an institution that valued writing and technical English. For many, the skills had not yet been acquired. Teaching strategies that used simple English may positively impact the law school experience for Pacific students.

**Relevance**
Both staff and student participants criticised the curriculum for not including issues relevant to Pacific people and Pacific countries.

“It’s different back home all the tradition stuff. Back home, it doesn’t really count here” (Participant 3)

“There’s not a lot of Pacific content and there’s not a whole lot of social justice issues...Pacific values are about service and a lot of it is about helping people and stuff and looking at the way law schools in the States have that social justice focus, it’s an awesome aspiration. We have certain lecturers here who have that focus, but it’s not held up” (Participant 33)

The nature and stance of the LLB degree and the legal profession was perceived to conflict with some student participant’s values.

“In ethics class....[our lecturer] gave us an example of if your client confided in you and said he killed whoever and also told you where the boy was buried, it’s just a job so you go home at the end of the day and you wouldn’t care about that stuff. But then you’d turn on the TV and see the family of the victim crying and asking they just want their daughter or son back. That would be a huge test of your character...you would have to shut that off and be ‘it’s just a job’. But Pacific values have a great deal to do with Christianity and so I think there’s a huge conflict because I would feel for the family. It would be hard to put the lawyer cloak on and then take if off again at the end of the day” (Participant 5)

Staff participants likewise noted that legal system and Western thinking as a whole were irrelevant to many Pacific peoples understanding of law and the legal system. The irrelevance was perceived by staff participants to be an additional challenge to some Pacific law students at New Zealand law schools.
“I think the whole underpinning of our legal system and the way we study law is just so Western. I find it clashes with my own understandings of the world and the way that I choose to see the world. It’s kind of like if you understand the world in this way as we see it, then you can learn how to give the lecturers what they want and you get the good grades. If you don’t understand it in that way, then there’s no other option for you. You either get it or you don’t. I think it’s quite hard. It’s not necessarily the natural way of thinking for me.” (Participant 33)

“for Pasifika students coming in and finding the legal traditions or the traditional way of looking at law is quite different to the ways they’ve been brought up in their families or communities and that some other people seem to get it and understand it earlier because they’re more familiar with what is very much a Western construct, the way in which the legal system and the law operate” (Participant 35)

One staff participant further examined the controversy for Pacific students studying law at New Zealand institution. He stated:

“They do not see it as relevant to them necessarily. On the other hand most of these students are living in New Zealand, they are New Zealand Pacific students and probably they are going to spend most of their lives in New Zealand. And on the other hand, their families still have close connections in the Pacific and they may well have family lands in the Pacific as well. So they are bridging across these two cultures in that what is happening in the Pacific legal systems, particularly in relation to land and political governance which impacts on land rights, that still remains relevant to them as their family has these connections and assets in the Pacific. So it’s good that they are getting engaged in Pacific legal materials. On the other hand, probably in reality they are going to spend most of their lives if they become lawyers in New Zealand or Australia. They are not going to be lawyers in Apia. Maybe one or 2 of them. But probably they are going to be lawyers in Auckland and Wellington. That is the reality of the matter. So they will have to engage with the New Zealand legal system because it is the New Zealand legal system.” (Participant 39)

Many student participants noted the Pacific issues were sorely missing from the law school curriculum.

“I would like to see them hire a lecturer or do a subject on law in the Pacific...one of the lecturers was saying they’re trying to do a direct study paper in Samoa. So that would be really good if they accept that” (Participant 4)

A staff participant also suggested that the style of teaching adopted at law school was not mindful of Pacific, or any one ethnicity’s, type of learning.

“The other question is whether our teaching should be more culturally specific. I don’t know the answer to that. If there’s a style of teaching that’s better for the Scots, or the Greeks or the Dutch or the Samoans or Maori I haven’t seen any research on that. I don’t know what the literature says. At the moment we are, I think, like all law schools, one size fits all to a certain extent. We teach in a certain style.” (Participant 41).
Where there were Pacific issues integrated into the law school curriculum, they were greatly appreciated by student and staff participants alike. Positive remarks made in regards to the Pacific issues-focused moot at the University of Auckland law school were:

“[The Pacific moot] was way more interesting and I felt it was more relevant. It was about customary law and culture...I found that hundred times more interesting and relevant than some of the other moot problems” (Participant 12)

“In recent years we’ve organised a Pacific mooting competition, specific issues mooting competitions. So that’s been really useful and important to give examples of the laws in operation in Pacific issues, such as constitutional issues that rise in Pacific and so people can see how the law can be used and can apply it to their own communities and their own societies” (Participant 35)

Student and staff participants also positively remarked about Pacific issues conferences:

“I got to take part in that conference in Vanuatu and that opened my eyes to the complexities of issues facing Pacific Island countries that none of the courses here in law school will prepare us for or any of the other Western countries.” (Participant 15)

“I see that when students go to these conferences or when they turn their attention to Pacific legal issues, they tend to be more enthusiastic about and engaged with and see the relevance to themselves and their families. I think that enthusiasm for your studies is the key thing in success” (Participant 39)

In regard to a teaching style inclusive of Pacific methods of learning, the University of Waikato adopted the following positive approach:

“One of the challenges though is for us to try and be more reflective of learning styles and learning skills. Again that’s one of the things that Waikato has done from the beginning in terms of its use of active frequent assessments and so this is not a law school that does 100% final year exams. Papers will have assessments along the way. Some will have up to 8 assessments over the year so it is to try and respond to people needing to get feedback and particularly for those students who are less talkative in class or who are less comfortable in approaching teaching staff outside of class to ask questions” (Participant 30)

Also at the University of Waikato, relevance was addressed by establishing research on Pacific issues:

“We have created a directed research project with the Samoa Law Reform Commission, co-supervised by the executive director...it includes students going and spending a week with some of the Law Reform Commission, presenting their research. So trying to create more and more opportunities for students to come out of the Pacific to be able to while they’re studying to be able to apply some of their expertise they’ve acquired in ways that are helpful to their homeland and even for those many of whom were born here in Aotearoa to have kind of a connection back” (Participant 35)
Other staff participants noted that they encouraged students within the general law school curriculum to explore Pacific issues through independent research:

“The negative side for Pacific student might be that they see things done in law on a basis and say ‘well that’s not the way we would do it’. But then they should have the right to have a debate about it. I’ve had a number of students over the years who’ve done individual research on Pacific perspectives on things and that’s been good. They’ve looked at the contrast of things and the contrast between the law here and the law in the Pacific. They’ve looked at it for both the positives and the negatives” (Participant 38)

“In Maori customary law class] I get a lot of Pacific students who say you guys do a thing similar to a thing we do, so when I write my essay can I talk about death customs or when I write my essay can I talk about the way that we solve disputes. And I say go ahead and do that. But make sure it’s properly researched. So I give them an opportunity to answer something they already know a bit about” (Participant 31)

Notably, Pacific issues were for the most part not addressed until students’ 3rd or 4th year in the law degree. The Pacific issues moot, independent research on Pacific countries and conferences were all activities undertaken at the later stages of the law degree. Only the teaching and examination style was an initiative that affects junior law students.

Within the general theme of relevance, another sub-issue that arose from interviews was the relevance of Maori issues and the complexity of Pacific issues. Some participants observed there was a joint and similar struggle at law school and in legal system for Maori and Pacific students.

“We build our relationships with [the Maori Law Students Association] because you know we face the same issues, we’re all brown at the end of the day and we realise we are a minority down at law school. So we just stick together and make it through and give back to our people kind of thing. We don’t really assimilate to the mainstream” (Participant 11)

“There’s strength in numbers and we’re all to a great extent battling against the same kind of problems and trying to achieve the same kinds of goals. So we work really closely with the Maori programme. We do things together like noho marae and boot camps which involves bringing students together” (Participant 33)

“We [as Maori] regard [Pacific people] as part of our family. They have distinctive cultures as well but we’re Polynesian people like them. Our cultures are very similar in that we’re open, we’re inviting, we want to look after people, we want to do good things. We don’t want people to feel like they’re not wanted.” (Participant 31)

However, there was a danger in that what was relevant for Maori students and Maori issues was not necessarily relevant for Pacific students and Pacific issues. Many student participants raised the issue of staff problematically lumping all the brown students together. Students recalled instances where law school staff and students had assumed because there were Maori support services that there was an equivalent for Pacific students.
“A lot of non-Pacific Islanders think there’s a Pacific Island quota too when there isn’t. I know a lot of instances when lecturers or tutors say specifically to Pacific students that you don’t have to worry about getting a B+ average in first year because you have the quota. But they don’t know that Pacific Islanders don’t have the quota, it’s only Maori” (Participant 22)

“They think there’s [a room within the law school] for Maori and they just assume there’s one for Pacific Islanders, but there’s not” (Participant 26)

Among participants, there was a general perception that compared to Pacific support services and issues, Maori support services and issues were more widely accepted by the general law school and university.

“A lot of people get why there’s extra support for Maori because of the Treaty of Waitangi. They get it. But I’ve heard various comments about Pacific Islanders shouldn’t because they are not part of the Treaty. There is no reason why they should be getting this extra support” (Participant 8)

“The view taken in this university is that we should have Maori admissions programmes because of the Treaty of Waitangi relationship and also because the Treaty of Waitangi principles are binding on the practices and policies of the counsel on university to some extent under the Education Act...there’s a constitutional basis for having special admissions programmes for Maori persons in programmes, which does not exist in the same degree or extent at all for Pacific peoples” (Participant 39)

“There used to be some resistance from mostly Pakeha students, but not all. But over the years the students who are coming here now have a better understanding of what Maori culture is about and it’s because of what has happened in the community. So it makes it easier for us.” (Participant 31)

 “[A Pacific quota has] been a debate on and off over the years because we have a quota for Maori. At least twice that I can remember there’s been proposal to have a quota for Pacifica students and that has not had majority Faculty support” (Participant 40)

Staff participants further elaborated on the differences between rationales for the focus on Maori and Pacific issues and programmes.

“The Maori programme is based on a different initiative so that’s a Treaty issue, an indigenous issue. For Pacifika it’s because of inequality we see out in our societies and we need to promote that more. I’d like to think we can move to a time in our society where there would be proper equality and we won’t notice that the top leading tax lawyer is a Tongan woman” (Participant 34)

“Certainly the Maori statistic is improving, but whether it’s a result of the quota or affirmative action it may be. But I suspect there are lots of other factors like more getting through, more doing successfully. There are role models and also in the last 10-20 years, lots of jobs because...”
you’re Maori. Because of lots of Treaty litigation and law firms then competed for a scarce commodity” (Participant 40)

In light of the greater acceptance of Maori’s special status, participants observed that Maori got more resources, funding and help than Pacific students.

“[Maori] get more resources. They get more funding. This law school just pushes the Maori side; they have obligations to help Maori students that are far more greater than helping Pacific students. I think it’s all the Treaty stuff” (Participant 1)

“The Maori law association has actual lecturers helping them out like they have a whole system they put in place for them whereas us Pacific student association, we have to set up our own kind of system” (Participant 5)

“Maori have a Maori moot. Maybe one day there could be a Pacific moot” (Participant 6)

“I think one of the biggest challenges is that I only have a part-time role, whereas the Maori coordinator works full time. So when my door is closed students pretty much don’t have anywhere else to go to ask for help” (Participant 42)

In addition to questioning the relevance of Maori issues to Pacific issues, participants also questioned the relevance of ethnicity based support services in general. For instance, some student participants questioned who was included within the established “Maori” and “Pacific” categories for support services because the ethnicities of students themselves was complex.

“My mum, she’s Maori and a little bit Croatian. My dad, he’s Samoan, Tongan, Tuvaluan…when I came into first year I made it into second year law without the quota. But I applied under the Maori one instead because I thought I’d save the Pacific one for the Pacific students” (Participant 8)

“I applied under the Maori quota system. At the time I faced a little bit of a conundrum because I was uncertain whether to apply or not.” (Participant 17)

In conclusion, Pacific law students experienced law school as an institution that did not teach law and issues relevant to Pacific communities, especially in regards to customary practices. Pacific students could relate more readily to principles, values, and practices in Maori customary law. But Pacific students still felt their personal and family issues were not necessarily covered by the curriculum.

**Materialism**

Compared to other themes, the materialism theme was minor. However, the theme did arise in interviews from staff and student participants across all four law schools. Thus it is worthy of mention. This theme suggests the law schools’ and the law’s content and focus on material things, “the money” (Participant 17) and “commercial gain” (Participant 18) conflicted with Pacific participants’ values.
This theme is related to the issue of the curriculum and skills being relevant to Pacific peoples’ lives. But it focuses specifically on the commercial content of the law school curriculum. Two participants gave examples of the conflict:

“some of the laws or corporate laws and other things, they seem angled towards middle or upper class individuals and forget about the lower socioeconomic status of people”
(Participant 17)

“Contract law, it’s so selfish, it conflicts with my beliefs that you should love one another. Whereas contract law is all about self-pursuit and trying to make the most of your goods....people forget about looking after one another.” (Participant 18)

A few student participants felt that the commercial focus of law did not align with Pacific values. Instead of a material focus, many student participants perceived Pacific people and themselves as focusing on family and church relationships as being of utmost importance. A staff participant summarised this phenomenon:

“I think our Western legal culture under the New Zealand legal system and other Western systems, they tend to be very much about relations between the individual and the State or about the relations between individuals or between corporations or business entities, that’s the stuff we study largely in law school...none of these things really seems to relate to the central element of Pacific society, which is as it seems to me be the family, larger family collective and church. The focus then of our entire education here, other than perhaps family law, it’s almost entirely on social units that are not at the forefront of Pacific society. So that’s a political, cultural, sociological, ideological mismatch. I don’t think that’s easily remedied that problem”

That staff participant went on to recognise the challenge that conflicting values posed for Pacific students:

“So the challenge then for Pacific students is then to somehow bridge from their own cultural background and space into understanding somehow of this other culture....that’s a very difficult thing to do. You’ve got to learn to work in a secular world, in a commercial world and there’s many tensions, many difficulties” (Participant 39)

As presented above conflicting values between law school’s materialism and Pacific students’ family and church was evident in the reception of the curriculum generally. But also the value conflict appeared when it came to Pacific students’ time management decisions. Because Pacific students’ values of church and family were often perceived as more important, Pacific students’, especially participants who were studying while living at home with family, did not always prioritise attending class, studying, or preparing for exams. Student participants gave examples of when family and church outranked law school and criticised law schools for the lack of understanding:

“Because the law school is Westernised, it doesn’t really take into consideration that in Pacific Island culture in general family is important. We look at family as outranking school, especially when it comes to our elders. If they are sick, then you have to stay home....It is hard for someone from a non-Pacific Islander background to understand that there are times when
“you can’t make class because of family commitments or because of church commitments” (Participant 22)

“[The law degree’s] a long commitment and you’re going to have to give up things like being a youth leader in the church and just contributing towards big family events. There’s going to be that birthday you should go to but you can’t afford to go to that because you’ve got an exam. There’s definitely going to be commitments like that that you’re going to have to sacrifice. I think because it’s such a long sacrifice a lot of people will not, don’t make it through to the end.” (Participant 28)

The issue of competing values and priorities in time management was recognised by a staff participant who stated:

“I find people who are not PI put a whole lot of pressure on themselves to get in and to do well to the exclusion of things like family whereas PIs make the family equal to education and sometimes that conflicts because they are away doing other things when other students are studying. I’m not saying that’s bad, but they just have different priorities” (Participant 20)

Unlike other themes, participants did not suggest how such a value based dilemma could be solved. Participants acknowledged the conflict existed and awareness was needed about the issue.

7.2.2 THEMES AND LITERATURE

With the major themes of the Pacific law student experience in mind, this section contextualises the results that examined law school as an institution for Pacific students within international literature, confirming and challenging other studies.

Findings that law schools were focused primarily on the individual, upheld an elitist attitude and affluent type of cultural capital, and required high levels of technical and formal language skills were similar to findings in other studies. But findings that law schools as institutions conflicted with Pacific student’s backgrounds in that they required students to constantly challenge authority and lacked focus on issues relevant to Pacific communities and were overly geared towards materialism are findings unique to the New Zealand context.

INDIVIDUALISM, LANGUAGE, ELITISM, AND CULTURAL CAPITAL

All five of these themes reiterated findings in previous national and international studies that will be discussed in this section. The individualism theme was a value woven throughout the legal education curriculum. As in other studies, participants found it difficult to transition to self-directed learning and greater expectations at the university level since they were spoon-fed at high school.\(^{82}\)

The findings in this study also resonated with those found in United States studies on Hispanic law

\(^{82}\) Roannie Ng Shiu “It’s Like Going to The Moon’: The Experiences of Samoan Tertiary Health Students at the University of Auckland” (Doctor of Philosophy in Community Health, University of Auckland, 2011) at 133.
students who were not used to education focused on the individual rather than group performance,83 leaving law students feeling isolated, lonely and with difficulties fitting in.84

Language was another finding that affirmed literature on Hispanic law students that found those who learned a language other than English as their first language found communication and test taking was a struggle.85 However the finding in this study that written technical language of the law was challenging and verbal language was preferred is unique.

Elitism and cultural capital are themes common throughout international studies on minorities in law school and professional schools generally. A study on Pacific health sciences students in New Zealand found stigma and stereotyping of being a “dumb islander” are barriers to meaningful engagement in classrooms.86 Other studies on minorities in law schools found participants found law school was isolating, based on white privilege,87 full of persons who had lower educational expectations of minority students and institutionalised discouragement from teachers and counselors.88 These studies likewise found it was difficult for participants to connect with privileged peers,89 cultural backgrounds negatively affected progress for law school especially in the first year because participants lacked foreknowledge of the law school environment,90 and knowledge of what a lawyer does on a daily basis.91 Other studies found minority law students perceived they had to work twice as hard to succeed and assimilate in an unfamiliar environment to bridge the cultural divide,92 and had the additional challenge of having to deal with elitist attitudes of faculty members and peers who openly criticised the law school’s ethnic specific policies.93 As one study remarked “cultural values were a liability in a profession that valued aggressiveness and self-promotion”.94

The prevalence of these themes within New Zealand law schools suggests institutional change to the law school as a whole is needed, which is not necessarily going to be fixed by an admissions scheme alone.

**CHALLENGING AUTHORITY AND RELEVANCE TO PACIFIC COMMUNITIES**
The findings from this study on challenging authority and lacking focus on issues relevant to Pacific communities is specific to the New Zealand law school context. These findings confirmed a few aspects of other studies, but for the most part challenged the findings of other studies.

---

83 Erik Malmberg “Factors Affecting Success of First-Year Hispanic Students Enrolled in a Public Law School” (Doctor of Philosophy Dissertation, University of Texas at Austin, 2008) at 259
84 Jill L Cruz and Melinda S Molina *National Study on the Status of Latinas in the Legal Profession* (Hispanic National Bar Association, 2009) at 35.
85 Erik Malmberg, above n 83, at 241-242.
86 Roannie Ng Shiu, above n 82, at 135.
87 Erik Malmberg, above n 83, at 242.
88 Jill L Cruz and Melinda S Molina, above n 84, at 34-35.
89 Erik Malmberg, above n 83, at 264.
90 At 240.
91 At 240-241.
92 Jill L Cruz and Melinda S Molina, above n 84, at 35.
93 Erik Malmberg, above n 83, at 261.
94 Jill L Cruz and Melinda S Molina, above n 84, at 34.
On the issue of challenging authority, one slightly similar study found that Hispanic law students in the United States were stressed by the communication styles of law professors, namely the Socratic method, which caused a few students to have panic attacks. However, this study's findings are distinctive because the issue of challenging authority manifests itself throughout all aspects of law school; including challenging answering lecturers in class, but also in written opinions and among peers. These issues have not been examined in other studies.

Also the reasons for the issues of challenging authority differ. In the United States study, Hispanic law students did not challenge authority because they found staff members unapproachable, cerebral, too old and too much into their own worlds. That study suggests that law students were uncomfortable challenging authority because they could not relate to the staff members. However this study found that Pacific law students were uncomfortable challenging authority out of respect for older high status staff, which were often held in high regard above others within many Pacific cultural contexts.

Within New Zealand, the issue of challenging authority is not exclusive to Pacific students. New Zealand culture and university students are said to have “tall poppy” syndrome, in which a person who successfully stands out above the rest attracts envious notice and distinction and is cut down, victimised or backstabbed by others. Thus in the classroom including law school, New Zealanders in general are hesitant to stand out. Tall poppy syndrome could indicate the issue of challenging authority is persistent throughout New Zealand, not just Pacific students. However, tall poppy syndrome is distinguished because it is based on standing out rather than a fear of challenging an authority figure. As was noted by many participants, fellow Pakeha students seemed to have no trouble challenging authority in written opinions and peers in tutorials. The tall poppy syndrome may only explain non-participation in large lecture theatres.

On the issue of the law school lacking focus on issues relevant to the Pacific community, other studies have similarly found law school to be too theoretical, not a practical application of how to use law in real life, and largely biased as professors tended to push their one-sided policy on students. A study on Pacific health science students in New Zealand found the health science material wasn't relevant to Pacific communities, and specifically that coverage on poor Pacific health outcomes was shameful and embarrassing for Pacific health science students. Findings within this study could be classified generally as fitting within the critiques of other studies as it found similarly there was a lack of practical application for Pacific communities and that criminal law in particular did not frame Pacific peoples in the best light.

---

95 Erik Malmberg, above n 83, at 228.
96 At 229.
98 Maureen Fay Fitzgerald “Educating lawyers: how law graduates perceive first year law school educational practices” (Doctor of Philosophy in Faculty of Graduate Studies, University of British Columbia, 2005) at 95.
99 Roannie Ng Shiu, above n 82, at 134.
However, the findings in this study are unique in that it is the central fundamental principles underpinning and within the materials, law school and law itself that are not relevant to Pacific communities. For instance, how property law is based on the fundamental principle of protecting an individual’s rights rather than facilitating relationships between peoples or the emphasis on written work, individual tasks, and adversarial system instead of oral work, group work and group consensus. For the most part the law school and the legal system continue to remain largely influenced by the values of the United Kingdom and have yet to change to reflect the customary practices and laws of the communities within New Zealand.

More recently, there has been an effort to change towards adopting Maori jurisprudence and values within the law school. Most notably Te Piringa Waikato law school was founded with a Maori focus and emphasis throughout the curriculum, structure, and law. Because some Maori concepts are similar to those in the Pacific community, Pacific students may feel more at home and aligned with Maori values embedded in the curriculum. However, as this study found the recent focus on Maori issues in New Zealand law schools and increase of Maori law students may be in the response to the need for Maori lawyers and a greater respect for Maori jurisprudence in the legal system. For instance, Maori have more major roles in the New Zealand economy now because of Treaty of Waitangi settlements with the New Zealand government and disputes over water. In contrast, the demand for Pacific lawyers and legal jurisprudence may not be comparable to the Maori context. Learning Pacific specific concepts and customary laws likely may not seem relevant to the typical Pakeha student.

Nevertheless, teaching concepts and issues relevant to Pacific communities may apply to other minorities or groups of persons with similar values. At bare minimum, there should be a shift towards embedding more positive perception of Pacific peoples and their values in the law school curriculum and the legal system. This will be discussed in Part 4.

**Conclusion**

Pacific law students experienced law school as an institution that valued and required challenging authority and elders, individual success, elitism, English language, learning Pakeha legal issues and materialism. These experiences indicate that New Zealand law schools shape, or attempt to shape, Pacific students into an ideal “law student” and “lawyer” prototype who is disconnected from morality, religion, sharing of resources, communal values and sense of justice. There remains a huge mismatch between Pacific peoples’ values and law schools’ cultures. How and why law schools should improve to address this mismatch is addressed in Part 4.

**7.3 The Overall Impact of Equity Programmes**

This section examines the overall impact of equity programmes by compiling all case studies, analyzing specific types of equity programmes. It is based on comparing case study demographic student data and interviews with all participants across law schools. It answers research questions 2 and 3 in terms of the impact and experience of equity programmes.

---

100 Ken Mackinnon, above n 78, at 111.
The Table below summarises the specific types of equity programmes available at all law schools. The following timeline of equity programmes illustrates when each equity programme was implemented for the sake of comparison.
Table C-6: Summary of Pacific law equity programmes across law schools in 2012

<table>
<thead>
<tr>
<th>Initiatives for Pacific within the Law Faculty</th>
<th>University of Auckland</th>
<th>Auckland University of Technology</th>
<th>University of Waikato</th>
<th>Victoria University of Wellington</th>
<th>University of Canterbury</th>
<th>University of Otago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry Scheme</td>
<td>TAS</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Scholarships &amp; Prizes</td>
<td>Lallu Ram Sharma Prize in Pacific Legal Studies</td>
<td>None</td>
<td>None</td>
<td>Quentin-Baxter Memorial Scholarship Fund</td>
<td>None</td>
<td>Judge A’e’au Semi Epati Award</td>
</tr>
<tr>
<td>Tutorials &amp; Workshops</td>
<td>PASS tutorials; workshops</td>
<td>None</td>
<td>PLSA tutorials</td>
<td>Pacific tutorials &amp; workshops</td>
<td>None</td>
<td>Pacific tutorials</td>
</tr>
<tr>
<td>Support Staff</td>
<td>Pasifika Academic Coordinator; Pasifika Academic Councillor</td>
<td>None</td>
<td>Pacific Mentor; PLSA Academic Advisor</td>
<td>Pasifika Law Students Coordinator; Adviser to Pacific Students</td>
<td>None</td>
<td>Administrative staff to Maori &amp; Pacific; Pacific Mentor</td>
</tr>
<tr>
<td>Mentors</td>
<td>Informal inter-student mentor</td>
<td>None</td>
<td>Staff mentor</td>
<td>Informal inter-student mentor</td>
<td>Informal inter-student mentor</td>
<td>Staff mentor; Informal inter-student mentor</td>
</tr>
<tr>
<td>Space</td>
<td>PILSA room</td>
<td>None</td>
<td>None</td>
<td>Te Kauwae Paraoa Law Library Room</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Guest Lecturers</td>
<td>Pacific persons; Pacific interests</td>
<td>None</td>
<td>Pacific persons; Pacific interests</td>
<td>Pacific persons; Pacific interests</td>
<td>Pacific persons; Pacific interests</td>
<td>Pacific persons</td>
</tr>
<tr>
<td>Law Paper</td>
<td>South Pacific Legal Studies</td>
<td>None</td>
<td>None</td>
<td>Pacific Legal Studies</td>
<td>None</td>
<td>Colonisation, Globalisation and Pacific Legal Issues</td>
</tr>
<tr>
<td>Exchanges &amp; Conferences</td>
<td>Law &amp; Culture Conference; Pan Pacific Moot</td>
<td>Law &amp; Culture Conference; Pan Pacific Moot</td>
<td>Law &amp; Culture Conference</td>
<td>Law &amp; Culture Conference</td>
<td>Law &amp; Culture Conference</td>
<td>Law &amp; Culture Conference</td>
</tr>
<tr>
<td>Pacific Staff</td>
<td>Pacific interest</td>
<td>Pacific interest</td>
<td>Pacific ethnicity; Pacific interest</td>
<td>Pacific interest</td>
<td>Pacific interest</td>
<td>Pacific ethnicity; Pacific interest</td>
</tr>
<tr>
<td>Law Student Association</td>
<td>PILSA</td>
<td>None</td>
<td>PILSA</td>
<td>PILSA</td>
<td>None</td>
<td>PILSA</td>
</tr>
<tr>
<td>Mooting Competition</td>
<td>Pacific Moot</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
Figure C-1: Timeline of Commencement Dates for Initiatives

- 1988: Auckland TAS implemented
- 1990: Waikato direct entry; Victoria informal tutorials
- 1994: Pan Pacific Moot
- 1995: Victoria informal tutorials
- 2000: Otago academic staff with Pacific student focus
- 2002: Auckland Pacific Space
- 2003: Auckland offer Pacific law paper
- 2004: Auckland Pasifika Academic Councillor
- 2005: Otago Judge Epati Award; Otago offer Pacific Law Paper
- 2007: Auckland Pasifika Academic Councillor
- 2008: Otago tutorial system
- 2010: Auckland Lallu Ram Sharma Prize Awarded; Moot competition
- 2011: Otago Pacific Mentor
- 2012: Victoria Pacific Space
- 2012: Victoria Pacific Space
A comparison of each equity programme across all law schools was undertaken, triangulating data from historical archives, student record statistics and participant interview findings. However, this section only presents the most significant findings on certain equity programmes. Thus this final section of Part 3 presents the impacts of 1) Law School Admissions Schemes and 2) Support Staff for Pacific law students in light of international literature.

7.3.1 Admissions Schemes: Direct Entry Works Best

7.3.1.1 Surveying Admissions Programmes across Law Schools

Of the 6 law schools offering a LLB, only the University of Auckland had an entry scheme explicitly targeting Pacific peoples. All 6 law schools require specific requirements are met to pursue the LLB degree. This section analyses entry schemes specifically for law school, not for general university entrance, which are a different set of requirements all together.

All 6 law schools’ entry schemes are concerned with maintaining academic standards; this is done by admitting only students with top marks in 100-level papers to the 200-level papers and examining previous academic results in NCEA, other non-law papers and other tertiary education transcripts. Concerns surrounding academic standards in law school are consistent with law schools internationally that likewise consider a number of factors during the admissions process such as undergraduate and graduate grade point averages, letters of recommendation testifying to the applicant’s academic ability, writing samples in the form of personal statements or prompted essay questions, and standardized law admissions tests such as the LSAT in the United States and the LNAT in the United Kingdom.

In comparison to admissions requirements of law schools internationally, New Zealand requirements for admission to the LLB appear to be relatively lenient, thus more accessible to Pacific applicants. In 5 New Zealand law schools students may take 100-level law papers so long as they meet the general university requirements. With the exception of Waikato, there are no strict regulations for entrance into 100-level papers. This enables applicants to enter freely at the 100-level and for persons to “taste test” law school before fully committing to a LLB.

Upon taking 100-level papers, students have the opportunity to learn relevant legal material to succeed on the exams. Students who have done poorly in high school or standardised tests or who attended a high school that poorly prepared them still have an equal opportunity to learn the relevant information and be admitted to the LLB. The playing field appears to be even since 100 level papers are new to all applicants and all are subject to the same exam. Admission is based upon a students’ ability to learn as demonstrated by success in 100 level papers.

Since all 100-level exams are marked on the same scale and cross checked by other New Zealand law schools, this leaves little room for bias in the admissions process. In other law schools internationally, law school admissions have been tainted by the “old boys club”, personal

---

101 To keep this thesis manageable, only significant findings on certain equity programmes are discussed in full in this section. Findings on all equity programmes, including those that evidenced no impact, are included in the Appendix.
connections, references, family contacts, and racial bias in standardised tests. Under this reasoning, Waikato’s admission procedure may do more harm than good to Pacific applicants if the Admissions Committee in exercising its discretion admits students based on personal connections. But this possibility is unlikely because the high numbers of Pacific student enrolled at Waikato suggests the Admissions Committee does tend to select Pacific students, especially more so than other law schools. However overall, the general New Zealand method of admission after completing 100-level papers arguably both upholds academic standards and enables procedurally equal opportunity and access to studying law in second year.

Then why are there still targeted entry schemes in New Zealand? Admission based on 100-level paper exam marks is not enough to assist Pacific applicants to enter LLB programmes. For a number of reasons, Pacific students fail to gain admission to LLB programmes based on this form of academic standards. Based on the findings, the playing field remains uneven.

**7.3.1.2 Comparing the Impact of Admissions Schemes**

**Enrolment & Completion**

TAS and direct entry are the earliest initiated programmes and only entry schemes. The impact of these entry schemes in comparison to law schools without entry schemes is evident in the percentages of Pacific enrolling and completing the LLB degree.

Over time both TAS at Auckland and direct entry at Waikato coincide with increased percentages of Pacific LLB enrolment. Furthermore the Pacific LLB enrolment percentages at Auckland and Waikato have been equal to or greater than both the regional percentages and national percentages of Pacific people (See blue lines area above yellow and orange lines in Figures A-1 from 2001 to 2012 and W-1 from 2006 to 2012). This contrasts greatly to all other law schools with no entry scheme. Victoria and Otago have inconsistent patterns of percentages of Pacific LLB enrolment and the percentages of Pacific LLB with no upward trend. (See blue lines in Figures V-5 and O-4).

While both Auckland and Waikato’s entry schemes coincide with general upward trends in enrolment, they differ in their effects on completion. Under TAS, the percentages of Pacific LLB students who complete their degrees has never been equal to or greater than percentage of Pacific people in the Auckland region (See red line has never reached above yellow line in Figure A-1). This may indicate TAS does not increase the number of Pacific student completing LLB degrees.

In contrast, under direct entry the percentage of Pacific LLB students who complete their degrees is normally greater than the percentage of Pacific people in the Waikato region with the exception of one year in 2002. (See red line above yellow line generally and above orange line from 2008 to 2012 in Figure W-1). This may indicate direct entry over time does increase the number of Pacific students completing LLB degrees.

The major point of difference between Waikato’s selection policy and other New Zealand law schools is that Waikato’s selection criteria considers achievement broadly. Selection is not based on

---

marks received on select 100 level exams. Instead other factors such as high school grades, community involvement and essays are considered. This may allow for higher enrollment of Pacific students who achieve in other areas of community and high school and do not necessarily do well on a 100% written timed exam. Reasons why there is higher admission and completion at Waikato may be because admission criteria and assessment are more in aligned with and inclusive of Pacific values, strengths, and skills.

**Overall Participant Perceptions**

Discussion with students and staff regarding entry schemes for Pacific students generated a great deal of data, analysis of which resulted in the emergence of seven themes that naturally divided into 4 positive and 3 negative outcomes. The four perceived positive outcomes of entry schemes were they: 1) met the need for numbers 2) encouraged enrolment 3) built diversity in the student body and 4) developed role models. The three perceived negative outcomes of entry schemes were they: 1) were ineffective in isolation 2) lowered standards and achievement and 3) generated stigma and racism. These positive and negative outcomes will now be considered in more detail.

*Meeting the need for numbers*

Students and staff in this study considered entry schemes for Pacific people positively addressed the need for numbers of Pacific lawyers and law students. The majority of student and staff participants recognised that in terms of statistics entry schemes helped by increasing the sheer number of Pacific students in law school. One student participant noted an entry scheme works because “it ensures X amount of people get in and presumably X amount of people would not be in that course” (Participant 21). Similarly another student participant noted that there were a lot of students who came through quota entry and that “just shows that you do need these quotas in place otherwise a lot of these students would not come through with law degrees” (Participant 8). But for entry schemes, many Pacific students would not be in law school.

However for other participants, entry schemes were not simply a matter of getting sheer numbers of Pacific law students. Entry schemes were thought to assist in achieving equality by providing numbers of Pacific law students proportional to the number of Pacific people in the New Zealand national population. For example a student participant remarked entry schemes may be necessary because “it is important that we have equal representation that reflects society in all institutions. So if there’s 15% Pacific Island people there should be a matching amount in law school” (Participant 24). It was not just a matter of getting vast numbers, but getting more proportionally to achieve equality.

*Creating Incentive to Enroll*

Entry schemes in themselves were thought to create incentive for Pacific people to apply to and enroll in law school. One staff participant noted that by having places for Pacific students, the law school sends a message to the Pacific community that there are places for competent Pacific students at law school so “apply, don’t be afraid to apply, don’t feel like you don’t have a chance” (Participant 30). Entry schemes were thought to encourage and compel Pacific people to be proactive and apply for a place because there was a place set aside for someone like them.
The idea of entry schemes as incentive was further confirmed by student participants. Entry schemes gave Pacific students a “chance to strive for a law degree” (Participant 1). Many noted it was a chance which Pacific students would not have otherwise with other “strict” admission processes that did not take into account background factors.

**Building Diversity in the Law School Classroom**

Another positive outcome of entry schemes was diversity in the law student body. Diversity, achieved through Pacific representation in the classroom, was thought to bring unique perspectives to the law school that would otherwise be non-existent. A staff participant gave the example of when he was teaching family law “it was great having different perspectives or different views on what is family...and what constitutes family” (Participant 42). Participants assumed Pacific student would bring perspectives and viewpoints that were sorely missing from conversations on important legal issues.

Similarly a student participant noted “New Zealand is filled with Pacific people and...there may be sort of cultural things that a Pacific Islander would understand as opposed to someone whose not...we do want these quotas so we can learn from [Pacific] students on what’s okay and what’s not okay” (Participant 23). Pacific students’ viewpoints in the classroom were seen as crucial to understanding the Pacific custom and communities.

Interestingly, the diversity outcome was mentioned by less than a quarter of the participants. Participants focused on the need to meet numbers as an entry scheme outcome, rather than create diversity of opinion in the classroom.

**Developing Role Models**

Participants believed another positive outcome of entry schemes is that they would eventually result in an increase of Pacific lawyers in the long term. For example, a student participant noted entry schemes were needed only until we “eventually have enough PI lawyers out there” (Participant 9). Pacific lawyers were a necessary eventual byproduct of entry schemes.

Participants assumed Pacific lawyers were needed to assist the underserved Pacific community. A student participant remarked “we need to be able to be in areas where we’re making laws as opposed to the ones breaking them” (Participant 22). Criminal law was an area some participants felt needed more Pacific lawyers, given the overrepresentation of Pacific people in the criminal justice system.

Student participants assumed having more Pacific lawyers would encourage Pacific people to access the legal system. For example, a participant said “some people feel more comfortable speaking with someone who they can relate to or who’s their same race, ethnicity or color. I feel more comfortable talking to a brown person to be honest” (Participant 9). Overall, participants felt there was a need for Pacific lawyers to achieve social justice for Pacific communities in the legal system.

A few student participants mentioned they personally knew “great Pacific lawyers” who were nurtured through entry schemes (Participant 10). Some of those Pacific lawyers returned to the law
school to share their inspirational stories. Direct contact with such Pacific lawyers inspired student participants to persevere through their LLB degree.

In addition to developing Pacific lawyers as role models, participants suggested entry schemes were used to select students who would serve as role models as law students. Selection was not by virtue of being Pacific ethnicity but rather how the candidate would contribute to the Pacific community. A staff participant stated in reference to an entry scheme “it’s done on the basis of what can these people give back to the Pacific community, you know how can they help approach other Pacific students to think about coming and studying law” (Participant 35). An outcome of entry schemes is they selected Pacific role model students who would then increase Pacific enrolment numbers.

Participants generally characterised increasing the number of Pacific lawyers, serving the Pacific community, enabling access for more Pacific people to the legal system and developing Pacific law student role models as long term effects, rather than immediate direct effects of entry schemes. In reference to TAS, a staff participant noted entry schemes “achieve[d] a goal in terms of maybe getting numbers a bit more even, but there’s still a long way to go there” (Participant 33).

**Ineffective in Isolation**

Student and staff participants emphasised that entry schemes were not effective in isolation. Participants’ ideas of the role of entry schemes varied from the stance of entry schemes should be a part of the greater picture to entry schemes do not work and other methods may be preferable.

Some participants thought entry schemes were a part of a greater picture, but that other components of that picture were missing. A student participant noted in reference to law schools that “they think what they have in place with the Pacific quota is enough. But I don’t think that’s enough” (Participant 8). Entry schemes were thought to be “a part of the solution, but definitely not the solution” (Participant 15). Entry schemes were criticised for making changes “very slowly” (Participant 34). Participants felt the law school as an institution was complacent in their programmes for Pacific students and that they became overly reliant upon entry schemes to increase Pacific numbers. For example one staff participant stated that quotas in particular were “an easy answer to a very difficult question...it’s an easy quick answer, but it’s not the right answer. It’s not the full answer...it’s the least that can be done. But we should be looking to do more than the least we can do” (Participant 41). Participants felt generally more needed to be done to assist Pacific students in completing their LLB degrees.

In addition to recognizing the overreliance on entry schemes, staff described the difficulties in implementing entry schemes. One staff participant commented “we are the ambulance at the bottom of the cliff and we are trying to make up for all kinds of other issues and other problems and other societal stuff going on” (Participant 33). There were many challenges facing Pacific students that entry schemes alone could not address.

One challenge that entry schemes could not address in isolation was discrepancies in education at the primary and secondary levels. One student who came from a “poor” high school remarked “we need some tool or instrument to compensate... It’s a real big problem but until they figure that out
then the quota will always be in” (Participant 11). TAS was characterised as a way to partly compensate Pacific students for failures in the compulsory education system, but student participants felt TAS could not completely compensate for students’ previous education experiences.

Another challenge TAS schemes could not address in isolation was pastoral care throughout the law degree. A student participant upon being admitted to law school under TAS stated “all we got is a big speech ‘congrats you’ve got into law school’. But then after that I was just dumped... it was like you guys got in through the quota, you need to attend compulsory tutorials just like ticking box criteria, but not really fostering or nurturing...that’s what I needed and what I would have liked” (Participant 14). Participants’ responses illustrate that while TAS may have been effective in granting entrance, support for TAS students after initial entry was lacking.

To respond to the challenge of providing pastoral care, confidence-building was suggested. A staff participant remarked “I think we should get them really strong and really confident to do really well so they can come in saying ‘ya I can do it’” (Participant 38). There was recognition of a need to build confidence in Pacific students to increase their academic performance. Similarly another staff participant stated it was more important to “develop enthusiasm for the subject matter and skills after admission” (Participant 39). Confidence building, enthusiasm for the subject matter and skills were needed whether a quota was present or not for successful completion of the LLB degree. Entry schemes in isolation failed to provide such support.

Another challenge that entry schemes could not address in isolation was the creation of successful role model graduates and job markets for Pacific law students upon completion of their LLB degrees. One staff participant used an example of the history of the developing Maori lawyer body to indicate what needed to happen in order to grow a Pacific lawyer body. He stated “I suspect there are lots of other factors [to] getting more [Maori] through, more doing successfully. There are role models and also in the last 10-20 years, lots of jobs because you’re Maori. Because of lots of Treaty litigation, law firms then compete for a scarce commodity...so it’s perhaps a whole lot of things together” (Participant 40). Participants indicated changes external to law school must be made to increase the number of Pacific law students and lawyers. These changes were outside of the law school’s control.

In contrast to participants who thought entry schemes should be a part of greater changes, there were other participants who thought emphasis on other law school programmes would be preferable and could make more of an impact than entry schemes. A student participant stated “to implement a quota system without addressing larger issues is to create a greater failure”; he suggested it was more important to address larger issues first before pushing through an entry scheme (Participant 17). Similarly a staff participant noted “I’d rather [increase Pacific numbers] through educational support rather than just doing it by adjusting the figures or just taking 7% of the class that is Pacific Islander” (Participant 38). Other staff participants likewise agreed that quotas could not necessarily work to increase degree completion because students would be struggling from the start by virtue of being underprepared academically. Ineffectiveness in isolation was a perceived negative outcome of entry schemes.
Lowering standards and achievement

While all 5 previous themes referred to entry schemes generally, this theme really drew out the differences between the two types of entry schemes present in New Zealand—TAS and direct entry. TAS has a lower entry mark requirement for Pacific students (a C+ mark) in comparison to all other students (a B+ to A-mark) who are entering the LLB degree at the 2nd year level. Entering knowing one has lower marks may negatively impact a law students’ experience for them. Direct entry on the other hand, considers all applicants’ previous academic work, regardless of ethnicity, for entry into the LLB degree at the 1st year level. Lowered standards and achievement were perceived negative outcomes of TAS exclusively. No Waikato student participants reported feeling stigmatised by the entry criteria at Waikato law school.

Participants criticised quotas as setting Pacific students up for failure by design. There were concerns that by “chucking Pacific students into a pool of students who’ve got higher grades that it was difficult for Pacific students to swim” (Participant 41). Many staff and student participants believed getting in without “full merit” (Participant 20) resulted in struggle throughout the degree. It was suggested there should be a limit on how far down the entry grade was placed otherwise “chances that [students] would fail would be quite high” (Participant 39).

There were numerous “success stories” for quota students (Participant 35) and acknowledgement that quota students were still strong students because of the competition even to get in under the quota (Participant 34). But student participants did think it was challenging coming in with a whole lower mark than others and then knowing “you still have to live up to or have the same knowledge as everyone else to pass and to get through law school” (Participant 18). Another student participant said when they first got in through the quota their initial thought was “oh crap, I’m not as good as the other students, I probably don’t belong here because I didn’t get the same GPA as everyone else” (Participant 14). That initial thought lasted throughout most of their law school experience. Challenges throughout the LLB degree were aggravated when support systems and pastoral care were not in place or were not effective.

A few participants were concerned that lowered entry criteria ultimately may result in jeopardizing the credibility of the law school and deteriorating the legal profession (Participant 9). It was emphasised law schools needed to produce “good Pacific lawyers” that could both “be competitive with other lawyers on the same level” and at the same time “understand [Pacific] culture” (Participant 37). There was some apprehension that quotas may not necessarily be the best way to achieve “good Pacific lawyers”.

A few student participants were concerned that by virtue of having a quota system, law schools were biasing Pacific peoples unfairly, making it look like Pacific students had it “easier” (Participant 26), and “highlighting that Pacific people need that extra boost” (Participant 28). This was thought to send a message that Pacific people were less academically able. For example one student participant stated by having a quota, law schools were “saying Pacific Island people aren’t capable of doing the work like any other race or ethnicity” (Participant 16). Likewise another student participant remarked “there needs to be a standard achieved...the bar should not be lowered...otherwise we start to perpetuate those same racial stereotypes” (Participant 24). Participants
were concerned that quotas eternalised inaccurate ideas amongst the general public that Pacific students were of lesser mental and academic capability.

In addition to the deficiency idea being prevalent amongst the general public, some participants thought that the idea was internalised by Pacific students themselves. A student participant was concerned that “because there’s a spot already” Pacific students “won’t push as hard as they should” (Participant 4). Another student participant emphasised that quota did create the misconception that Pacific students were a shoe-in because of their ethnicity and Pacific students were not realizing “you have to work for it. You can’t have everything given to you on a plate” (Participant 9). Quotas were perceived by a few participants to generate Pacific students who had less motivation than if they had to compete with other students and meet the same standard to enter second year.

*Generating Stigma and Racism*

Unlike most other themes, the theme of an equity programme generating stigma and racism only applied to quotas, not direct entry. Also unlike other themes, there was some dissidence between staff participant perceptions and student participant perceptions. A perceived negative outcome of the quota was racism and stigma directed at Pacific students.

Staff participants believed stigma derived purely from other law students in regards to the quota. Because of the quota, staff participants realised there was likely a negative perception from the general law student body. Staff participants acknowledged that if non-Pacific law students did not make the cut they may believe that they themselves had “suffered racial prejudice by nature of the quota making the Pacific extra spots unavailable (Participant 30). Likewise another staff member thought quotas “end up with a lot of resentment from other students” (Participant 38). Additionally quotas were thought to cause the general law student body to have negative and inaccurate pictures of Pacific students—namely that Pacific students were “weaker” (Participant 34), were reliant on “handouts” (Participant 42), and that “all of the students of that particular ethnic background came in” through the quota (Participant 30).

To an extent staff participants’ perceptions accurately described the stigma Pacific law students encountered. Student participants similarly noted that the general law student body’s perceptions of Pacific students were “not a very nice one” (Participant 8); the general law student body assumed all Pacific students got in “the easy way” (Participant 9), were “just basically dumb” (Participant 11), and were “projects” that needed fixing (Participant 28). Significantly even at law schools that did not have a quota for Pacific students, the general law student body would assume a Pacific quota existed and that Pacific students came under it just because they were another “brown face” (Participant 21). Pacific students were assumed to have a quota because of Maori student quotas.

Many student participants agreed that it was “just real racist down at law school” (Participant 11) in regards to the general student body. A few students described specific situations they had experienced to illustrate their point. For example, the Law Student Association, that had an opt-in policy, had no Pacific or brown people (Participant 11). Another example, as was given earlier, was at a Law Revue play organised by and starring law students one student participant recalled “[our Pacific Law Students Association] used to hold free sausage sizzles and we used to say if you can say something in any Pacific language, you get a free sausage. So people would come and say ‘Talofa’
and you get a free sausage. So [Law Revue] made a skit and their skit was ‘if you can say anything in a Pacific language you can get into law school’. So those kinds of jokes, it’s a bit hostile” (Participant 14). Stigma and racism by the general student body were seen as a negative outcome of the quota.

Significantly student participants also noted stigma and racism from law faculty staff; this perception was not prevalent among staff participants. Students described a lack of support from lecturers and the institution in relation to the quota. Again, the examples on this issue were abundant and colorful. One student participant noted “a lot of the lecturers don’t believe in the quota system” (Participant 14) and consequently were not supportive of quota students.

At a law school that did not have a Pacific quota a student participant recalled there were “a lot of instances when lecturers and tutors say specifically to Pacific students that you don’t have to worry about getting a B+ average in first year because you have a quota” (Participant 22). Such information was misleading to first year Pacific students. Another student participant at a law school without a Pacific quota described a similar experience. In second year when they were visiting a lecturer because their legal assignments were not up to scratch the lecturer condescendingly asked “so how did you get into second year law? Did you come through the quota?” (Participant 24). Stigma and racism by lecturers were seen as a negative outcome of the quota by student participants. As one student participant remarked quotas “helped racial inequality in statistics, but not racism” (Participant 12).

Student participants adopted a variety of resiliency strategies to offset the stigma and racism they encountered. Some student participants said they just had to “get over it” by avoiding talking to particular groups of people (Participant 10), “motivating yourself with family and friends” (Participant 22), “just studying” (Participant 13) and “focusing on completing [their] studies” so they could make a change and influence later on (Participant 24). One student participant noted “the world functions on stereotypes and generalizations and I’ve taken it upon myself to try and destruct and breakdown that perception that we’re only there to fill a quota and we’re only there to keep politicians happy” (Participant 24).

Other student participants recognised stigma and racism at the student and faculty levels could not always be brushed off so easily. A student participant noted when “you add those racial barriers and the way they bring them in, flip you’re just one the road to fail” (Participant 11). Another student participant explained “a lot of students have dropped out of law school because of that insecurity. It’s a huge thing down at law school because there’s the whole kind of elite arrogant view that if you get in through the quota you’re not a real law student”.

7.3.1.3 Admissions Schemes and Literature on Admissions Schemes

Targeted Admission Scheme

The results in relation to TAS are for the most part consistent with international studies on quotas and entry schemes for minority applicants in professional programmes. Comparisons were drawn in the structure and outcomes of the programme.
In regards to structure, TAS is consistent with international literature. It is common among other universities and studies to reserve additional seats for applicants.\textsuperscript{104} Also by having law school staff on the decision-making panel during the interview process,\textsuperscript{105} and requiring disclosure of family history, personal interest in law and community involvement in the application, TAS is also consistent with other entry schemes.\textsuperscript{106} 

Critical race theorists would argue that the dominant group implements affirmative action policies to maintain their dominance without any real benefit to Pacific students. In this manner, dominant groups imbed the idea that Pacific students are inferior and need the extra help at institutional and interpersonal levels. Having implemented TAS, Auckland law school may rest on their laurels saying “they’ve done their part” to act in good faith. This is problematic because Auckland law school may avoid issues of blame or responsibility.

However in contrast to other literature on admissions schemes, TAS does not have broader community members on the decision-making panel like some professional schools in Australia,\textsuperscript{107} and makes assessments based on academic performance rather than motivation or planning abilities.\textsuperscript{108} These characteristics from the literature should be considered in structuring future entry schemes.

Having community members on the decision-making panel will bring a different perspective and values as to what is important for the community and the law school. Community members will likely to be able to affirm applicant’s genuine cultural and community connections and participation. From a critical race theory lens, having Pacific community members involved in the decisions may potentially be a tool to break the chain of institutional racism. Having Pacific community members involved could empower the community in this way, as opposed to having a traditionally Pakeha institution determining the direction of Pacific students.

Making assessments based on academic performance after one year of law study is unique to New Zealand undergraduate law schools. Most other international studies implemented the quota scheme for entrance into the first year because of the way their law degrees were structured. A positive aspect of the New Zealand system is that applicants to the full LLB degree do have one year to work hard and demonstrate their motivation and planning abilities despite having a poor academic history in the past. But, one year may not be enough for students to catch up to and compete with their peers especially if they came from a high school that did not prepare them for university.

In regards to outcomes, the quantitative finding of this study that TAS resulted in increased enrolment and admission of Pacific students to the LLB programme is consistent with other studies.

\textsuperscript{104} Adam Spencer and others “Survey on Aboriginal issues within Canadian medical programmes” (2005) 39 Medical Education 1101 at 1104.


\textsuperscript{106} At 494.

\textsuperscript{107} At 494.

\textsuperscript{108} At 494.
that found an increase of minority students because of a quota or spots reserved. If adopted by other law schools in New Zealand, Pacific LLB enrolment numbers will likely increase. Significantly in light of the finding of this study, that an admission scheme does not result in equal Pacific representation in completion rates; any admission scheme should be adopted with caution as completion is not a guaranteed result. Admission schemes should be treated with caution. Also if such an admission scheme is adopted, a law school must also consider what takes place for students once they have been admitted. Admission schemes cannot successfully be used alone; there must be other support available, especially to those students admitted through the scheme.

The negative qualitative findings from this study from participant interviews are consistent with negative themes from other studies. Participants’ perception of the quota scheme as lowering standards and achievement is consistent with international studies. Douglas (2001) found participants in her study were focused on the need to maintain ‘academic standards’ and that this attitude informed admission decisions of indigenous Aboriginal students to Australian law schools. Douglas (2001) suggested such perceptions were problematic because they operated to preserve elitist institutions, which is contrary to the purpose of the admission scheme to alleviate inequity and because applicants had been subjected to historical educational inequities. The finding that there are perceptions within the law school that the quota lowers the academic standard is to have wider application. Any minority group admitted under a quota to a professional school is likely to face this issue. Thus the matter and perception needs to be addressed.

Notably however, unlike the international literature, this study did not find qualitative data to suggest admission schemes aimed to increase the numbers of a group only worked for particular members of that group. A study on African university admission schemes for girls found that staff and student participants perceived that the scheme only benefited girls from high income families. There was no such equivalent finding in qualitative data of this study to suggest staff and students perceived Pacific admission schemes only benefited for instance high income Pacific female students.

The qualitative result in this study that admission schemes are ineffective in isolation is consistent with other studies. Douglas (1998) found that indigenous law students found likewise that "it is often too easy to get into law schools and once there, there is not enough support for them to

110 Heather Douglas, above n 105, at 495.
111 At 495-496.
112 Jane Onsongo, above n 109, at 77.
succeed. Support resources need to be available for students upon admission through the scheme. Finally the qualitative result in this study that there needs to be greater awareness by all students that TAS is an affirmative action entry scheme is consistent with another study done on admission scheme for Pacific health science students in the University of Auckland. But whereas Ng Shiu’s (2011) finding indicated ignorance of the scheme for Pacific applicants, this study is unique in that Pacific students were not only subject to ignorance but also racist comments and stigma in regards to admission schemes.

Thus overall, the results from this study regarding the quota are not unique to Pacific law students in New Zealand. The outcomes—increase in enrolment but not completion and negative perceptions—are likely to be the results of any quota that favours a group over another. These results support the idea that where quotas for Pacific students exist they should consider more than academic achievement during the application process, be coordinated with other support systems throughout the law degree and be presented and educated about to the general law student body.

**Direct Entry**

The results in relation to Direct Entry admission are for the most part consistent with international studies. Comparisons were drawn in the structure and outcomes of the programme.

In regards to structure, the Direct Entry admission is consistent with other international admission programmes that likewise do not have a quota or alternative entry system, but instead enforce strict entry standards with flexible intake criteria. The structure of creating diversity through individually evaluating a range of criteria including work experience, community involvement, personal accomplishments, career objectives and university programmes undertaken is consistent with admission programmes in Canada and Australia.

The undergraduate nature of the New Zealand LLB creates a unique situation for admissions schemes. Many other law schools treat law degrees as graduate degrees, thus applicants have already had university experience when they apply. Issue arises as to where in the process admission schemes should be placed. The majority of New Zealand law schools do not use direct entry, but evaluate students after their first year of university and have completed their first year law papers. Significantly, this approach does not assist applicants who could not gain university entrance to begin with. In contrast direct entry scheme assists applicants earlier at the very

---

114 Heather Douglas, above n 105, at 498.
115 Roannie Ng Shiu, above n 82, at 132.
117 Dolores Blone and others “The Impact of Law School Admission Criteria: Evaluating the Broad-based Admission Policy at the University of Windsor Faculty of Law” (1998) 61 Saskatchewan School of Law 529 at 534.
118 Asmi Wood, above n 116, at 264.
beginning of the admission process. The structure of direct entry is unique within New Zealand context. Thus results from Waikato's direct entry scheme may be generalised to other New Zealand law schools, but probably not law schools internationally unless their context is similar.

Applying critical race theory, the Waikato direct entry scheme deconstructs institutional racism. Unlike TAS, it does not target students because of their race or determine the characteristics of a certain race. Instead the direct entry scheme widely defines merit so that it includes and empowers Pacific people, values and skills. Under the scheme there is room for racism because the admission committee does have a certain amount of discretion. For instance if the admission committee wanted, it could admit only blue-eyed people. However, based on the results of increased Pacific admission and completion over the years it appears that the admissions committee has exercised its' discretion to the benefit of Pacific students.

The finding of this study that direct entry increased enrolment and completion over the years to make Pacific students equally represented in percentage to the Pacific national population is similar to positive outcomes of direct entry in international literature. The increase in admission and completion is consistent with similar studies that implemented admission programmes that evaluated pre-university grades, placed more responsibility on admission committee member and less reliance on quantitative algorithms, combined entry with other support initiatives for minority students. Unfortunately, due to lack of data access, this study could not explore further positive impacts of direct entry. A Canadian study found that a direct entry scheme resulted in lower attrition rates and greater success at law school and in careers choices. Such positive impacts should be addressed in future studies.

Two positive qualitative outcome findings from this study reflect findings in international literature. First, attaining diversity through admission schemes was likewise valued so that the student profile better reflected the overall community, increased positive friendly interactions with peers from diverse backgrounds within the law school, improved learning and lessened tokenism. Second the importance of role models achieved through admissions schemes was consistent with another study's finding that it is important to have a critical mass of students of color for support and understanding.

Although the results from this study regarding the direct entry scheme are reminiscent of comparable international studies, overall results may be unique to New Zealand as a country given

119 Lotte O'Neill and others "Medical school dropout—testing at admission versus selection by highest grades as predictors" (2011) 45 Medical Education 1111 at 1117.
121 Asmi Wood, above n 116, at 271.
122 Dolores Blone and others, above n 117, at 557.
123 At 557.
125 At 97.
the structure of the LLB degree. The outcomes that direct entry increase enrolment and completion may be law school specific as they largely depend upon the persons on the admissions committee. Thus, while results indicate direct entry is ideal to adopt at other New Zealand law schools, adoption should be done carefully, especially when forming the structure, specifically the committee and application criteria. These results support the claim that direct entry should continue to exist and is a viable option for other New Zealand law schools who aim to increase Pacific enrolment and completion. Such schemes should focus upon increased diversity in the law school classroom and create role models.

What’s Missing in New Zealand Admission Schemes for Pacific law students
Upon surveying the types of admissions schemes in New Zealand law schools in light of international literature, there are a number of admission schemes that have not been adopted in New Zealand law schools. This section recognises a few different structures available internationally, presenting them as plausible options for future New Zealand admissions schemes.

Standardised tests (such as the UMAT or LSAT), structured interviews and multiple mini-interviews, have not been used for Pacific students in New Zealand law schools whereas these strategies have been used in various international medical and health professional schools. The law school equivalent of the UMAT may be worthy to try; an Australian study on the impact of interview and standardised tests found an increase in number of students from Oceania. Similarly another study on medical schools found that setting a threshold for the MCAT score combined with other support initiatives increased graduation rates at medical school for underrepresented minorities, especially African American students. However, it has been suggested that the LSAT is racially and culturally biased; thus New Zealand may not wish to adopt the LSAT.

Another admission scheme missing in New Zealand for Pacific law students is adjusting the points required to gain admission. Some universities have lowered the scores or points required for entry of minority studies, this was found to increase the numbers at the university. However this lowering entry points, may also create stigma. Alternatively another university added points to applications for minority students who attended certain public high schools and waived entrance examination fees; such a scheme resulted in a substantial increase in admission for minority students, namely blacks, pardos and native Brazilians at Brazilian universities. The point-adding

---

127 Harold Reiter and others “Should Efforts in Favor of Medical Student Diversity Be Focused During Admissions or Farther Upstream” (2012) 87(4) Academic Medicine 443 at 446; Kristina Moreau and others “Comparison of Aboriginal and Nonaboriginal Applicants for Admissions on the Multiple Mini-Interview Using Aboriginal and Nonaboriginal Interviewers” (2010) 18(1) Teaching and Learning in Medicine: An International Journal 58 at 60.


129 Steven Lieberman and others “Effects of comprehensive educational reforms on academic success in a diverse student body” (2010) 44 Medical Education 1232 at 1237.


131 Jane Onsongo, above n 109, at 77.

admission scheme was deemed a clear alternative to quota systems because its “respected the academic autonomy of universities, develops a new and broader concept of merit, preserved academic standards and broadened diversity”.  

All these admission schemes are alternatives New Zealand law schools may consider as alternatives to targeted admission, direct entry, and present admission schemes. However, any such admission scheme should be thoroughly researched and trialed before implementation.

Significantly, as the findings indicate, admission schemes are not determinative of Pacific students’ law school success. Many other factors including a relevant curriculum, lecturer expectations, high school experiences are arguably more important than admissions schemes and should be examined first. Chapter 8 addresses the need to change the institution as a whole, including concepts of “merit”, rather than to apply a one-off “plaster” through implementation of admissions schemes.

7.3.2 SUPPORT STAFF FOR PACIFIC LAW STUDENTS: AN EQUITY PROGRAMME WORTH TRYING

7.3.2.1 NOTE ON THE LACK OF ACADEMIC STAFF WITH PACIFIC ETHNICITY
Presently in 2013 there are only two legal academics in New Zealand law schools that identify as being of Pacific ethnicity. In 2006 there was the first promotion of a Pacific staff member to a Personal Chair in Law. Yet there remains a gap. Anecdotally there have been more Pacific staff however they do not tend to stay long within the faculty because they return to their respective island countries. It has been recognised there is a need to increase the numbers of Pacific staff in law school.

However, there are a number of legal academic staff who research Pacific legal issues and provide consultation with Pacific countries. Two law schools stated they had several academic staff working as consultants and researchers in Pacific legal issues, and with Pacific Island governments. Auckland in 2006 said it would seek to work with colleagues in Pacific institutions to take the relationship further.

There was no qualitative or quantitative data on existing permanent Pacific academic staff members. However, participants did have a strong interest in attaining more Pacific staff members.

7.3.2.2 SURVEYING SUPPORT STAFF ACROSS UNIVERSITIES
Four of the 6 law schools had a regular general staff member employed by the law school whose primary responsibility it was to look after Pacific law students. Four law schools also had an academic staff member who in addition to their role in academia was tasked with the responsibility

---

133 At 82-83.  
135 Otago Review of the Faculty of Law (Otago, 12-14 February 2013) at 4.  
of looking after Pacific law students. This section excludes the many academic staff that assist Pacific law students by providing academic and pastoral support in unofficial roles in addition to their primary roles as academics. Instead the section focuses upon the staffing resources the law school has invested in for Pacific law students.

Designated support staff members for Pacific law students are a common initiative type. All law schools with support staff designated both an academic and general staff member. In this manner law schools recognise 1) that issues Pacific students face are not purely academic and 2) there is a need to advocate for Pacific students in upper levels of the law school. Such support for Pacific students at the upper level is indicated through programmes examples such as a Pacific Honours Club, an annual Pacific moot and training, and Pacific focused legal research.

**7.3.2.4 Comparing the Impact of Support Staff**

**Enrolment & Completion**

The impact of support staff on Pacific law student enrolment and completion percentages is the most positively notable of all other access mechanisms, remedial support, and topic focused initiative programmes. Across all universities with a designated support staff for Pacific students based in the law faculty, in the year that the support staff position commenced there was an association with an increase in enrolment and completion in the same year. (See increases in red and blue lines after staff implemented in Figures A-1, W-1, V-5 and O-4). This trend suggests implementation of the support staff position had immediate impacts on both enrolment and completion.

However, at all universities with support staff based in the law faculty the long term effects of support staff did not support the existence of sustained benefit. Although the initial implementation of support staff did coincide with an immediate increase of Pacific enrolment and completion percentages. Reasons for the initial but not sustained increase could be because staff made difference when first implemented, but lacked capacity to sustain their impact. For instance at some institutions staff positions were part-time or on a fixed term basis. Generally staff positions were not permanent and thus no long term strategy for Pacific could necessarily be implemented.

**Overall Participant Perceptions**

Upon analysis of interview data on support staff for Pacific students, 5 themes emerged. These themes assisted with possible explanations for enrolment and completion trends in the perceived effects of support staff. As is reflected in the quantitative data, interview data likewise indicated an overall positive effect of staff members with a few minor suggestions for improvement.

The perceived effects of support staff were they 1) ensured holistic care for students that were sometimes lacking throughout the law school and 2) helped students to navigate the law school system, which resulted in positive measurable outcomes. The negative effects of support staff, from the staff interview data exclusively, were they were 1) dependent on individuals rather than institutionalised and 2) faced internal university challenges that limited their role. Student interview data did not indicate negative effects of support staff. However, both student and staff suggested 3 themes of improvement specifically 1) regular office hours 2) proactive support staff and 3) Pacific academic staff.
**Ensuring holistic care**

The effect of support staff positively ensuring holistic care to students was a theme predominantly raised from student interview data and confirmed amongst some staff participants. Overall, student participants had “very positive” experiences with support staff (Participant 8). As one student participant stated “I’m grateful that we have someone like her to look out for us and just be there” (Participant 13). Similarly staff participants confirmed appreciation for their colleagues. For instance a staff participant said “having the right academic staff member, the right professional staff member who want to make a difference is so very important” (Participant 35).

One component of ensuring holistic care was approachability and accessibility. Student participants perceived approachability as a positive effect of support staff. For example, one student participant remarked “quite early on I decided I’d try to talk to X when I had problems because I knew he was quite approachable and that’s been really Useful” (Participant 21). Another student participant said “X always there in her office makes it easy” (Participant 13). Physical accessibility was a valued characteristic of support staff and was perceived to help student participants. Additionally, student participants valued email accessibility. Student participants valued being able to “email X all the time” (Participant 5) and that “X was very prompt to respond to any queries that I had” (Participant 23). Student participants provided examples of their positive experiences of being approached by staff. One stated “just having someone like X checking up on us and sending emails. If she sees we’re not doing well she’ll ask us to come in and see her. She gives positive emails like ‘Congratulations on doing well on this and that’. It’s really encouraging” (Participant 4). Another student participant said “if they see my grades are slipping they email me to see what the problem is. So they really take care of me” (Participant 3). Approachability and accessibility were perceived by student participants as positive effects that made student participants feel encouraged and taken care of.

Another component of ensuring holistic care was that support staff members were personable and addressed issues that others considered to be outside the realm of law school. Student participants emphasised “as Pacific people we are people who have a value for that sort of personal touch” (Participant 28). Support staff members were sought after by student participants for their “people side” (Participant 22), “for emotional support” (Participant 5) and to “talk personally to as another PI that you can relate to” (Participant 22). Another student participant gave an example illustrating this point: “I can turn to him whenever. If I have personal things going on at home I can go to X...last year in second year law I had a bit of a freak out about the 4 full year exams, I did the Criminal Law exam and walked out thinking I failed...I emailed X and he had me come into his office” (Participant 16). The extra personal touch and consideration of the whole person, not just the law student was appreciated by student participants.

Staff likewise confirmed that the personal touch was a positive and important effect of support staff. Staff participants recognised “we advise on academic matters or non-academic matters if it has an impact” (Participant 29). Staff participants realised there was a great value in addressing personal matters. One staff participant gave a concrete example saying “even casual conversations, you can tell that something isn’t right and therefore you put your work hat on...some kids they want you to just make them laugh because something happened at home...like they are missing out on a
funeral, they are missing out on a wedding or their parents had a fight. I have to be switched on all the time” (Participant 37). Similarly another staff participant stated: “I think just being more aware of who they are, where they come from and keeping track of them...we’re pretty good over here because we know students by first name and we are very accessible. You know the doors open you just walk in. I think some law schools are not like that” (Participant 31). Personal touch and addressing issues outside law school were positive effects of support staff.

A final component of holistic care was a specific understanding of Pacific students. Student participants valued support staff who were of Pacific descent because they “will understand Pacific values and what they’re facing at Uni and then you can always talk it out” (Participant 28). Student participants contrasted the uniqueness of Pacific perspective with the European perspective of studying law. One example a student participant gave was “if you went to a Papaa person and talked to them about the cultural thing, if you had struggles with family or community or church commitments, they’d be like you’re studying you need to focus on your studies and they just don’t see that sometimes as Pacific people you can’t just focus on your studies. It’s better when you have someone who’s Pacific who you can raise that with and they understand where you’re coming from” (Participant 1).

While some student participants recognised support staff of Pacific descent were more inclined to have an understanding of Pacific issues, student participants also noted sometimes non-Pacific staff had a Pacific understanding. As one student participant put it “I pick and choose [which lecturers I see]. Not all of them understand Pacific students” (Participant 22). One student participant was pleasantly surprised when she visited her lecturer and he understood that “sometimes Pacific students have a lot on outside of their school, they have a lot of other commitments on and they don’t realise how much that will impact on their studies until it’s too late. He did acknowledge family is a big thing and just sometimes Pacific students, especially us females tend to take on way too much and we tend to be a lot busier with things than we should be because obviously your studies suffer” (Participant 23). Staff participants similarly noted that “the role was initially academic…but I think it has expanded in that I have taken interest in their non-academic lives, their cultural matters” (Participant 29).

Often times students characterised general lecturers as lacking holistic care, thus support staff were, in a way, compensating. Of general lecturers some student participants said “[my lecturer is] so intimating, she’s just so smart…I always put my lecturers up there...I can’t approach them, I’m so scared. I’d rather approach someone on my level” (Participant 26). Another student participant likewise said “I don’t really want to burden the lecturers with my questions” (Participant 25). Because student participants perceived general lecturers as unapproachable, these student participants instead would access support staff. Support staff were perceived by some student participants to be a “medium between students and the faculty...who you can ask the questions that you don’t want to ask the older people up in the faculty about” (Participant 28). Some student participants felt more comfortable asking questions to support staff than general faculty. Also, some student participants felt the answers they received from support staff were more practically useful. As one student participant illustrated “X will go specific because she’ll answer a question
specifically. The lecturers just say what the law is. But what I need is X to go specific; she answers the question for me" (Participant 6).

However, at a few law schools student participants felt comfortable approaching any general lecturer, not just the designated support person. One student participant stated "I feel like any of the members of the Law Faculty are really helpful when it comes to study" (Participant 16). However, the feeling of being able to approach staff was not a consistent theme across participants from all law schools. Furthermore, it was not until students were at the upper level of their law degrees, that they felt comfortable approaching general lecturers. Student participants recalled asking for help in first year was "quite a daunting process" (Participant 22). Even in second year student participants hesitated to visit general lecturers. For one student participant when they did get the courage to visit a lecturer in second year because of a failed assignment, she did find it encouraging academically to "keep on top of readings" (Participant 18).

It was not until third year that more student participants felt comfortable approaching general staff. One student participant explained “I do talk to my lecturers now and then...I’m pretty much independent now that I’m a senior student, 3rd year now” (Participant 22). Another student participant explained “you get the feel or the vibe of all the different lecturers as you get through law school. It gets easier as you get older because you become less of a number and more of a recognizable face and they might know you” (Participant 21)

Navigating the law school system and producing measurable outcomes
A second perceived positive effect of support staff was that they helped Pacific students to navigate the law school system. Plainly put a student participant said “she directs me where to go” (Participant 6). Student participants appreciated direction in the new university and law school environment. For example a student participant stated: “when I’m stuck then I’ll ask X for help and she’ll direct me to someone or go straight to a lecturer or sign up for seminars and workshops” (Participant 13). Similarly another student participant emphasised “she’s your first point of contact to turn to. So with any problem that you would have you just go to her and she’d direct you to the person who you’d need to be seeing” (Participant 28). Student participants were able to take advantage of law school resources, which they otherwise would have not known about or been too timid to access on their own. A staff participant likewise confirmed “I see my role as the middleman. So if they’ve got concerns they come and see me so I can approach the lecturer. The students prefer to go through someone to get somewhere” (Participant 42).

Student participants perceived that support staff assisted them to accomplish measurable outcomes such as admission to law school, satisfactory grades and graduation. Thus support staff were perceived to impact students throughout the law school journey. One student participant chose to attend a particular law school because of the “more personal touch” she received from a support staff member upon her initial inquiries to the law school (Participant 23). Student participants perceived support staff as crucial to helping students gain admission to the formal law degree. For example one student participant said the support staff member advised her in what papers to take so that she could “get my grades up to get into law” (Participant 13). Likewise another student participant said “after my grades came in and figuring out what I had to enroll in,
she was very helpful” (Participant 23). Strategic paper enrolment was perceived as crucial to law degree admission.

Student participants also perceived support staff were influential in understanding course material and assignments. As a student participant recalled “I approached him on a legal question to help me with a public [law] assignment. It was really nice getting a one-on-one straight…he sat me down and went through the question and said this is where you went wrong” (Participant 18). Accessing support staff assistance was perceived by student participants to be associated with completion of papers. As one student participant observed: “students go to her and seem to pass because they ask for help they get help. But those who don’t I’m not surprised that they repeat the paper” (Participant 1). Another student similarly stated “I probably would not have passed public law if I hadn’t gone to him” (Participant 18).

**Dependent on Individuals, not Institutionalised**

According to staff participants only, a negative effect of support staff positions was that they were largely dependent on individuals rather than having a predetermined formally institutionalised programme set. One staff participant noted a positive aspect of not having a defined job description was it gave staff the flexibility to address issues as they arose and create activities to meet general goals (Participant 33).

However, among staff participants the negative aspects of an unset programme were more predominant. One staff participant gave the following example:

“if we don’t implement the programmes, they won’t operate. If I’m away for 2 weeks over the break on leave and during those 2 weeks a revision session was to go on for a test…it just didn’t happen. It’s fully reliant on the role that the coordinator…it should be an embedded part of the Faculty” (Participant 42)

This indicated programmes created by support staff were not able to survive on their own. Another negative aspect of an unset programme was, there was no “succession strategy” (Participant 39). This affected staff participants when they first came into their job as their predecessor “left no notes, nothing” (Participant 42). It also worried staff participants about future continuation of the programmes, as another staff participant remarked:

“If I stop doing this tomorrow, there’s no one whose going to pick this up, especially in light of effort and amount of time it takes which is generally a significant amount of time” (Participant 39)

**Facing Internal University Challenges**

Related to the theme of lack of institutionalization of staff member’s positions, was the theme of staff members facing internal university challenges that limited this role. Again this theme was found exclusively among staff participants.

Staff participants remarked it was often difficult to meet student expectations and needs because there was a lack of support within the university and law faculty in particular. As one staff participant remarked:
“In the Faculty on your own it’s quite daunting. There’s an old boys club. There are people who run the show and you have to push your way in. Students think you should be able to do this, but it’s not that simple. The students think this is what I want you should be doing it; you should push for my interests. They say it should work like that but it doesn’t” (Participant 42)

Some staff noted their frustrations of having to “justify to every new dean and senior staff that special support programmes especially for Pacific students was necessary” (Participant 32). One staff participant gave an example of the law faculty challenging support programmes for Pacific students:

“Just as I was going on [research leave] I had two very good tutors and we worked hard, we negotiated 20 hours a week for the tutors... when we had a new acting dean I was very annoyed about this because he knew I was heading off in a couple days’ time...he called in these two students and really gave them an interrogation of why was this special treatment necessary and everything. I got very upset about that” (Participant 32)

Deans were perceived as crucial to gaining institutional support and funding for Pacific programmes. As one staff participant noted “you see the welfare of the Pacific students and ourselves depends a lot on what the higher ups think and they’re all Pakehas...the dean must be very supportive” (Participant 31). To reiterate this point, staff participants shared anecdotes of both supportive and non-supportive deans:

“[the dean]’s been enormously supportive and I’m grateful and he financially supports the programme. He is critical. A change in Dean could change that. Not in the right direction” (Participant 39)

“I guess my predecessors as Deans did not focus much on Pacific. I’d say that university was not able to sustain its attention really devoted attention on the Pacific, so other universities particularly in law have developed interests in the Pacific” (Participant 30)

While staff participants noted an unintended effect of having support staff for Pacific Island students was these positions were not institutionalised and faced internal university challenges, student participants did not indicate any negative effects of support staff.

Regular Office Hours
To improve the support staff role it was suggested to have support staff present regularly and frequently within the law school (Participants 4, 6, 7, 22). Students noted regular office hours were crucial so they could receive help when they needed it (Participant 22). Staff further reiterated the need for support staff to have increased hours in order to help students:

“It’s kind of like the ratio is 1 to 500 students. The staffing is an issue because of the fact that I work my 20 hours a week, but there’s 20 other hours of that week that students need you and you’re not there or they need to go somewhere and they don’t know where. They don’t have that support” (Participant 42)

Proactive, Not Reactive
Another suggestion for improvement regarding support staff position from student participants was that support staff should be proactive, not reactive. For example two student participants remarked:

“X needs to be in touch a bit more…it wasn’t until I failed 2 of my tests…their reply was you should have come and seen me. I kind of think it’s a two way thing…it’s helpful if you go for a check-up like how you are going with everything…maybe some regular contact” (Participant 23)

“Their approach is hands off in the sense that it’s not until you walk through their doors that they are active. They’re a bit reactive at times when I think they could be a bit more proactive. There’s not that many Pacific people at our university. I don’t think it would be too hard to go and to see them” (Participant 17)

Student participants suggested it would be helpful for staff participants to “have a little check-up appointment, even if it’s just an email, to see where you’re at with your papers” (Participant 23), to “remind you of your reasons why you are [at law school] and foster that” (Participant 24) and to be “over the top friendly to make sure students know they are here” (Participant 22).

Pacific Academic Staff
An improvement recognised by the majority participants was the need for a Pacific law academic staff member who would assumingly assist with Pacific support (Participants 18, 31, 32, 30, 41, 34). A student participant explained:

“we never really had the academic that…has the true understanding of what a Pacific person faces…having that academic who has an understanding, who has an appreciation of what a Pacific student goes through its just all the more better for study” (Participant 11)

Staff participants in particular noted there was a shortage of Pacific law academics and that Pacific law academics were not easy to attain because of the other attractive opportunities available to top Pacific law students (Participant 39) and the “rigorous and competitive” standards for appointment (Participant 39). Staff participants further stated:

“over the last several years we’ve had ongoing vacancies here not one single Pacific Island graduate or lawyer that I can recall applied so we’re at a point where we have to go and tap them on the shoulder” (Participant 31)

“we do not have a Pacific Island staff member on staff and I see my overall aim is to grow someone who will want to become an academic, who’s good enough to become an academic and who is interested enough to become an academic” (Participant 34)

“Pacific lawyers might think they should be working in South Auckland running a Community Law Centre or practice for Pacific people and that would be a more direct way in assisting their people than being an academic lawyer…academic life is more long term and indirect and it does change things’ (Participant 39)

In addition to attaining a law academic staff member, staff participants also recognised the need for academic lawyers who focused on Pacific legal issues.
"We don’t have a cohort of academic lawyers that are focused on Pacific legal issues in New Zealand and this is a major staffing problem. So the future would be to bring on, to grow on our own graduates into academic positions, who could teach Pacific law courses and supervise Pacific topics and so on. But that would be very challenging to do" (Participant 39)

7.3.2.5 Support Staff and Literature on Support Staff

The support staff results are significant because across the law schools examined, support staff yielded the most positive results in both the qualitative and quantitative data. This section discusses the structure, quantitative and qualitative results in the context of international literature.

The structure of support staff for Pacific law students in New Zealand is different from other institutions as staff members were for the most part employed part time within the law faculty (with the exception of the University of Auckland which employed a full time staff member). An Australian study on indigenous law students found some Australian law schools had support lecturers who worked almost full time and senior law staff liaison member,139 while others placed the responsibility on Indigenous centres to support all indigenous students including law students.140

The New Zealand structure appears to be working for the most part. In relation to other literature, the job description of what staff members do is consistent with other studies as staff members intercede on behalf of students with university administration as many students are too embarrassed to raise personal issues and instead drop out or fail subjects.141 Similarly an Australian study found staff worked with indigenous families to become aware of illnesses or deaths the extended family as this affected students’ academic performance in law school.142

The quantitative results of this study, which found implementing staff members had the most immediate impact on enrolment and completion is consistent with other studies, which found positive quantitative results of staff members. International literature found that the implementation of staff members resulted in higher grade point averages, greater persistence,143 increased retention and completion144 and higher graduate rates.145 Due to lack of data access, this study was unable to examine the impact of staff members on specific student outcomes such as grade point averages and retention rates. Thus these may be areas to study in the future.

Similarly, the positive qualitative results of this study that found support staff were greatly valued by participants because they ensured holistic care, assisted students to navigate the law school

---

139 Heather Douglas, above n 105, at 509.
140 At 510.
141 Asmi Wood, above n 116, at 268.
142 At 268.
144 Asmi Wood, above n 116, at 271.
145 Marilyn Winkleby and others "Increasing Diversity in Science and Health Professions: A 21 Year Longitudinal Study Documenting College and Careers Success" (2009) 18 Journal of Science Education Technology 535 at 524.
system and produced measurable results is consistent with academic literature. Other studies have found staff members to be generally helpful, supportive \(^{146}\) and important to minority student success. \(^{147}\) However this study’s results are special in that it found reasons why staff were perceived as being “helpful, supportive, and important”. For instance, assisting students to navigate the law school system was helpful, supportive and important.

The negative qualitative results (that staff members’ effectiveness was dependent on individuals, job descriptions were not institutionalised, staff members faced internal university challenges, there is a need for Pacific academic staff, lacked regular office hours and were reactive not proactive) were similar to other studies’ findings. The “reactive not proactive” finding was similar to other studies that then suggested in their recommendations to implement an early warning and intervention system to take a more proactive approach, \(^{148}\) or regular group mentoring sessions to help students take responsibility and make sense of their experiences within university. \(^{149}\) The “reactive not proactive” approach may be due to the part-time nature of staff positions; staff only have a limited amount of time and resources. Staff may only be able to address problems as they arise rather than looking proactively and strategically to implement long term programs and initiatives. A proactive long-term strategic approach would likely better impact the students’ experience at law school.

Similar to this study’s results on non-institutionalised job descriptions and individual-dependent was another study that stated that while flexibility of support was important, “so too is the need for formal recognition by law schools of the role of a member or members of academic staff to liaise and assist indigenous students. Such a role can take up a lot of time and this should be reflected in the staff member’s workload.” \(^{150}\)

Finally, many studies, including this study, found there is a need for more minority academic staff in professional schools. \(^{151}\) One study on Pacific students in an Auckland medical school found there were not enough Pacific academics at the university to take responsibility and lead support strategies for Pacific students. \(^{152}\)

Notably, a survey of United States law schools found that there was not enough data to show that academic support programmes and staff are necessary to today’s law school environment. \(^{153}\) There similarly is a lack of data in New Zealand law schools, as this study found a lack of published studies and internal reports on staff impact. However, the lack of data could be a positive aspect. Staff may

---

\(^{146}\) Roannie Ng Shiu, above n 82, at 184.
\(^{148}\) Steven Lieberman and others, above n 129, at 1235.
\(^{149}\) Carl James and Leanne Taylor “‘Education will get you to the station’: Marginalized Students’ Experiences and Perceptions of Merit in Accessing University” (2008) 31(3) Canadian Journal of Education 567 at 585.
\(^{150}\) Heather Douglas, above n 105, at 511.
\(^{151}\) Paul Henry “Educational and Career Barriers to the Medical Profession: Perceptions of Underrepresented Minority Students” (2006) 40(2) 429 at 441.
\(^{152}\) Roannie Ng Shiu, above n 82, at 184.
implement a variety of pragmatic initiatives without pressure to perform to certain evaluation outcomes. Nevertheless, some sort of evaluation process would be helpful to law schools.

CONCLUSION

Part 3 indicates New Zealand law schools have implemented a variety of initiatives throughout the 1980s to 2012 to cater for Pacific law students. Otago and Victoria Law Faculties, compared to Auckland and Waikato, have implemented lesser numbers and varieties of equity programmes for Pacific law students. The enrolment and completion trends at Otago and Victoria have not demonstrated upward trends like that of Auckland and Waikato. Despite attempts to cater to Pacific students at all law schools, overall Pacific representation in enrolment and completion percentages in New Zealand law schools in 2012 remains lower in regional and national percentages compared to Pakeha, Asian, and Maori.

Analysis of qualitative interviews in each individual case study indicates there are certain experiences unique to each law school—namely family obligations, high school preparation, religion and the perceptions of Pacific students at the law school. But comparative case study analysis indicates there are certain themes experienced by Pacific law students at all institutions. These findings indicated a huge mismatch between Pacific values and law schools’ cultures.

Comparative case study analysis also indicates certain equity programmes impact Pacific law students more positively than others in terms of enrolment, completion and participant satisfaction. Specifically support staff had the most positive impacts overall, whereas admissions schemes had the most polarizing impact especially in terms of participant satisfaction.

Furthermore Part 3 indicates that while law schools catered to and made progress for Pacific law students over the years, there is still a need to increase the percentages of and improve the quality of experiences for Pacific law students.
BIBLIOGRAPHY FOR PART 3

JOURNAL ARTICLES

Dolores Blone and others “The Impact of Law School Admission Criteria: Evaluating the Broad-based Admission Policy at the University of Windsor Faculty of Law” (1998) 61 Saskatchewan School of Law 529.


Derek Holmes “Eight years’ experience of widening access to medical education” (2002) 36 Medical Education 979.

Carl James and Leanne Taylor "'Education will get you to the station': Marginalized Students’ Experiences and Perceptions of Merit in Accessing University" (2008) 31(3) Canadian Journal of Education 567.


Steven Lieberman and others “Effects of comprehensive educational reforms on academic success in a diverse student body” (2010) 44 Medical Education 1232.


Lotte O'Neill and others “Medical school dropout—testing at admission versus selection by highest grades as predictors” (2011) 45 Medical Education 1111.


Ian B Puddey and others “Potential influence of selection criteria on the demographic composition of students in an Australian medical school” (2011) 11 BMC Medical Education 97.


Harold Reiter and others “Should Efforts in Favor of Medical Student Diversity Be Focused During Admissions or Farther Upstream” (2012) 87(4) Academic Medicine 443.

Adam Spencer and others “Survey on Aboriginal issues within Canadian medical programmes” (2005) 39 Medical Education 1101.


Asmi Wood "Law Studies and Indigenous Students' Wellbeing: Closing the (many) gap(s)" (2011) 21(1) Legal Education Review 251.

REPORTS


Annual Report 2002 (Victoria, 2002).

Annual Report 2009 (Victoria, 2009).


Dissertations
Maureen Fay Fitzgerald “Educating lawyers: how law graduates perceive first year law school educational practices” (Doctor of Philosophy in Faculty of Graduate Studies, University of British Columbia, 2005).

Erik Malmberg “Factors Affecting Success of First-Year Hispanic Students Enrolled in a Public Law School” (Doctor of Philosophy Dissertation, University of Texas at Austin, 2008).

Roannie Ng Shiu “It’s Like Going to The Moon’: The Experiences of Samoan Tertiary Health Students at the University of Auckland” (Doctor of Philosophy in Community Health, University of Auckland, 2011).

Internet Resources
“About the Law and Culture Conferences” (n.d.) Law and Culture Conference <www.paclii.org/law-and-culture/).

Jessi Mee “Students defend Maori, Pasifika medical quota to ‘balance’ health” Pacific Scoop (online ed, Auckland, 28 August 2012); “Transcript: Is New Zealand a racist country?” (24 April 2013) 3rd Degree presents The Vote <www.3news.co.nz>.


“Pacific Law Coordinator” Victoria Faculty of Law <www.victoria.ac.nz/law>.

“Pasifika Academic Coordinator” Auckland Faculty of Law <www.law.auckland.ac.nz>.

“Pasifika Academic Support Strategies (PASS)” Auckland Faculty of Law <www.law.auckland.ac.nz>.

“PASS attendance policy” Auckland Faculty of Law <www.law.auckland.ac.nz>.

“PASS tutorials” Auckland Faculty of Law <www.law.auckland.ac.nz>.

“PASS workshops” Auckland Faculty of Law <www.law.auckland.ac.nz>.

“PLSA Tutorial Programme” Waikato-Faculty of Law <www.waikato.ac.nz/law/student/plsa>.

University of Otago “Bachelor of Laws (LLB)” <www.otago.ac.nz>.

University of Otago “History and Governance of the University of Otago” <www.otago.ac.nz>.
OTHER RESOURCES


2010 Calendar: The Auckland (Auckland, 2010).


2013 Faculty of Law Handbook (Otago, 2013).

“About the Pan Pacific Moot Competition” (n.d) University of the South Pacific School of Law: Mooting <www.United Statesp.ac.fj/>.

Administrative Review. Administrative Review of the Pacific Centre (Otago, September 2006).

Administrative Review. Otago Review Pacific Centre (Otago, 5-7 September 2012).

Calendar 2001 Victoria(Victoria, 2001).

Calendar 2002 Victoria(Victoria, 2002).


Criteria for Admission to Particular Qualifications.


Faculty of Law Student Handbook (Victoria, 2013).

“Faculty of Law Targeted Admission Scheme (Pacific) – LLB Part II 2013 Guidance Sheet” (Auckland, 2013).

Faculty of Law Undergraduate Handbook (Auckland, 2013).

Devon Latoa “Inaugural Pacific Legal Issues Week” Otago Law Faculty of Law Newsletter (Dunedin, Summer 2011).

LLB Brochure. Bachelor of Laws (Waikato-Faculty of Law, 2013).
Catriona MacLennan “Tongan constitutional reform debated at the Law School” Law News (online ed, New Zealand, 29 April 2010).


Otago “2011 Summer School Law Papers” Otago Law Faculty of Law Newsletter (Dunedin, Winter 2011).

Otago Review of the Faculty of Law (Otago, 12-14 February 2013).

Otago “Rex Ahdar Visits Samoa” Otago Law Faculty of Law Newsletter (Dunedin, Winter 2012).

Otago “Vanuatu Exchange” Otago Law Faculty of Law Newsletter (Dunedin, November 2010).


Quentin-Baxter Memorial Scholarship Fund Scholarship Regulations.

Review of the Faculty of Law Otago (Otago, 12-14 February 2007).

Review of the Faculty of Law (University of Auckland, 1993).


Te Piringa. Bachelor of Laws (LLB) Brochure.

The University of Auckland 2010 Annual Report.

The University of Auckland Faculty of Law Undergraduate Prospectus 2012.

Undergraduate Handbook Waikato-Faculty of Law (Waikato, 2013).


Victoria Faculty of Law Prospectus 2012.

Victoria Faculty of Law “Te Kauwae Paraoa is open” (press release, 16 March 2012).

Victoria Faculty of Law Undergraduate Prospectus 2012.
PART 4: WHERE TO FROM HERE?

As justified in Part 1, there is need for Pacific legal representation, given the rigorous requirements to become a lawyer and shortage of Pacific law graduates and Pacific legal professionals. To address this need, New Zealand law schools have catered to Pacific students primarily through various equity programmes, such as admissions schemes, tutorials and support staff. New Zealand law schools have impacted Pacific law students positively and negatively in terms of enrolment, completion and satisfaction.

The findings in Part 3 addressed research questions 1-3 on how New Zealand law schools have catered to and impacted Pacific law students, and the experiences of Pacific law students. Part 4 now addresses in full the fourth research question on the model law school preferred by Pacific participants involved in my research, as well as the more general thesis question on how and why New Zealand law schools need to improve.

8.1 PROBLEMS WITH NEW ZEALAND LAW SCHOOL

Part 3 indicated that Pacific participation, as evidenced by enrolment trends, in New Zealand law schools has progressed from the 1990s. But progress in participation, having Pacific students enter into the law school, is not enough. Despite the changing demographics of New Zealand, findings from this study indicate law school remains primarily Pakeha, of high socioeconomic class.¹

Pacific law students remain underrepresented, especially in terms of completion.² Furthermore the findings indicate the experiences of Pacific law students are often hampered by institutional conflict and cultural mismatches.³ These conflicts and cultural mismatches are now discussed in light of the structural and conceptual problems within New Zealand law schools.

8.1.1 “MERIT”

One problem is the idea of “merit”. Consistent with international literature,⁴ all law schools are structured upon the idea of rewarding “merit” and meeting certain academic standards. "Merit" is articulated through their entry and assignment requirements. For instance, New Zealand law schools determine entry to the LLB degree and marks within each law school course upon examinations worth a large percentage of the final grade in written English under timed pressure.⁵ Admissions and assessment policies institutionally advantage groups fluent in these skill sets and disadvantage other groups, blaming individuals and subgroups for their inabilitys to success within

---

¹ See Part 3, University of Otago Case Study, Otago’s Detailed Demographics, High School Decile.
² See Part 3, Comparing Case Studies, Ethnic Representation in New Zealand Law Schools, Completion.
³ See Part 3, Comparing Case Studies, Themes from Participant Interviews.
⁵ Participant 39.
the system and having “deficit thinking.” New Zealand law schools’ requirements indicate “merit” is conceptualised as the ability to perform as an individual, write in technical English, and critique case law authority. On one hand, “merit” conceptualised in this way does create law students with the skills to appear as an individual in court, prepare court documents, critique opposing counsel’s arguments and judgments. Many would consider these skills of utmost importance for future lawyers. For the Pacific students who make it into and complete an LLB degree under this concept of “merit”, law school is a vehicle for improvement and economic gain. Conceptualising merit in this way also operates to maintain white privilege—societal privileges that benefit Pakeha New Zealanders. The LLB is a vehicle for further improvement and economic gain for Pakeha.

But the way most New Zealand law schools conceptualise “merit” does not favour Pacific values or skills that are based on communal achievement. Structuring New Zealand law schools upon this concept of “merit” presently preserves and perpetuates the interests of some members of society at the expense of others. For the Pacific students who do not make it into the LLB degree, who do not complete the LLB degree, or who have negative experiences within the LLB degree, law school is a disheartening torment disconnected from Pacific values. Through designing particular types of assessments and entry criteria, New Zealand law schools institutionally embed and uphold Pakeha values into the law school system to the detriment of Pacific values. To a certain extent this is law school institutional racism; giving negative treatment to a group of people based on their race and values.

To reconceptualise “merit,” international literature has suggested that equity programmes such as admission schemes can create a broader concept of merit by considering both the candidates’ background values and academic standards. This thesis goes further to suggest that “merit” should be re-conceptualised to reflect Pacific values in the law school and to meet the need for Pacific legal representation. “Merit” for all students should be conceptualised as directly serving the community.

The law schools that do conceptualise merit in this way have had success in Pacific enrolment. Waikato and Auckland do conceptualise merit in this way for admissions. Waikato’s direct entry scheme for all students gives weight to “other achievements” and a personal statement inclusive of community involvement. Auckland’s TAS for Pacific students gives weight to a personal statement inclusive of knowledge of Pacific language and participation in community activities. These values of “merit” in the law school admissions process coincided with positive trends in Pacific enrolment for Waikato and Auckland. This suggests that conceptualizing “merit” as including serving the community benefits Pacific students. It shifts the values of the law school.

But significantly conceptualizing “merit” as serving the community would also benefit the law school, legal profession and clients. Working with other lawyers, interviewing and communicating

---


8 Auckland and Waikato upward trends in enrolment.
with clients in a relatable way are also important skills for future lawyers. Given the need for Pacific legal representation, conceptualizing merit in this way would for instance also place greater value on the Pakeha student who is fluent in a Pacific language or who is dedicated to serving the Pacific community. This concept of merit could be integrated throughout various parts of the LLB, including admission criteria, assessment design, assessment marking, curriculum, teaching methods, and practical internships. For instance admission criteria could adopt the Waikato law school approach, taking the student’s holistic achievements and community involvement into consideration. Law schools could design assessments and curriculum that incorporate and value group work and oral communication. Law schools could create practical internships or work experiences with local courts, law firms and other organizations, especially with those that service underserved communities such as Pacific peoples.

The values underpinning the structural foundation of New Zealand law schools should improve by changing the kind of lawyers they aim to produce.

8.1.2 EQUITY PROGRAMMES THAT “FIX” PACIFIC LAW STUDENTS
Findings from this study that were presented in Part 3,9 along with Part 1’s survey of other research on equity programmes,10 indicate there are a variety of equity programmes available and that have been trialed. Given, the negative participant experiences of some in this study documented throughout Part 3, it is suggested New Zealand law schools should reconsider and re-evaluate the purpose and functions of its equity programmes.

A problem with New Zealand law schools is that the majority of equity programmes aim to fix Pacific students and their backgrounds and adapt them to the law school environment, rather than fix law schools as institutions to cater for students. TAS, tutorials, workshops, support staff, mentors, and space, all focus on helping students transition into law school, especially at the 100 and 200 levels of their law degree. These equity programmes assist students to navigate a foreign environment. They were appreciated by Pacific law students;11 and in the instance of admissions and support staff consistently had coincidental positive impacts in terms of enrolment and completion across law schools. But these equity programmes in essence make students change or fix themselves to fit in; these equity programmes operate to assimilate Pacific law students to the lawyer prototype.

Certain equity programmes focus on “fixing” Pacific students. For instance by lowering the law school admissions mark for students with certain Pacific genes, law schools may be inadvertently sending the message that Pacific peoples need help and handouts, some perpetuating negative stigma,12 that is consistent with international literature.13 This is the “deficit model” of education

---

9 Part 3, Otago, Victoria, Auckland and Waikato Case Studies, The Impact of Law Faculty Equity Programmes.
10 Part 1, Reactive Equity Programmes for Pacific Peoples.
that assumes for instance that deficits such as poor outcomes in education occur because of "low-grade genes, inferior culture and class, or inadequate familial socialization". Equity programmes based on the deficit approach disempower Pacific students and communities. In contrast, equity programmes that value Pacific identity and skills are those which empower students and communities.

For the most part, equity programmes do not create a place where Pacific identity and skills are success factors until students are in their final years of LLB study. It is only at the 300 and 400 levels of the LLB that Pacific students can undertake equity programmes such as a Pacific law paper and Pacific mooting competition that value and incorporate Pacific backgrounds and skills.

Equity programmes designed to fix Pacific law students into conformity with non-Pacific students and the working environment may improve the transition for Pacific law students into law school and increase the number of law students of Pacific ethnicity. But such equity programmes act as a quick fix for covering the larger systemic problem of lack of Pacific legal representation and lack of focus on Pacific legal issues.

New Zealand law schools should shift their focus to fixing the institution as a whole for Pacific law students and Pacific communities, not fixing Pacific students. Law schools should shift from a deficit approach to highlighting systematic problems which are creating barriers for Pacific achievement in law schools.

8.2 An Ideal Law School Paradigm for Pacific Students: Optimising the New Zealand Law School Experience

Having set out overarching conceptual problems with New Zealand law schools above and presented some factors of successful Pacific initiatives in Part 3, this section describes an ideal law school paradigm for Pacific students.

An ideal law school attains Pacific enrolment and completion in high numbers and creates positive experiences for Pacific law students. The law school would accomplish this without equity programmes for Pacific students. Instead, the law school's institutional structure would enable Pacific success. While international literature suggests equity programmes for minorities should be coordinated among each other and within the institution, this thesis goes further to suggest it is the overall institutional structure for all students that needs to enable Pacific student success.

Of all law schools examined in this thesis, Waikato was the most ideal law school model for Pacific students. Waikato law school in its foundational structure makes a commitment to biculturalism,  

15 Part 3, Comparing Case Studies, The Overall Impact of Equity Programmes, Comparing the Impact of Admissions Schemes, Overall Participant Perceptions, Meeting the need for numbers.
16 Heather Douglas, above n 4, at 513; Steven A Lieberman and others "Effects of comprehensive educational reforms on academic success in a diverse student body" (2010) 44 Medical Education 1232 at 1238.
mainly focusing on Maori. But the principle of biculturalism is evident throughout its structuring and works for Pacific students because of its inclusiveness, recognition, and valuing of cultures other than Pakeha.

For example the Waikato Direct Entry Scheme upholds biculturalism. By considering factors other than pure academic achievement, this entry scheme is a structural invention that takes into account students’ identities, applying to all students. Such a scheme works for Pacific students because it defines achievements broadly to include community involvement and accounts for disadvantage in pre-law school experiences. The Scheme is not completely colorblind or neutral; it does account for differences by giving the admissions committee discretion. The Scheme values the many strengths of Pacific students—group accomplishment, respect for authority figures, and fluency in Pacific language.17 The findings suggest that the Waikato Direct Entry Scheme coincides with increased Pacific admission and completion; this is one step in the right direction towards encouraging Pacific law student success.

Another structural change Waikato made was to have frequent assessments over the year rather than full-year examinations worth 100% of the grade at the end of the year. For Pacific law students, this assessment style worked because it gave them feedback early on in the year and time to make changes; receiving written feedback also meant that for “shy” students that they did not necessarily have to ask questions in front of the large lecture class, holding the lecturer back.18

While more research needs to be undertaken to pinpoint the impact of Waikato’s programmes, Waikato’s overall coincidence with increased Pacific enrolment, completion and participant satisfaction suggests its structure is successful.

The Direct Entry Scheme and frequent assessment style are just examples of structural changes made by a law school that benefits Pacific students. Other potential structural inventions law schools should adopt are discussed in the following sections. Combined, these structures indicate the model law school most preferable for Pacific peoples.

8.2.1 Educating Academics and Administrative Staff
The findings from this study indicate that implementing support staff for Pacific students coincided with a positive impact on Pacific enrolment, completion and participant satisfaction.19 But consistent with discussions above on merit and fixing Pacific students, implementing positions on one or two staff members to fix Pacific students is only a temporary solution to a greater problem.

Staff, not just the designated support staff for Pacific students, should be “success” factors for Pacific law students to experience law school positively. Really all staff should understand and support Pacific students. The responsibility should not be designated to one person.

17 Part 3, Comparing Case Studies, New Zealand Law School Institutional Conflict, Themes from Participant Interviews.
18 Participant 30.
Much of the qualitative data in this study indicates student participants perceived many law school staff lack knowledge; they don’t know their own institutions’ policies on Pacific students and they don’t understand the culture of Pacific students. Law school staff, inclusive of academics and administrators, should be trained to effectively serve Pacific students’ actual needs. Fairly small changes by law staff can make a big impact for Pacific students.

Three things law school staff, especially lecturers, can do to improve the experience for Pacific law students are: 1) to accurately appreciate the difficulties Pacific students face 2) to be mindful of and clarify misunderstandings about law school policies and 3) to personalise interactions with Pacific law students. These factors are discussed in more detail in the following sections.

**Appreciate Pacific Law Students Difficulties**

As this study has suggested in Part 3, Pacific law students experience certain challenges in law school. Challenges identified by this study upon analyzing student records and historical archives include lower completion rates and lower grade point averages. Challenges found from analyzing staff and student interview data include hesitation to challenge authority; being faced with elitism and lack of cultural capital; difficulty with the subject matter and the principles underlying the subject matter, and the challenge of creating work individually written in technical English language.

While these challenges may not be pertinent to every Pacific law student, staff should be mindful these challenges are prevalent among Pacific law students. As one participant remarked:

“I think there’s not an appreciation that there’s a possibility that Pacific students are at a disadvantage because of the way and style of teaching is so foreign to the way and upbringing of Pacific people” (Participant 24)

Staff should be aware of issues students face. There is huge variety within the category “Pacific” and staff should be aware of and respond to such differences. For example, a student who attended a public high school in Tonga that provided teaching in English language will have different difficulties than a student who attended a church school that provided teaching in written English but spoken Tongan.

Staff should identify students having difficulties early on in the academic year and provide a “friendly face” and “sounding board” to students at risk, referring them to support services tactfully.

Appreciating and acknowledging Pacific law students’ difficulties does involve treating Pacific students differently than other students. Treating Pacific students differently than other students is justified because it ensures people get access to the same opportunity to produce good outcomes. It also requires taking the time to notice students’ difficulties—not attending class or poor outcomes on assignments.

---

20 Participants 24 and 27.
But teaching should involve getting to know students and helping them with difficulties. Such appreciation, rather than assumption of innate difficulties, likely make a great impact on Pacific law students’ experience at law school.

**Know and Clarify Law School Policies**

Qualitative data indicated that some staff were not aware of and/or publicly disapproved of particular equity programmes for Pacific law students, namely the Targeted Admissions Scheme. As one participant at a law school that did not have a Pacific quota for entry stated there were

“a lot of instances when lecturers and tutors say specifically to Pacific students that you don’t have to worry about getting a B+ average in first year because you have a quota” (Participant 22).

Staff lack of awareness and public disrespect for law school policy is harmful to Pacific law student well-being.

First the lack of awareness results in staff misinforming Pacific law applicants with respect to eligibility requirements and procedures. First-year Pacific law students may assume there is a reserved place for them when the law school does not reserve places for Pacific students. Also first-year students may not be aware of the strict eligibility requirements to qualify under the entry scheme.

Second, public disrespect for Pacific equity programmes, especially admissions schemes, makes Pacific students feel they are not supported by staff or by the institution. This creates an unfriendly and hostile environment for Pacific law students to study in.

Staff should make the effort to know what their law school’s policies are for Pacific students are in order to accurately inform and advise Pacific students. Staff should not assume there is a quota or admissions scheme for Pacific students because the majority of New Zealand law schools do not have a scheme. Staff should know the general requirements of the scheme if there is one to offer advice to Pacific students who might not be aware of the law school system, the scheme or how it works. Specifically staff should not assume schemes and programmes apply to every brown person; there is a difference between Maori and Pacific and even within Pacific.

Staff should be aware of the reasons behind policies before they conclude treating Pacific students differently is bad. As one participant stated:

*it’s really important that people understand why this is occurring and how important it is to put everyone in an equal or more equal starting position and to make sure the law profession of the future reflects the diversity of the country and therefore meets the needs of the people of the country because if you were only to have lawyers from*” (Participant 35)

---

Specifically staff should be aware of the context provided in Part 1 of this thesis—the history and relationships between New Zealand and Pacific peoples, the present status of Pacific peoples in the legal profession today and the need for Pacific legal representation.

Even if staff members personally do not agree with equity programmes for Pacific students, they should be sensitive to students personally impacted by the programmes. This may limit staff member’s freedom of speech, ideas and opinions. But the limitation is justified because it is only in the context of teaching.

For many students, it is not purely an academic matter debating formal inequality for substantive equality. It is a lived experience with deep feelings and personal ramifications.

**PERSONALISE INTERACTIONS WITH PACIFIC LAW STUDENTS**

As qualitative data in Part 3 indicated sharing and personalizing the law school experience was valued by Pacific law students. This entailed staff getting to know Pacific law students—who they are, where they come from, where they were born, church and village affiliations (Participant 31).

But personalizing the law school also entailed staff sharing a part of their personal lives with students, “letting students know you are people not just institutional officials” (Participant 34) and “to let them know that you care, that you’re not just doing your job and can’t be bothered” (Participant 33).

Examples for staff include speaking about or sharing stories of the staff member’s family before lecture and attending Pacific law student events to develop personal connections on an informal basis. Also where possible staff should acknowledge the importance of and enable the upholding of family obligations.

Again this may require staff to invest more time in getting to know students. But the benefits for Pacific law students are that it creates community within the law school, comfort to ask questions and share problems. It eases the difference between community and law school life.

---

**8.2.2 CURRICULUM DESIGN**

Law school curriculum and teaching styles should adjust so that they are relevant and appropriate for Pacific law students. Such adjustments would also benefit other non-Pacific law students. This would address participants’ concerns that the institution conflicted with Pacific culture (the six themes addressed in Part 3 when comparing case studies).

Participants did appreciate the instances when there was focus on Pacific topics, namely in the form of Pacific law papers, or when Pacific dispute resolution processes were woven into the mainstream curriculum. These initiatives were appreciated by participants. They also gave non-

---

22 Findings on all equity programmes in the Appendix.
23 Participant 31.
Pacific peoples the opportunity to learn about the Pacific. However Pacific topics were not available until the final years of the LLB degree.

Overall equity programmes and law schools in general are not focused on directly impacting Pacific communities. A few initiatives, such as TAS, bank on Pacific students to return to serve Pacific communities. But this may not be enough. Law schools should be more involved in serving Pacific communities directly. For example law schools could provide clinical externships and academic credit to students to work in law community centres in areas of high Pacific populations.

Consistent with the idea of fixing the institutional positioning of Pacific peoples, law schools should be critical of the curriculum in place and how it portrays Pacific peoples. Law schools should examine their curricula especially for the 100 and 200 level papers because these are crucial years for all law students. For example, staff should be wary when the only Pacific names that appear in case studies are in criminal law. Where possible, staff should select case studies that illustrate Pacific peoples in areas other areas of law.

Even if staff are not selecting case studies with the intent to portray Pacific peoples negatively, they should be aware of their own implicit bias and how the curriculum they design may impact Pacific students. This thesis did not examine the “hidden curriculum” of New Zealand law schools. That is subject matter for further research to examine the impact of the curriculum on Pacific students.

Law schools should integrate Pacific values into the curriculum. Pacific peoples value family, community and church. This contrasts to the compulsory law curriculum in contract, torts, property and public, which focus on the relationship between individuals or individuals and the State (Participant 39). As one participant remarked:

“Contract law, it’s so selfish, it conflicts with my beliefs that you should love one another. Whereas contract law is all about self-pursuit and trying to make the most of your goods….people forget about looking after one another.” (Participant 18)

Where possible, compulsory curriculum should give examples of how legal concepts occur in a family, community and church contexts and situations. This may make the legal concepts more relatable and applicable for Pacific law students. For instance in property law on the topic of tenancy, use state and social housing, not just privately owned accommodation examples. For example in criminal law, briefly cover alternative methods of dispute resolution or how to interview a client with cultural competence. Another simple example is using Pacific names in assignments and scenarios for exams.

Changing and critically reviewing the curriculum for compulsory classes with consciousness of how Pacific peoples are portrayed will take time and effort on behalf of staff. Some may suggest they are selecting cases purely for the legal principles they demonstrate, rather than focusing on the ethnicity of the plaintiff or defendant.

However, these are very small changes that can be made in the curriculum to make Pacific students feel welcome, a part of the curriculum, law school and legal system in a positive manner. These
curriculum changes address some of the concerns of participants found in this research—feelings on over focus on materialism, lack of cultural capital and relevance to Pacific communities.

**8.2.3 Teaching Style**

In addition to having a general understanding and appreciation as discussed in the above sections, there are certain teaching strategies staff can adopt to create a better learning environment for Pacific students in law school.

In 100 and 200 level papers, law school teaching styles should respond to the fact that many Pacific law students come from high schools that did not prepare them for university or the study of law. Thus teaching should begin at a very basic level to bridge the gap. For instance, covering what common and statute laws are, and the structure of New Zealand government before moving on too quickly to statutory interpretation and parliamentary sovereignty.

To address the gaps in high school teaching and “English as a second language” barriers for students, teaching should use simple English for abstract concepts, giving students clear signs and structure. Frequent assessments over the year instead of 100% final exams are preferred so that students can learn early on where they are going wrong and what they can do to improve.

Law school teaching should spend more time developing Pacific law students’ writing skills, rather than expecting students to learn these skills through self-study. This would respond to participants’ needs on developing writing under timed pressure in technical English. Writing skills that need to be developed include lecture note-taking, case notes, opinion assignments, legal research and exams. Pacific law students benefit from being given very specific examples and model answers. “Teaching rather than lecturing” is preferred (Participant 29). Teaching centres upon the student, adjusting to their needs. Whereas lecturing centres upon the lecturer, irrespective of the students’ needs.

Knowing Pacific students greatly value family and that some have greater family obligations than others, law schools should adopt policies and teaching styles that cater to these needs. For instance, extending deadlines for major family obligations and making students aware of their options. This is not to say Pacific students should be allowed to use their family as an excuse. But consideration should be given to account for and include family obligations.

Related to the idea of fixing the institution by incorporating Pacific values and examples into the curriculum, law schools should give Pacific law students’ opportunities to use their cultural understanding to improve the law. As one participant stated in relation to teachings in her Legal Ethics class:

"Pacific values have a great deal to do with Christianity and so I think there’s a huge conflict because I would feel for the family [of the victim who was murdered by my client]. It would be hard to put the lawyer cloak on and then take it off again at the end of the day" (Participant 5)

---

24 Part 3, Otago, Victoria, Auckland and Waikato Case Studies, The Impact of Law Faculty Equity Programmes.
Much of law school training and teaching assumes law is neutral, students should learn to apply it impartially to the point of excluding their own morality and personal opinions. But this training does not acknowledge law and its application is full of bias. Critical legal studies and critical race theory approaches that could potentially position New Zealand law as being prejudiced against Pacific peoples is missing in teaching.

8.3 Further Research

Based on gaps found throughout conducting the research for this thesis, further research should be undertaken in the following areas:

- Individual New Zealand law schools’ equity programmes, especially those at University of Canterbury and AUT since this study was unable to research those law schools;
- The many factors that affect Pacific students experience throughout law school including gender, citizenship, ethnicity, high school, age, LLB level experiences, and equity program specific experiences;
- Pinpointing the level of the law degree in which Pacific students struggle;
- The impact and outcomes of admission schemes such as TAS and Direct Entry Scheme that includes qualitative and quantitative data;
- The feasibility of adopting alternative admission schemes in New Zealand law schools such as point-adjusting or practical tests;
- The impact of law staff members and their teaching style, curriculum and assessments on students’ experiences and outcomes;
- How the law school curriculum depicts Pacific peoples.

Conclusion

While New Zealand law schools have made the effort to cater to Pacific law students, primarily through establishing equity programmes, the data from this study indicates law schools need to improve. The law school experience for Pacific law students remains difficult and full of conflicting values. Law schools should improve to mitigate these conflicts and to fulfill the need of Pacific legal representation.

Improvement needs to take form on the law school institutional level, rather than delegating it to support staff alone. To address the issues raised by participants in this thesis, a number of small changes are suggested namely for staff to gain understanding of and respond to Pacific needs in their curriculum design and teaching style. This would re-conceptualise the idea of merit and fix the law school rather than fixing the student. At present, the model law school most preferred by Pacific students is Waikato because it adopts many of these strategies. Nevertheless, all law schools need to make improvements to address the need for Pacific legal representation.
BIBLIOGRAPHY FOR PART 4

BOOKS AND CHAPTERS IN BOOKS

JOURNAL ARTICLES


Steven A Lieberman and others “Effects of comprehensive educational reforms on academic success in a diverse student body” (2010) 44 Medical Education 1232.

APPENDIX

INFORMATION SHEETS & CONSENT FORMS

Legal Education of Pacific Island Students in New Zealand

INFORMATION SHEET FOR

PARTICIPANTS

Thank you for showing an interest in this project. Please read this information sheet carefully before deciding whether or not to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

What is the Aim of the Project?

I am a Hawaiian doctoral candidate co-supervised by the Faculty of Law at the University of Otago and the Centre for Pacific Studies at the University of Auckland.

The purpose of my doctoral research is to examine whether affirmative action in New Zealand law schools is working for Pacific Islands peoples. Affirmative action takes the form of admissions policies, supplementary tutorials and other support programs.

The aim of this project is to collect information from Universities, Law Admissions Committees, and Pacific law student support services archives that will evidence the effectiveness of affirmative action initiatives. Findings hold implications for enhancing diversity in law school and the legal profession.

What Types of Participants are being sought?
Archives from the University, Law Admissions Committees and Pacific law student support services are being sought.

What will Participants be Asked to Do?

Contact will be initiated first with Faculties of Law and Equity Offices at each University through Academic and Support Staff. This will inform the researcher of University-specific protocols for accessing student information.

After initial Staff contact and University-specific approval, archival research will be collected.

What Data of Information will be Collected and What Use will be Made of it?

<table>
<thead>
<tr>
<th>Participant</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Archives</td>
<td>Demographics of all students who took an undergraduate Law paper:</td>
</tr>
<tr>
<td></td>
<td>- Gender</td>
</tr>
<tr>
<td></td>
<td>- Citizenship</td>
</tr>
<tr>
<td></td>
<td>- Ethnicities</td>
</tr>
<tr>
<td></td>
<td>- High School</td>
</tr>
<tr>
<td></td>
<td>- Age</td>
</tr>
<tr>
<td></td>
<td>- Degree(s) enrolled in</td>
</tr>
<tr>
<td></td>
<td>- Major(s)</td>
</tr>
<tr>
<td></td>
<td>- Year that they took 1st Year Law</td>
</tr>
<tr>
<td></td>
<td>- LAWS100 exam results</td>
</tr>
<tr>
<td></td>
<td>- LAWS200 exam results</td>
</tr>
<tr>
<td></td>
<td>- LAWS300 exam results</td>
</tr>
<tr>
<td></td>
<td>- LAWS400 exam results</td>
</tr>
<tr>
<td></td>
<td>- Graduation Date</td>
</tr>
<tr>
<td>Law Admissions Committee Archives</td>
<td>- Number of applications</td>
</tr>
<tr>
<td></td>
<td>- Number of accepted students</td>
</tr>
<tr>
<td></td>
<td>- Description of categories for admission</td>
</tr>
<tr>
<td></td>
<td>- Cut-off mark for each year</td>
</tr>
<tr>
<td>Pacific law student support services Archives</td>
<td>- Description of programs for Pacific law students</td>
</tr>
<tr>
<td></td>
<td>- Number of program participants</td>
</tr>
<tr>
<td></td>
<td>- Attendance records for programs</td>
</tr>
</tbody>
</table>

Once data collection is finished, the data will be analysed with respect to what it indicates about the effectiveness of affirmative action initiatives.

The researcher will make every effort to maintain confidentiality through accepted research practices and protocols. The researcher will not collect or receive information that identifies individuals. The archival research will be recorded onto a portable electronic storage medium (CD-R). The electronic records will remain in the sole possession of the researcher for a period of two years beyond completion of the study.
Can Participants Change their Mind and Withdraw from the Project?

You may withdraw from participation in the project at any time and without any disadvantage to yourself of any kind.

What if Participants have any Questions?

Please contact me via phone or email if you have any questions regarding you and/or your Law School’s participation. Questions and concerns about this research or its conduct should be addressed to me (or my faculty supervisors):

Mara Hosoda
127 Clyde Street
Dunedin, New Zealand
(03) 479-9616
mara.hosoda@gmail.com

Dr. Melani Anae
20-26 Wynyard Street
Auckland, New Zealand
(09) 373-7599
m.anae@auckland.ac.nz

Ms. Selene Mize
PO Box 56
Dunedin, New Zealand
(03) 479-8853
selene.mize@otago.ac.nz

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph 03 479 8256). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.
Legal Education of Pacific Island Students in New Zealand

CONSENT FORM
FOR PARTICIPANTS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Information will be destroyed at the conclusion of the project but any data on which the results of the project depend will be retained in secure storage for at least five years;
4. I agree to take part in this project.

...........................................................................................................................
(Signature of participant)...................................................................................(Date)

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph 03 479 8256). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.
Legal Education of Pacific Island Students in New Zealand

INFORMATION SHEET FOR PARTICIPANTS

Thank you for showing an interest in this project. Please read this information sheet carefully before deciding whether or not to participate. If you decide to participate, we thank you. If you decide not to take part, there will be no disadvantage to you and we thank you for considering our request.

What is the Aim of the Project?

I am a Hawaiian doctoral candidate co-supervised by the Faculty of Law at the University of Otago and the Centre for Pacific Studies at the University of Auckland.

The purpose of my doctoral research is to examine how affirmative action in New Zealand law schools is working for Pacific Islands peoples. Affirmative action takes the form of admissions policies, supplementary tutorials and other support programs.

The aim of this project is to collect information from University staff members. Findings hold implications for enhancing diversity in law schools and the legal profession.

What Types of Participants are being Sought?

Participants are self-identified Pacific LLB or LLB(Honours) students.

What will Participants be Asked to Do?

If you decide you would like to take part in an interview, I will come to talk with you for about one to two hours. The interview will take place at a quiet and private venue of your choice and at a time that is convenient to you.

What Data of Information will be Collected and What Use will be Made of it?

If you agree, I will audio record your interview so I may refer back to your words accurately. You do not have to answer all the questions and you may stop the interview at any time and withdraw your recorded information at any time. You do not have to give a reason for withdrawing.
On the Consent Form you will be given options regarding your anonymity. Please be aware that, should you so wish, I will make every attempt to preserve your anonymity. However, with your consent, there are some cases where it would be preferable to attribute contributions made to individual participants. It is absolutely up to you which of these options you prefer.

I will make every effort to maintain confidentiality through accepted research practices and protocols. The electronic audio-records will be retained for at least 5 years in secure storage.

If you wish, I will send you a copy of the transcript from the interview. You have the right to delete or change any portion of the transcript you do not want included in the study before returning it to me.

If you would like, I can send you a short report of the findings from the study. You can also be invited to come to a meeting to hear about the findings of the study.

**Can Participants Change their Mind and Withdraw from the Project?**

You may withdraw from participation in the project at any time and without any disadvantage to yourself of any kind.

**What if Participants have any Questions?**

Please contact me via phone or email if you have any questions regarding you and/or your Law School’s participation. Questions and concerns about this research or its conduct should be addressed to me (or my faculty supervisors):

Mara Hosoda  
PO Box 56  
Dunedin, New Zealand  
mara.hosoda@gmail.com

Dr. Melani Anae  
20-26 Wynyard Street  
Auckland, New Zealand  
(09) 373-7599  
m.anae@auckland.ac.nz

Assoc Prof Selene Mize  
PO Box 56  
Dunedin, New Zealand  
(03) 479-8853  
selene.mize@otago.ac.nz

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph 03 479 8256). Any issues you raise will be treated in confidence and investigated, and you will be informed of the outcome.
CONSENT FORM
FOR PARTICIPANTS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:

1. My participation in the project is entirely voluntary;

2. I am free to withdraw from the project at any time without any disadvantage;

3. Other information will be destroyed at the conclusion of the project, but any data on which the results of the project depend will be retained in secure storage for at least five years;

4. I, as the participant: a) agree to being named in the research, OR:

   b) would rather remain anonymous

5. I agree to take part in this project.

...........................................................................................................................

(Signature of participant) (Date)

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph 03 479 8256). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.
Ms S Mize  
Faculty of Law  
Division of Humanities

19 April 2012

Dear Ms Mize,

I am again writing to you concerning your proposal entitled "Legal Education of Pacific Islands Students in New Zealand", Ethics Committee reference number 12/050.

Thank you for the email from student, Masa Hosoda, addressing the Committee's concerns. We are grateful for clarification that the data will be gathered over a ten year period, and for evidence of Maori consultation.

On the basis of this response, I am pleased to confirm that the proposal now has full ethical approval to proceed.

Approval is for up to three years from the date of this letter. If this project has not been completed within three years from the date of this letter, re-approval must be requested. If the nature, consent, location, procedures or personnel of your approved application change, please advise me in writing.

Yours sincerely,

[Signature]

Mr Gary Witte  
Manager, Academic Committees  
Tel: 479 8258  
Email: gary.witte@otago.ac.nz

cc. Professor RM Henaghan  Dean  Faculty of Law
Research Consultation with Māori

Should you require assistance with the Research Consultation with Māori process please contact Mark Brunton on extension 8738 or email mark.brunton@otago.ac.nz.

We strongly advise the researcher to print and retain a copy of this page.

Thank you for your research proposition. This message is to confirm that one the following will occur:

1. Your proposition will be forwarded to the next meeting of the Consultation Committee; or
2. Additional information may be required by the Administrator and needs to be provided in hard copy through the internal mail; or
3. You may be asked to attend the next meeting of the Consultation Committee.

You will be contacted via email in the near future.

Title of proposed Area of Research

Legal Education of Pacific Islands Students in New Zealand

Principal Investigator(s) and Department(s)

Principal Investigator 1

<table>
<thead>
<tr>
<th>Title</th>
<th>First Name</th>
<th>Initial(s)</th>
<th>Surname</th>
<th>Department</th>
<th>Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate Professor</td>
<td>Selene</td>
<td></td>
<td>Mize</td>
<td>Faculty of Law</td>
<td>Dunedin</td>
</tr>
</tbody>
</table>

Email selene.mize@otago.ac.nz Telephone (03) 479-8853

Principal Investigator 2

<table>
<thead>
<tr>
<th>Title</th>
<th>First Name</th>
<th>Initial(s)</th>
<th>Surname</th>
<th>Department</th>
<th>Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miss</td>
<td>Mara</td>
<td></td>
<td>Hosoda</td>
<td>Faculty of Law</td>
<td>Dunedin</td>
</tr>
</tbody>
</table>

Principal Investigator 3
# List of Tables Requested from Universities

<table>
<thead>
<tr>
<th>#</th>
<th>Nick Name</th>
<th>Description</th>
<th>Completed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Race #</td>
<td>Number of LLB students enrolled in years 1970-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total Pacific #</td>
<td>Number of LLB students enrolled in years 1970-2012 by specific Pacific ethnicity</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>100 Race #</td>
<td>Number of 100 level LLB students enrolled in years 1970-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>100 Pacific #</td>
<td>Number of 100 level LLB students enrolled in years 1970-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>200-400 Race #</td>
<td>Number of 200-400 level LLB students enrolled in years 1970-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>200-400 Pacific #</td>
<td>Number of 200-400 level LLB students enrolled in years 1970-2012 by specific Pacific ethnicity</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Graduates Race #</td>
<td>Number of LLB graduates who completed their LLB in years 1970-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Graduates Pacific #</td>
<td>Number of LLB graduates who completed their LLB in years 1970-2012 by specific Pacific ethnicity</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Total Marks Race</td>
<td>Mean LLB GPA over all Law papers 100-400 level, standard deviations and number of students in years 1990-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Total Marks Pacific</td>
<td>Mean LLB GPA over all Law papers 100-400 level, standard deviations and number of students in years 1990-2012 by specific Pacific ethnicity</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>100 Marks Race</td>
<td>Mean LLB GPA over 100 level Law papers, standard deviations and number of students in years 1990-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>200 Marks Race</td>
<td>Mean LLB GPA over 200 level Law papers, standard deviations and number of students in years 1990-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td># Years Race</td>
<td>Mean number of years to complete LLB degree, standard deviations and number of students in years 1990-2012 by ethnicity</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Total Race &amp; Gender #</td>
<td>Number of LLB students enrolled in years 1970-2012 by ethnicity and gender</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Total City Res #</td>
<td>Number of LLB students enrolled in years 1990-2012 by city/town listed as home residence in first year</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Total High School #</td>
<td>Number of LLB students enrolled in years 1990-2012 by high school graduated from</td>
<td></td>
</tr>
</tbody>
</table>
### Requests for Student Data: Excel Table Samples

#### Numbers of Total LLB Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Numbers of Total LLB Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>Samoan</th>
<th>Cook Island Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Tuvaluan</th>
<th>Other Pacific Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Numbers of Total LLB 100-level Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Numbers of Total LLB 100-level Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>Samoan</th>
<th>Cook Island Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Tuvaluan</th>
<th>Other Pacific Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Numbers of Total LLB 200-400 level Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Numbers of Total LLB 200-400 Level Students Enrolled

<table>
<thead>
<tr>
<th></th>
<th>Samoan</th>
<th>Cook Island Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Tuvaluan</th>
<th>Other Pacific Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Numbers of Total LLB Graduates

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Mean Grades over all Law Papers 100-400 Level, Standard Deviation & Number of Students for each Race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean Total LLB GPA</td>
<td>Standard Deviation</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
<td>Standard Deviation</td>
<td>Number of students</td>
<td>Mean Total LLB GPA</td>
<td>Standard Deviation</td>
</tr>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A-12
Mean grades over all law papers 100-400 level, standard deviation & number of students for each race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>Samoan</th>
<th>Cook Island Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Tuvaluan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mean grades over all law papers 100 level, standard deviation & number of students for each race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mean grades over all law papers 100 level, standard deviation & number of students for each race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>Samoan</th>
<th>Cook Island Maori</th>
<th>Tongan</th>
<th>Niuean</th>
<th>Tokelauan</th>
<th>Fijian</th>
<th>Tuvaluan</th>
</tr>
</thead>
</table>
### Mean Grades over All Law Papers 200 Level, Standard Deviation & Number of Students for Each Race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Mean Number of Years to Complete LLB Degree, Standard Deviation & Number of Students for Each Race

Mean total LLB GPA = Grade point average for all students of specified ethnicity for all law papers

Grade point average = numerical mark obtained (i.e. 65) over all law papers

<table>
<thead>
<tr>
<th></th>
<th>European</th>
<th>Maori</th>
<th>Pacific</th>
<th>Asian</th>
<th>Middle Eastern</th>
<th>Latin American</th>
<th>African</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Numbers of Total LLB Students Enrolled

<table>
<thead>
<tr>
<th>Year</th>
<th>European Male</th>
<th>European Female</th>
<th>Maori Male</th>
<th>Maori Female</th>
<th>Pacific Male</th>
<th>Pacific Female</th>
<th>Asian Male</th>
<th>Asian Female</th>
<th>Middle Eastern Male</th>
<th>Middle Eastern Female</th>
<th>Latin American Male</th>
<th>Latin American Female</th>
<th>African Male</th>
<th>African Female</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Numbers of Total LLB Students Enrolled

(enter cities/towns that students listed as their home residence in their first year here with number of students below)

<table>
<thead>
<tr>
<th>Year</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Numbers of Total LLB Students Enrolled

(enter high schools that NZ students attended with corresponding number of students)

<table>
<thead>
<tr>
<th>Year</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970 to 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STAFF INITIAL RECRUITMENT PHONE CALL

Aloha [name]. How are you doing today? I am contacting you in your role as [title of role] at the University of [University name]. Do you have a few moments to chat?

My name is Mara Hosoda. I am a Hawaiian PhD candidate at the University of Otago. I am based in the University of Otago Faculty of Law and I have a co-supervisor in Pacific Studies at the University of Auckland.

I am calling you today regarding my PhD research. The topic of my PhD is the Legal Education of Pacific Island Students in New Zealand. The purpose of my research is to examine how affirmative action in New Zealand law schools is working for Pacific Islands peoples.

My research entails interviewing key staff members about their experiences in developing and implementing affirmative action interventions in New Zealand law schools. As you are the [title of role], your opinion is greatly valued in this research. **Would you mind if I interviewed you about your job? When are you available for a face-to-face interview? Also, is there anyone else at your institution you suggest I interview who has been instrumental in developing and implementing programs?**

After this phone call, I will send you a formal letter that details this project.

Thank you for your help. I look forward to interviewing in the near future.
STAFF FOLLOW-UP EMAIL/LETTER OF PURPOSE

[Date]

Dear [Name],

Thank you for showing an interest in this project. The information below reiterates and details what we discussed on the phone.

What is the Aim of the Project?

I am a Hawaiian doctoral candidate co-supervised by the Faculty of Law at the University of Otago and the Centre for Pacific Studies at the University of Auckland.

The purpose of my doctoral research is to examine how affirmative action interventions in New Zealand law schools is working for Pacific Islands peoples. Affirmative action takes the form of admissions policies, supplementary tutorials and other support programs.

The aim of this project is to collect information from University staff members, such as yourself. Findings hold implications for enhancing diversity in law school and the legal profession.

What Type of Participants are being sought?

Participants are University staff members who are instrumental in developing and implementing interventions for Pacific Island law students.

What will Participants be Asked to Do?

If you decide you would like to take part in an interview, I will come to talk with you for about one to two hours. The interview will take place at a quiet and private venue of your choice such as your office and at a time that is convenient to you.

What Data or Information will be Collected and What Use will be Made of it?

I will audio record your interview so I may refer back to your words accurately. You do not have to answer all the questions and you may stop the interview at any time and withdraw your recorded information at any time. You do not have to give a reason for withdrawing.

On the Consent Form you will be given options regarding your anonymity. Please be aware that, should you so wish, I will make every attempt to preserve your anonymity. However, with your consent, I will attribute contributions you make to you. This would be preferable. It is absolutely up to you which of these options you prefer.

I will make every effort to maintain confidentiality through accepted research practices and protocols. The electronic audio-records will be retained for at least 5 years in secure storage.
If you wish, I will send you a copy of the transcript from the interview. You have the right to delete or change any portion of the transcript you do not want included in the study before returning it to me.

If you would like, I can send you a short report of the findings from the study. You can also be invited to come to a meeting to hear about the findings of the study.

Please contact me via phone or email if you have any questions regarding you and/or your Law School’s participation. Questions and concerns about this research or its conduct should be addressed to me (or my faculty supervisors):

Mara Hosoda  
127 Clyde Street  
Dunedin, New Zealand  
(03) 479-9616  
mara.hosoda@gmail.com

Dr. Melani Anae  
20-26 Wynyard Street  
Auckland, New Zealand  
(09) 373-7599  
m.anae@auckland.ac.nz

Assoc Prof Selene Mize  
PO Box 56  
Dunedin, New Zealand  
(03) 479-8853  
selene.mize@otago.ac.nz

Thank you for your kind attention to this request. I hope you will give serious consideration to participating. Your opinions and experiences are essential to the completion of this study.

Sincerely,

Mara Kawehiwehi Hosoda
STAFF DEMOGRAPHIC QUESTIONNAIRE

Please answer the following questionnaire.

1. Gender:

2. Occupation/Profession:

3. Years you have been in this occupation (e.g. 2008-present):

4. Qualifications:

5. Secondary School(s):

6. Place of Birth:

7. Ethnicity:

8. Languages you are fluent in:

9. Please check the interventions your institution currently has for Pacific Island law students:
   • Admissions Schemes
   • Orientation
   • High School Outreach programs
   • Supplementary Tutorials
   • Mentoring
Staff Interview Questions (Proposed)

Note: Questions will depend on the participant's role. Not all participants will be asked all these questions

Your Role

- What is your role with the University? Please describe your responsibilities and duties in relation to Pacific law students.
- How long have you worked in this position?
- How has your role evolved over time?

Pacific Island Law Students at Your Institution

- What challenges do you think Pacific law students face at your institution?
- What is your institution's vision for Pacific Island law students in the future?
- Do you view your programs as temporary or permanent?

Admission Schemes

- What are the goals of your admissions scheme?
- When was the current admissions scheme implemented? What admissions scheme predated it?
- Please explain the admissions criteria that are considered when selecting a student. How does it operate in practice?
  - Do students self-identify as Pacific Island? Or do they need to present some supporting evidence? How is Pacific defined? Does it include Melanesians or just Polynesians?
  - Are there a set number of preferential places? If students have high qualifications and would be accepted anyway, are they given a preferential place or a general place?
  - In what order are admissions decisions made?
- Has the admissions scheme evolved over time? In what ways and for what reason?
- Has there been a change in the demographics of the students accepted into the program since its inception? If there has been, why do you think there has been change?
- Does your institution review the admissions scheme for Pacific students? If so, what form does the review take? What evidence is considered? What conclusions have been drawn?
- Overall, what are the benefits of admission schemes for:
  - Pacific law students?
  - Law students in general?
  - Your University?
  - Pacific communities?
- Overall, what are the challenges of admission schemes for:
  - Pacific law students?
  - Law students in general?
Program Goals

- What are the goals of your program?
- Who shapes these goals?
- Why does your program exist?

Program Outcomes

- How do you ensure that what you do is effective?
  - Internal evaluation programmes
  - External auditing processes
  - Student outcomes
- What are the experienced benefits for students that participate in your program?
- How do you think your program has shaped Pacific law student outcomes?
  - Admission rates? Retention rates? Completion rates?
  - General well-being?
  - Networking? Job Opportunities?

Final Questions

- Is there anything else you would like to add to your interview?
- Do you have any questions for me?
Staff Interview Questions

Self
1. How did you come to be in a support role for Pacific law students?  
   What previous experiences do you have in supporting Pacific students?
2. How long have you been your support role for Pacific law students?  
   How has your role changed over those years?

Law School Life
3. What is the perception of Pacific students at your institution? (stereotypes)  
   How has this perception impacted your beliefs or behaviors in working with Pacific students?
4. How do you think Pacific values and skills conflict with law school?  
   (i.e. spirituality, language, group/community work, humility, morality, family expectations)
5. In your experience, what kinds of challenges do different Pacific groups face?  
   (i.e. New Zealand/Island born, Melanesian/Micronesian/Polynesian, Scholarship/Loan students)
6. What have you done on a personal level (besides formal programs) to provide support to Pacific law students?  
   How do you establish relationships with Pacific law students?

Pacific Admission Schemes
7. Out of admission policies based on Race, Secondary School Decile and Family Income, which do you believe is the most effective to combat inequality in New Zealand for Pacific people? Why?
8. Do you think admission policies for Pacific students effectively reduce racial inequality?  
   Why or why not?

Pacific Law Programs
(Orientation, High School Outreach, Supplementary Tutorials, Mooting Competition, Law Week, Conferences, Mentoring, Workshops)
9. How do you believe being Pacific positively or negatively affects Pacific students’ treatment and opportunities in law school?  
   (i.e. + special treatment or – discrimination because of ethnicity)
10. Do you view Pacific law programs as temporary or permanent? Why or why not?
11. What benefits do your Pacific law programs provide to Pacific people as a whole?
12. What challenges do your Pacific law programs face in development and implementation?  
    (i.e. funding, staffing, organization, evaluation)

Conclusion
13. What should the law school and University do to help more Pacific students succeed in law school?
14. Is there anything else you would like to share with me?
15. Do you have any questions for me?
STUDENT INITIAL RECRUITMENT PHONE CALL

Aloha [name]. How are you doing today? I am contacting you as you were a recommended participant by [staff member] at the University of [University name]. Do you have a few moments to chat?

My name is Mara Hosoda. I am a Hawaiian PhD candidate at the University of Otago. I am based in the University of Otago Faculty of Law and I have a co-supervisor in Pacific Studies at the University of Auckland.

I am calling you today regarding my PhD research. The topic of my PhD is the Legal Education of Pacific Island Students in New Zealand. The purpose of my research is to examine how affirmative action in New Zealand law schools is working for Pacific Islands peoples.

My research entails interviewing students about their experiences in participating in affirmative action interventions in New Zealand law schools. Your opinion is greatly valued in this research. Would you mind if I interviewed you about your experiences? When are you available for a face-to-face interview? Also, is there anyone else at your university you suggest I interview who has been participated in programs?

After this phone call, I will send you a formal letter that details this project.

Thank you for your help. I look forward to interviewing in the near future.
Student Follow-up Email/Letter of Purpose

[Date]

Dear [Name],

Thank you for showing an interest in this project. The information below reiterates and details what we discussed on the phone.

What is the Aim of the Project?

I am a Hawaiian doctoral candidate co-supervised by the Faculty of Law at the University of Otago and the Centre for Pacific Studies at the University of Auckland.

The purpose of my doctoral research is to examine how affirmative action interventions in New Zealand law schools is working for Pacific Islands peoples. Affirmative action takes the form of admissions policies, supplementary tutorials and other support programs.

The aim of this project is to collect information from students, such as yourself. Findings hold implications for enhancing diversity in law school and the legal profession.

What Type of Participants are being sought?

Participants are self-identified Pacific LLB or LLB(Honours) students.

What will Participants be Asked to Do?

If you decide you would like to take part in an interview, I will come to talk with you for about one to two hours. The interview will take place at a quiet and private venue of your choice and at a time that is convenient to you.

What Data or Information will be Collected and What Use will be Made of it?

I will audio record your interview so I may refer back to your words accurately. You do not have to answer all the questions and you may stop the interview at any time and withdraw your recorded information at any time. You do not have to give a reason for withdrawing.

On the Consent Form you will be given options regarding your anonymity. Please be aware that, should you so wish, I will make every attempt to preserve your anonymity. However, with your consent, I will attribute contributions you make to you. This would be preferable. It is absolutely up to you which of these options you prefer.

I will make every effort to maintain confidentiality through accepted research practices and protocols. The electronic audio-records will be retained for at least 5 years in secure storage.
If you wish, I will send you a copy of the transcript from the interview. You have the right to delete or change any portion of the transcript you do not want included in the study before returning it to me.

If you would like, I can send you a short report of the findings from the study. You can also be invited to come to a meeting to hear about the findings of the study.

Please contact me via phone or email if you have any questions regarding you and/or your Law School’s participation. Questions and concerns about this research or its conduct should be addressed to me (or my faculty supervisors):

Mara Hosoda  
PO Box 56  
Dunedin, New Zealand  
mara.hosoda@gmail.com

Dr. Melani Anae  
20-26 Wynyard Street  
Auckland, New Zealand  
m.anae@auckland.ac.nz

Assoc Prof Selene Mize  
PO Box 56  
Dunedin, New Zealand

Thank you for your kind attention to this request. I hope you will give serious consideration to participating. Your opinions and experiences are essential to the completion of this study.

Sincerely,

Mara Kawehiwehi Hosoda
STUDENT DEMOGRAPHIC QUESTIONNAIRE

Please answer the following questionnaire.

10. Gender:

11. University:

12. Year in LLB program (e.g. 1st year, final year):

13. Qualifications and Majors (e.g. LLB(Honours) and BCom in Marketing):

14. Secondary School(s):

15. Place of Birth:

16. Ethnicity:

17. Languages you are fluent in:

18. Please check the interventions you that your institution currently has for Pacific Island law students:
   - Admissions Schemes
   - Orientation
   - High School Outreach programs
   - Supplementary Tutorials
   - Mentoring
   - Workshops
STUDENT INTERVIEW QUESTIONS (PROPOSED)

Note: Questions will depend on the participant’s involvement. Not all participants will be asked all these questions

YOUR STATUS
- Why did you choose to study law?
  {fulfil family expectations, high-paying job, help community, achieve social justice, debating skills, take a professional course}
- Have any of your relatives studied law?
- What cultural values and skills are unique to you as a Pacific Islander? (generosity, respect for elders, community, spirituality, family, Pacific language, oral speaking, spontaneity)
- To what extent do your Pacific values and skills conflict with Law School culture?

PACIFIC ISLAND LAW STUDENTS AT YOUR INSTITUTION
- What challenges do think Pacific law students face at your institution?
- What is your institution’s vision for Pacific Island law students in the future?
- Do you view Pacific programs as temporary or permanent? Why or why not?

ADMISSION SCHEMES
- How did you gain admission to 2nd year law? What was the admission process like? How did it make you feel?
- What do you think is the purpose of Admission Schemes for Pacific Islanders? Why do you think they exist?
- Do you think a Targeted Admission Scheme is effective for Pacific Island law students? Why or why not?
- What 3 characteristics do you associate with students who gain admittance to law school through a Targeted Admission Scheme?
- Are there any stigma attached to students admitted through an admission scheme? How does this affect the law school experience?
- Overall, what are the benefits of admission schemes for:
  o Pacific law students?
  o Law students in general?
  o Your University?
  o Pacific communities?
- Overall, what are the challenges of admission schemes for:
  o Pacific law students?
  o Law students in general?
  o Your University?
  o Pacific communities?

PROGRAMS GENERALLY
- Why did you participate in the program? (Or why not?)
- List 3 things that are different in Pacific program than in the general program
• Overall, what are the **benefits** of admission schemes for:
  o Pacific law students?
  o Law students in general?
  o Your University?
  o Pacific communities?
• Overall, what are the **challenges** of admission schemes for:
  o Pacific law students?
  o Law students in general?
  o Your University?
  o Pacific communities?

**Final Questions**
• Is there anything else you would like to add to your interview?
• Do you have any questions for me?
**Student Interview Questions**

**Family**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What race are your parents?</td>
</tr>
</tbody>
</table>
| 2 | When did your family migrate to New Zealand?  
Why did they migrate to New Zealand? |
| 3 | How has your family been involved in your legal studies?  
(e.g., expectations/decisions to study, financial/emotional support, role models) |

**Self**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>What drew you to study law?</td>
</tr>
</tbody>
</table>
| 5 | Did you have mentors or individuals in your life that influenced you to choose law?  
If so, who, where and why? |
| 6 | What did you expect the benefits of doing a law degree were when you applied? |
| 7 | Why did you choose to study law at Otago? |
| 8 | How did your secondary school prepare you for the LLB? |

**Law Life**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 9 | What is the perception of Pacific people in your law school? (stereotypes)  
How has this perception impacted your beliefs or behaviors? |
| 10 | How do your Pacific values and skills conflict with Law school?  
(i.e., spirituality, language, group/community work, humility, morality, family expectations) |
| 11 | What support networks have you accessed in law school?  
How did you establish relationships with those support networks? |

**Pacific Admission Schemes**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Did you apply under the quota system in 1st year? Why or why not?</td>
</tr>
<tr>
<td>13</td>
<td>Out of admission policies based on Race, Secondary School Decile and Family Income, which do you believe is the most effective to combat inequality in New Zealand for Pacific people? Why?</td>
</tr>
<tr>
<td>14</td>
<td>Do you think admission policies for Pacific students effectively reduce racial inequality? Why or why not?</td>
</tr>
</tbody>
</table>

**Pacific Programs**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 15 | With being a Pacific Islander, has that had a positive effect on your treatment and opportunities in law school? Negative effect?  
(i.e., + special treatment or – discrimination because of your ethnicity) |
| 16 | Do you view Pacific programs as temporary or permanent? Why or why not? |
| 17 | How are Pacific programs different than mainstream programs provided? |

**Conclusion**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>What should the law school and University do to help more Pacific students succeed in law school?</td>
</tr>
<tr>
<td>19</td>
<td>Is there anything else you would like to share with me?</td>
</tr>
<tr>
<td>20</td>
<td>Do you have any questions for me?</td>
</tr>
</tbody>
</table>
ALL FINDINGS ON EQUITY PROGRAMMES

SCHOLARSHIPS AND PRIZES

SURVEYING SCHOLARSHIPS AND PRIZES ACROSS UNIVERSITIES
Scholarships are an access mechanism that they enable students to pay their course fees to enter the course. Scholarships may act as an incentive to pursue the particular course. This survey focused on scholarships for Pacific students to pursue undergraduate LLB programmes rather than postgraduate LLM or PhD programmes.

There are a number of scholarships for Pacific undergraduate students at the university\(^1\) and government levels\(^2\), which consequently may enable Pacific students to pursue LLB degrees. But, these scholarships are not specific to law exclusively. This means students must compete with applicants across disciplines.

Only 3 of the 6 law schools offered scholarships for Pacific students to study LLB. Two of the scholarships are one-off awards based on high achievements in LLB papers, while the other one may be provided to support up to three years of study. Also while two scholarships specify applicants be of Pacific ethnicity, the third only requires interest in Pacific legal studies.

Overall, law schools offer little financial scholarship support to Pacific persons to pursue LLB studies. The few scholarships offered are not consistently available and are for minimal amounts when considered in relation to other prizes and scholarships offered. There is a lack of financial incentive which may discourage Pacific students from pursuing law if costs are a factor in course selection.

COMPARING THE EFFECT OF SCHOLARSHIPS AND PRIZES

Enrollment & Completion
When comparing the implementation of scholarships across law schools and over time, no significant trend or pattern emerges in enrollment or completion proportions. One reason for the lack of change may be the design of such scholarships as detailed in the above description. Scholarships may be of too limited in numbers awarded, of minimal amounts and inconsistently available to make a visible difference in enrollment and completion.

Overall Participant Perceptions

---

\(^1\) For example: Auckland’s Prime Minister’s Pacific Youth Leadership Award Scholarship, Michael Synott Scholarship, Tuakana Scholarships for Maori and Pacific Students; Victoria’s Victoria/Te Aro Equity Scholarship, Barbara Wood Memorial Foundation Scholarship, Pacific Islands Polynesian Education Foundation (PIPEF)/VUW Hardship Scholarship for Pacific Islands Students, Tumau Awards; Canterbury’s UC Emerging Leaders’ Scholarships; Otago’s Maori and Pacific Island Entrance Scholarships

\(^2\) For example: New Zealand Pacific Scholarships, New Zealand Regional Development Scholarships
Discussion with staff and student participants regarding scholarships generated data on the perceived outcomes. Because law school scholarships are few in number, participants spoke about scholarships generally, which included scholarships awarded at the university, private and governmental level. Analysis resulted in the emergence of three themes. Notably all discussion regarding scholarship was positive, whereas discussion surrounding other programmes was mixed. The three perceived outcomes of scholarships were 1) they enabled access to and through the programme and 2) they rewarded motivation and preparation.

Enabling Access To and Through the Programme
Student participants, especially scholarship recipients, acknowledged the vital role scholarships played in law school. For example a student participant stated “I’m a big fan of scholarships because that was the biggest hurdle for me...I wouldn’t have been able to afford anything here if I hadn’t got the X scholarship. And I wouldn’t be able to continue studying without the scholarships” (Participant 20). Scholarships for course fees and course materials throughout the LLB were determinative of access and enrollment.

Scholarships were essential in large part because students' families were often unable to offer financial support, especially throughout the entire duration of the LLB degree. As an example a student remarked “I would not have come [to law school] if I hadn't got the scholarship because my family would not have been able to support me financially. I didn’t know about Study Link or Student loans at all” (Participant 8). Scholarships compensated for the inability of families to financially support students. Also, as the participant noted it was important to know about scholarships and financial options. Another student participant similarly reported “to know you have financial support was a big thing for me” (Participant 22). Knowledge of scholarships was important.

Staff participants reiterated that scholarships were vital to participants’ access to and through the LLB, recognizing money was a challenge for many Pacific students. One staff participant gave a detailed example of how scholarships affected Pacific enrollment. They recalled when the scholarship programme decided to no longer provide scholarships to Pacific students for LLB degrees “it’s been a challenge for Us within the law school...once the policy changed, we’ve seen a significant jump in Pacific Islands students” (Participant 30). Comments suggest scholarships may directly Pacific enrollment in LLB. Of course numbers awarded, duration and amount of scholarships are factors for consideration in how large an impact the scholarships will have.

The creation of scholarships was noted as being a challenge that could not necessarily be remedied by law schools themselves. One staff participant commended the work of external institutions in providing scholarships for Pacific students to study a LLB; they said “Tonga for instance created a scholarship, their own scholarship to be able to send students to New Zealand because the Solicitor General is one of our graduates...so we’ve seen some initiatives really being taken up in that regard” (Participant 30). This example was a unique success story, rather than the common thread.

Rewarding Motivation and Preparation
In addition to enabling access to the LLB, scholarships motivated students to sustain their grades throughout the degree. This theme was primarily noted by staff participants who had seen a
number of scholarship students through the LLB. As one staff participant put it "the ones who got scholarships to get here...have to do well to keep their scholarships" (Participant 36). Another participant added that for scholarship students, the idea of having their scholarship stripped away "weighed on their mind...they worry about grades to maintain that scholarship" (Participant 33). According to staff participants, scholarships positively pressured students into attaining good grades.

One staff participant mentioned that a few scholarship students were so “driven” that despite having studied unrelated subjects previously in high school they were able to come into a completely new discipline and succeed because they were motivated by the scholarship (Participant 36). This comment suggests a scholarship specifically designated for LLB could draw more Pacific students to pursue law despite having background in other disciplines.

Scholarships enabled prepared students of high caliber. Participants noted students who received scholarships were “academically able students” (Participant 37). As one participant remarked of scholarship students “they’ve already proven themselves academically” whereas other students “may not be as clear on what they want to do and how to get there” (Participant 36). Scholarships ensured students who were academically ready had the opportunity to attend law school. Similarly a student participant stated being a scholarship student means “they must have been a serious student [in high school] so they’ve got a better work ethic and more holistic approach to their students” (Participant 21). Essentially scholarships further cultivated students who were already prepared for university and motivated students to the LLB degree.

**CONCLUSION ON SCHOLARSHIPS AND PRIZES**

Only 3 of New Zealand’s law schools offer scholarships or prizes for Pacific LLB students. Scholarships from law schools directly are offered sporadically, in small numbers, and for nominal amounts. As a result of the small numbers of scholarships offered, there is no pattern or trend in enrollment and completion proportion outcomes.

However, scholarships generally according to student and staff perceptions create positive outcomes. Scholarships were perceived to enable Pacific student access to and through the programme, increasing numbers incrementally. Scholarships were also perceived to motivate students and to enable academically prepared students to the LLB. Overall, scholarships are well-received as all participants did not note any negatively criticism; there was no mention of stigma or lowered standards surrounding scholarships.

Triangulating the data from archives, statistics and interviews reveals a mismatch. While scholarships are greatly valued and in high demand from student and staff perceptions, there simply may have not been enough scholarships to make a visible impact on Pacific enrollment and completion.

**REMEDIAL SUPPORT**

**TUTORIALS & WORKSHOPS**

Surveying Tutorials & Workshops across Universities
Five of the 6 law schools ran supplementary tutorials for Pacific law students while only 3 of the 6 ran workshops. A few combined resources with those run for Maori. Four of the law schools with tutorials ran them for at least 100 level and 200 level papers.

Tutorials are one of the most common types of programmes for Pacific law students. The tutorials and workshops ranged in how they were structured and implemented. The most institutionalized tutorials and workshops had the following characteristics: they were organized by law school staff or a university central Pacific hub, had regular time slots allocated, tutors were selected by a competitive application process and were financially compensated for their time, attendance was mandatory and tutorials were regularly evaluated for effectiveness. Less formalized grassroots tutorials were organized by Pacific student associations, occurred on as needed basis, tutors were shoulder-tapped or selected by virtue of being the Pacific law student who had completed the class previously or were volunteers, and attendance was optional for students to decide for themselves. Most tutorials and workshops had combinations of formal and informal components.

**Comparing the Effect of Tutorials & Workshops**

**Enrollment & Completion**

In examining the effect of tutorials on Pacific law student enrollment and completion proportions, two data sets unfortunately were inaccessible. First, archival data indicating Canterbury's tutorial start date was unavailable. However, Canterbury data can reasonably be excluded because unlike all other law schools, Canterbury's tutorials are not based within the law school (Canterbury's tutorials are run solely within its central Pacific hub). Second statistical data for all law schools prior to 1994 was unavailable 1) directly from law schools themselves as their records did not reach back that far and 2) from the Tertiary Education Commission, whose records prior to 1994 were only on Pacific students generally without reference specifically to Pacific law students. Consequently effects from Auckland 1992 and Victoria's 1990 tutorials cannot be drawn. But since both the earliest tutorials were informal in design, exclusion is appropriate.

Despite missing data, comparison between law schools with tutorials indicates some positive trends. The implementation of formal tutorials at Auckland in 2005, Waikato in 2010, and Otago in 2008 was followed by an increase in Pacific enrollment proportions in the immediately following year and general upward trends in enrollment proportions in years following (See Figures 1-2, 5). This suggests formal tutorials assisted in increasing Pacific student enrollment proportions.

In regard to the impact of tutorials on completion, trends amongst law schools are less consistent than those of enrollment. For both Auckland and Otago, Pacific completion proportions increased in the year immediately following tutorial implementation and there was a general upward trend in completion proportions in years following (See Figures 1 and 5). In contrast, Waikato did not demonstrate the same completion trends (See Figure 2).

The difference in effects on completion trends may be explained by the contrasting the designs of the tutorials. Auckland and Otago tutorials were organized and coordinated by law school staff in the year they were implemented, while Waikato tutorials remained organized and coordinated by students in the year it was implemented and have only become led by law school staff members last year in 2012. Another difference is the tutors for Auckland and Otago tutorials are selected through
pooling all capable students, while tutors for Waikato are selecting via shoulder-tapping capable senior Pacific students. Organization and coordination of tutorials by law school staff and tutor selection via pooling all capable students may positively impact Pacific completion proportions.

**Overall Participant Perceptions**

Further possible explanations for enrollment and completion trends in and perceived effects of tutorials are found in interview data. Upon analysis five themes emerged—three positive and two negative perceived effects of tutorials. The three positive themes of tutorials were 1) they provided a connection to peers 2) they established connections to tutors and 3) they utilized an appropriate teaching structure. The two negative themes of tutorials were 1) they lacked regular attendance by Pacific students and 2) they faced challenges in drawing association to measureable results.

**Providing a connection to peers**

The effect of tutorials positively providing a connection to peers was a theme predominantly raised from student interview data. Student participants perceived tutorials as a great general networking opportunity. As one participant stated “I got to meet a lot of people through that because you’re working with them week in and week out. You share the same problems; you’re at the same point. I found that helped and introduced me to a lot of people” (Participant 15). Tutorials were seen as a way to meet and connect to people. First year tutorials were especially valued for networking. A participant said: “I don’t think I would have met the right people that I hung out with throughout 2nd, 3rd and 4th year” (Participant 19). Tutorials enabled participants to develop lasting connections to fellow peers.

Significantly, tutorials provided Pacific law students a connection to other Pacific peers. In a predominantly non-Pacific law school, finding other Pacific peers was greatly cherished. A student participant explained “if I hadn’t gone to those [tutorials] I wouldn’t have even known that there were first year PI students. It’s a way to meet to meet other students and have somewhere to go and know there are other Pacific students” (Participant 16). Tutorials provided a venue for participants to discover they were not the lone Pacific student in law school; they gave participants a sense of place and grounding.

Participants emphasized exclusivity, having tutorials only for Pacific law students, was an essential element of tutorials. Many participants recounted negative experiences throughout mainstream law school classes, tutorials and study groups that impacted their learning and confidence. For example a participant stated “I did study with some of the other girls in my Crimes class once but I felt like they thought I was really dumb so... I just kept my opinion to myself” (Participant 26). Another student participant illustrated the contrast between the mainstream and Pacific tutorials saying: “It’s just easier to talk amongst ourselves than in front of others. I feel like the Palagis overtake and dominant in class. They’ll be the ones asking questions and answering questions...you don’t want to say anything because you might be wrong. It’s a self-conscious sort of thing” (Participant 2). Often times, mainstream interactions were not conducive to participants learning and spawned an inferiority complex.
Exclusivity was valued amongst the majority of student participants because it created a space positively different than the general law school. Exclusivity in itself was a positive tutorial trait because it brought together people with similar backgrounds. As one participant noted “[the tutorials] are really helpful just because it was just for Pacific students...it was with people just like us” (Participant 8). Exclusivity amongst one’s peers impacted how participants felt. A student participant stated “when you’re in a room full of your own Pacific peers you’re just more relaxed” (Participant 1).

Exclusivity affected participants’ attitudes toward participation and confidence. Around their “own people” student participants felt “more comfortable to say what [they] want to say” (Participant 10) and to “get out of [their] shell and be able to talk up and not be afraid to say something wrong because everyone else thinks it’s wrong” (Participant 19). In addition to exclusivity enabling participants to speak freely in tutorials, exclusivity encouraged participants to ask questions. This was a significant departure from the constraining atmosphere of mainstream tutorials. As a student participant remarked “we all know we are coming in for extra help so it’s okay to ask a stupid question that you didn’t ask in your mainstream tut” (Participant 23). Exclusivity as a factor that encouraged questions from participant sin tutorials was further emphasized by another participant who said “I feel real stupid asking a question in front of all the other students. But you feel way more comfortable in front of [Pacific] students” (participant 25).

In addition to exclusivity, understanding and comfortable environment was a perceived positive outcome of tutorials. Being amongst Pacific peers created comfort and understanding. A participant said “just because the people who were around me were Pacific...I think just the environment was more comfortable” (Participant 8). By virtue of having a “familiar face and familiar upbringing”, participants felt supported (Participant 18).

Staff participants confirmed exclusivity assisted Pacific student learning. One staff participant remarked “I notice that Pacific people tend to be quite shy and reserved...they seem a lot more comfortable when they are around their own people so having smaller tutorial groups where they can feel comfortable about who they are and feel they are at the same level makes it easier for them to do well and ask the questions that they need to ask” (Participant 36).

Again perceptions of the Pacific tutorials as an understanding and comfortable environment were drawn in contrast to the “intimidating” (Participant 7) and “condescending” (Participant 24) mainstream environment where student participants felt “outnumbered” (Participant 24). For example a student participant recollected: “when you’re around so many other smart people in your class if you don’t know the answer to something they look down at you in a way like ‘you don’t do the reading, ok then I don’t really want to talk to you’. But with PIs it’s more of an understanding kind of environment” (Participant 10).

Understanding and comfort assisted in participants’ participation. In Pacific tutorials, participants felt they could make mistakes and were “free to express their views” without being “reprimanded in front of your peers” because Pacific peers were “probably in the same boat” (Participant 24). As another student participant explained in the mainstream tutorials “everyone is quite uptight...like they are real stressed about life. In the Pacific ones everyone’s joking and laughing, it’s a bit easy
going. It’s easier to learn in that environment I think” (Participant 26). The understanding and comfort generated by a Pacific only environment was perceived to assist participants in learning and participation. A staff participant who had acted as a tutor of Pacific law students previously confirmed that Pacific students were often times “overwhelmed and anxious in sharing their ideas” initially but in the Pacific tutorial “it was just the sharing with people that you feel comfortable with” that made a big difference (Participant 20).

Another valued aspect of connection to peers that facilitated learning for participants was that tutorials were consistent with certain characteristics unique to the Pacific, namely the concept of family. Pacific tutorials were perceived to "have that family feel" that "put friendly faces in the room (Participant 23). The family feel and understanding of the “closeness of family” were though not to be well understood by others (Participant 16). As a student participant described in the mainstream programme you just go in and out. You’re just an individual. That’s it. There’s no sense of a family connection, which is very important for Pacific students. We’re very community orientated” (Participant 18). The “family feel” in Pacific tutorials was greatly valued by participants and was thought to assist with learning.

The exclusive, understanding and comfortable environment of tutorials was perceived to facilitate learning the subject matter. Additionally some student participants noted that the relationship to other Pacific peers was the greatest value of the tutorials. One student stated “the relationship with Pacific students makes it easier and has been a lot more beneficial” than the content within the tutorials (Participant 12). Connections to Pacific peers enabled student participants to learn from their fellow peers in addition to learning the scheduled tutorial content. For example one student participant said "I met X at the Pacific tutorial...we established our connection and it went from there...I loved having X as a study buddy. That motivated me to get something done by the end of the week and do a problem question like that” (Participant 18)

Establishing connections to tutors
Student and staff participants perceived a positive outcome of tutorials were that they established strong connections between Pacific students and tutors.

Student participants characterized tutors as being “easier to approach” (Participant 13), “accessible” (Participant 10), and “really open” (Participant 23). Specifically student participants appreciated being “able to email tutors” (Participant 9) and the fact that they could seek help “right there and then” as opposed to having to make appointments in advanced (Participant 4). As one student participant explained “[Pacific tutorial] tutors can mark your work, read over it and give you advice and you can email them. With the mainstream tutor you feel there’s a line that shouldn’t be crossed but with [Pacific tutorial] tutors they always say ‘email me, come see me’ which is really good because I think it’s all about creating a safe environment” (Participant 14).

Significantly Pacific tutorials were perceived to provide students with tutors who were responsive to student needs. Responsiveness entailed understanding “where [Pacific students] are coming from and [their] different cultures” (Participant 3). Successful Pacific tutorial tutors were “aware of how a [Pacific student will receive [the information]]” and were perceived as being ”more
compassionate than the mainstream tutors because they understood what [Pacific students] go through” (Participant 11). Understanding was the first step in responsiveness.

The second step of responsiveness entailed communicating the information in a palatable manner. Successful Pacific tutorial tutors were described as those who could “disseminate information in a digest-able way” (Participant 11). For instance “if there’s something that’s a bit trickier [the tutor will] go through it more in depth” (Participant 26). Appropriate communication was vital. One student participant stated “sometimes the tutor's just so smart, but they're not able to teach the materials. So they know their stuff, but they're not good communicators...they need to be able to communicate to Pacific students” (Participant 13).

Student participants contrasted the positive responsiveness of tutors in Pacific tutorials to the lack of responsiveness in mainstream law school. For example a student participant noted in mainstream “if you don’t get it, you don’t get it” but with Pacific tutorials “you’re given more attention and more room to understand your weaknesses and how you are able to catch up with the rest of the class” (Participant 19). Tutors were responsive to needs as they arose. Furthermore it was noted in mainstream “they don’t explain it the way students really understand it. We’ll still walk away wondering and not getting it…but with the Pacific tutorials [our tutor] won't move on until we get that part of that subject” (Participant 4).

Staff participants confirmed likewise that a benefit of the tutorials was that they provided responsive tutors that focused on what Pacific students’ needed. One staff participant who had taught Pacific tutorials said she emphasized to Pacific students “we’re doing this together, it’s not me standing here telling you. You guys have to contribute” (Participant 1). In this way Pacific students could receive “that extra support or extra help or extra word of encouragement” they needed (Participant 36)

Connection to tutors, like connection to peers, was perceived to assist student participants in learning. Student participants felt “more connected to [Pacific tutorial tutors] when discussing things” (Participant 9); this made it “easier” for students to ask questions to the tutors (Participant 25) and made student participants feel they “got time to ask questions” (Participant 3). One student participant explained that with Pacific tutorial tutors “it’s that feel that someone is one your level, they’re not above you. It may be a Pacific thing. With people who are like your elders, you don’t want to question them. So that’s why I put lecturers up there” (Participant 24). Another staff participant agreed that a benefit of the tutorials for Pacific students was that Pacific students were “not being ashamed to talk, not being shy to express themselves in front of a group...you are free to ask questions and engage with the tutor” (Participant 37).

A minor theme was some participants raised the issue of whether the tutor's ethnicity made a difference in establishing a connection. There was a range of participants’ opinions on this issue. Some believed having Pacific tutors really enabled the connection. For example, a student participant said “I’m scared to go to my normal tutors...I like having the Pacific tutors. It’s better because you feel like you relate to them more for some reason...maybe it’s because they are also brown...I feel like it’s a lot easier”(Participant 23). Other student participants believed having a Pacific tutor was helpful, but not essential. One student participant commented that having Pacific
tutors were a "form of empowerment" since Pacific students were "taught by people who you can relate to...who you can understand" and who "are a reflection of you and provide you with inspiration and encouragement" (Participant 11). On the other side of the spectrum, some student participants believed the "tutors are the same" and ethnicity was irrelevant so long as they were tutors "who tutor well" (Participant 10).

Regardless of preferences for or against having a Pacific tutor, finding a Pacific tutor with high marks and capable of teaching was difficult for some law schools. As one staff member stated "the problem here is a bit of vicious circle, we don't have very many Pacifica students at 300 or 400 or Honours level; so we don't have many that we can hire as tutors. In fact I don't think we've got any" (Participant 41). Demands for a Pacific tutor could not necessarily be met because of the lack in staffing resources.

A few participants had concerns regarding the connection with tutors in tutorials, but these were exceptional comments. One student participant mentioned she wished she had met the tutor earlier to establish a connection; she suggested "if you learn who they are at [during orientation] that would be quite helpful" (Participant 23). A staff participant had a suggestion regarding the method of connection with students; he noted "the remedial tutorial groups...are they doing enough to develop those writing skills? Maybe they are too much focused on oral interchange...maybe there should be more rigorous writing tasks as well" (Participant 39). These suggestions indicate introductions to tutors may be better placed at orientation events and that tutorials may consider focusing on writing skills.

Utilizing appropriate teaching structure
A positive perceived effect of Pacific tutorials was that they utilized appropriate teaching structures—these were structures conducive to Pacific student learning. The two main structures were that tutorials were 1) informal and 2) less confrontational.

Informality was greatly valued by student participants. A few participants characterized informality as being integral to Pacific culture. For example a participant stated: "generally they taught it in a very cultural way; that is in a very informal environment. We went over things very casually" (Participant 8). Similarly another participant emphasized: "It's just we're more laid back and we learn at our own pace. But you can't mix that; other people won't take that quite as easily. They'll be like no we're here for tutorial, you need to be working" (Participant 1). Informality enabled student participants to learn in their own way and at their own pace. Student participants felt the informal structure ensured they could "do whatever comes up" (Participant 8). Similar to other themes such as connections to peers and tutors, the informal nature of tutorials was thought to assist in student learning, encouraging active participation. For instance, a student participant said "you feel more comfortable asking questions...because it was a lot more informal" (Participant 16).

The less confrontational nature of Pacific tutorials was another structure valued by student participants. Pacific tutorials were described as "less daunting, less confrontational, with less expectation to know everything"; this created an environment that was "very open and inviting" (Participant 8). Student participants felt "more relaxed" because there was less "pressure to answer" (Participant 18).
Again student participants contrasted their Pacific tutorial experiences to that in mainstream. Many student participants characterized mainstream as being very confrontational to the point of deterring students from class. For example one student participant stated: pacific students “don’t feel comfortable speaking up in class and most of the law lecturers love picking on people...it is a part of our culture, we’re Usually whakama...I know that’s turned a lot of people off from going to class, which isn’t good because you need to go to class to pass” (Participant 14). Furthermore the same participant emphasized Pacific students did not attend class because they felt “I don’t feel like getting picked on today, I don’t feel like feeling dumb today” (Participant 14). In addition to confrontation deterring students, confrontation also affected student participant’s participation. As one participant explained in mainstream class Pacific students “shy away” because they are “afraid the answer might be wrong or sound a bit less smart than a European. They don’t want to challenge something that a European might say” (Participant 10). Whereas student participants tended not to “want to debate with someone in mainstream tutorial because they can be quite arrogant”, student participants perceived the less confrontational nature of Pacific tutorials made student participants “more comfortable to say what [they] want to say or question something, ask [their] peers or debate with someone” (Participant 10).

Students thoroughly appreciated the informal and less confrontational nature of tutorials. However, staff participants had a few concerns in regards to the non-confrontational and informal structure. One staff participant who acted as a tutor said “the tutorials requires me to do all the preparation and construct the course myself as opposed to the normal tutorial programme where everything is administered by the staff or senior lecturers...I guess the challenge is trying to design an alternative tutorial programme when you don’t really know what you’re doing” (Participant 21). Tutorials were a challenge to implement. Another staff participant who coordinated the tutorials remarried that although the tutors were the "best and solid students" they “needed more insight from lecturers”; she suggested the content and structure “should be sighted and approved by the appropriate lecturer every year” (Participant 33).

Lacking regular attendance
Despite the positive perceived outcomes of tutorials—connection to peers and tutors and appropriate teaching structures—there were a few negative perceived outcomes. One such negative perceived outcome by both student and staff participants was that tutorials lacked regular attendance by Pacific students. Attendance records were disappointing considering how many Pacific students were enrolled in the law paper. One staff participant stated: “It’s quite sad to see the figures. I think there’s over 20 people enrolled in first year law and only 2 or 3 are turning up to tutorials” (Participant 36).

Participants noted attendance numbers tended to start off high, drop off during the middle of the semester and then have huge attendance numbers just prior to exams. As a staff participant noticed “in the beginning they all want to do tutorials and then after 3 weeks, you don’t see them come and we’ve signed up a tutor for them and the tutor will turn up and they don’t turn up...it’s a waste of the tutors time, it’s a waste of money” (Participant 37). Additionally a student participant remarked “we wait until the last minute just before exams start and then all of a sudden I’ll get way more
people in my tutorial than I normally do. But is just you know some people study in different ways” (Participant 1).

While there was a recognized issue of attendance, participants felt at certain points “there’s only so much you can do... you cannot physically drag them tutorial” (Participant 1). However, the lack of attendance was great concern since tutorials were perceived as such a great benefit. A student participant noted “getting people along is the hardest thing. Once we get people along, they are as smart as anyone else” (Participant 20). Likewise a staff participant said “if we can get them to a stage where they’re regularly attending, you’re actually halfway there with their study habits” (Participant 32).

The lack of attendance was a consistent major theme, while reasons for attendance were inconsistent minor themes that varied amongst participants. One reasons for non-attendance was students did not receive notification. One staff participant was concerned that “I’m not sure if people don’t get my emails because they haven’t set up their student mail” (Participant 20). Student participants confirmed they had not attended tutorials because “it wasn’t promoted enough. I didn't receive emails. It wasn’t until second year that I turned up” (Participant 2) and that they simply “didn’t know about it” (Participant 15).

A second reason offered to explain lack of attendance was student participants were simply busy doing other things that were more important and they just couldn’t “be bothered attending extra tutorials” (Participant 15). One student participant admitted sometimes “you’re just too lazy you can’t be bothered, just unmotivated” (Participant 4). Another student participant confessed “upon reflection I have a bit of a guilty conscious...I didn’t attend too many first year tutorials...life was a lot more hectic and I was busy doing things that were a lot more fun than academic pursuits seemed to be at the time” (Participant 17). Another issue for a student participant was the timetabling of the tutorials; the participant said “I haven’t been going because they clash with my other classes” (Participant 25).

A third reason for no and inconsistent attendance was postulated by some staff participants. As a staff participant hypothesized: “I think one of the reasons is because they haven’t done their homework, they haven’t prepared for the tutorial so therefore they don’t turn up” (Participant 37). However, lack of preparation as a reason for non-attendance was not substantiated by student participant responses.

A fourth reason for non-attendance was student participants believed they already understood the material. Some student participants said they “don’t feel the need” (Participant 15) or “don’t actually want the help” (Participant 17). As a student participant put it “I’ll only attend one if I really have questions about the general tutorial we just had because basically you’re covering the same thing...the only time I go is when I have extra questions to ask or if I want to go over the tutorial again” (Participant 28). Tutorials were thought to be accessed by students on an as needed basis, assuming they could not comprehend the material on their own. However a staff participant pointed out “the better students may not need to attend but again...I think they should for other reasons...we want to good Pacific students to give the role model element that tutors are not giving” (Participant 41).
A fifth reason for non-attendance was dissatisfaction with the particular tutor. This issue was common amongst both staff and student participants. But reasons for dissatisfaction were inconsistent. For example a student participant said “it would help if the tutor was more onto it so it could keep the discussion going and then students could really build on what they have to ask about” (Participant 28).

Finally a sixth reason for non-attendance was the inability to criticize the tutor. Simply put “when students don’t like the tutor they don’t turn up, but they’re not comfortable in saying why out of respect” (Participant 13). The student participant went on further to explain “there’s many who are not going to [the tutorial] but when an evaluation comes then we’re like yup…we don’t want to criticize the tutor because they’re taking their time to come and talk to us. The tutors think we are fine, but we are not” (Participant 13).

Some staff participants were aware of the difficult position Pacific students were in. However, some believed it was the student’s responsibility to initiate the change. For example a staff participant said: “I know it’s apart of our upbringing not to say something bad about your superior, but if you are unhappy, if that is the reason you are not attending then come and say so we can fix things. But not at the end. It’s like we didn’t know that, you should have told us” (Participant 37). The staff participant was concerned that if students did not care for the tutor instead of telling someone they simply would not access the tutorial at all.

While the previous student participant observation dealt with running discussions in tutorials, other staff participants suggested the ethnicity of the tutor play a role. As one staff participant suggested “[one of my colleagues suggest tutorials] might not work if you have Niueans trying to teach Samoans or Samoans tutoring Fijians or Fijians tutoring Papua New Guineans, you’re going to have not rivalry, but you’re going to have a dynamic…they are as different as the clans of Scotland and it’s not going to work” (Participant 41). This indicates the ethnicity of the tutor may deter certain Pacific students from attending.

In light of raising the attendance issues and suggestion reasons for non-attendance, a few participants suggested compulsory Pacific tutorials. One student participant suggested perhaps tutorials and workshops “should be compulsory because it helps a lot of students out” (Participant 5). Another student participant who had experienced both compulsory and non-compulsory tutorials further explained “I think mandatory led to what made it better…everybody was doing their part you know and everybody was bringing questions an putting their input in…but with non-mandatory they don’t have an expectation of you to do anything…that will always bring it down because you’re not as motivated to go for it” (Participant 28).

Drawing association to measurable results
Generally tutorials were perceived to produce outcomes such as law school admission and passing.

A great deal of students made remarks such as “I don’t think I would have got through first year law without them” (Participant 16). These comments suggested tutorials impacted students’ results. Staff similarly noted that “the ones who get into law are the ones who have been attending tutorials” (Participant 37) and that “you do see the difference between the ones who pass and the
ones who don’t because you know the ones who pass are the ones who have gone out of their way to ask for help and take advantage of whatever help there is” (Participant 1).

However, there was concern amongst some staff participants that attendance to tutorials did not significantly impact measurable student outcomes. A staff participant said “we can’t say that attendance in tutorials will help you pass and non-attendance will lead to failing because the people who are not attending are often very good so they are going to pass anyways. And the ones who do go are the ones who are going to fail anyhow because law is not their thing. So getting a meaningful correlation is not correct” (Participant 41).

**Mentors**

**Surveying Mentors Across Universities**

Often the term “mentor” is not well defined in job descriptions and in academic literature. The unclear mentor definition is further reflected in the range of what law schools considered mentors. “Mentors” inconsistently differed in definition, formality and structure.

Otago and Waikato, titled their general staff members who support Pacific law students as “mentors”. Those mentors’ roles were formal as they were contracted by the law schools to perform specific duties in respect to supported Pacific law students. The mentoring was between the staff member and the student.

In contrast, other law schools structured mentoring so that senior students mentored junior students. The Otago Pacific Mentor in addition to mentoring students themselves, also assigned senior students to mentor junior students. Similarly the Auckland law Pasifika Academic Coordinator informally matched senior law students with junior law students and worked with centralized university Tuakana programme to find appropriate mentors. The start date of informal mentoring is unknown.

Victoria and Canterbury law schools relied mainly on the central Pacific hubs within their universities. The Pacific mentoring programme was extended to include the law school at Victoria in 2002[^3].

Mentoring programmes across the different universities could not be compared because the programmes were so different in structure and because start dates for mentoring programmes was not readily available.

**Space**

**Surveying Space Across Universities**

Only two law schools provided exclusive Pacific spaces for Pacific law students. Victoria law school provided a specialized study and learning space for Maori and Pasifika student sin the Law Library[^4]. Auckland law school provided a dedicated study space for Pacific law students as there were

[^3]: Annual Report 2002 (Victoria, 2002) at 12
[^4]: Annual Report 2012 (Victoria, 2012) at 9; Victoria Faculty of Law “Te Kauwae Paraoa is open” (press release, 16 March 2012)
designated for all Pacific Islands students in all faculties by 2002. There is not enough information to draw any results because only two law schools have implemented dedicated space and Victoria only did so recently. Furthermore there is limited qualitative data on Pacific space as well.

MAINSTREAM INITIATIVES

PROFILING PACIFIC GUEST LECTURERS WITHIN THE LAW SCHOOL

Surveying Guests Across Universities

Law Schools have hosted guest lectures and Pacific events that have included lawyers and academics of Pacific ethnicity as well as those whose research interests lie in Pacific legal issues. Unlike access mechanisms and remedial support programmes that focus exclusively on Pacific law students, topic focused initiatives such as profiling Pacific events are open to the general public and law student body whom have interests generally in the Pacific. Four law schools indicated they hosted a number of Pacific guest lecturers throughout the years.

A number of law schools have hosted established Pacific persons as guests to address Pacific legal issues in guest lectures and seminars. Since guest lectures occur sporadically no implementation date could be established nor could the effects on completion and enrollment be deduced. Furthermore qualitative data on Pacific guests was also limited.

PACIFIC LAW PAPER

Surveying Pacific Law Papers Across Universities

Four law schools have offered undergraduate papers that specially focus on Pacific island legal issues. None of these papers are offered consistently year to year. Papers have only been offered as electives at the 300 level or above. The lack of consistent Pacific legal course offerings, lack of resources such as staff to teach such courses and failure to reflect the general public body that consists of a large Pacific demographic in the law school curriculum has been some of the public criticisms.

Paper offerings by Auckland and University of Otago have resulted in slight increases in completion in the year immediately following their implementation. But because of sporadic inconsistent implementation, long term trends of the paper cannot be established. There was no qualitative data available on Pacific Law Papers.

EXCHANGES & CONFERENCES

Surveying Exchanges and Conference Across Universities

No Law schools offer full semester of full year student exchange programmes to any law schools in Pacific countries—i.e. University of South Pacific School of Law, University of Fiji School of Law, William S. Richardson School of Law at University of Hawaii, University of New Caledonia Law Economics & Management School, University of French Polynesia Law Economics and Management, University of Papua New Guinea School of Law. However all six law schools participated in and/or hosted student exchange conferences focused on Pacific legal issues.

---

6 Efeso Collins “South Pacific law at uni...” The Daily Blog (online ed, New Zealand, 12 June 2013)
The annual Law & Culture conference began in 2008 and has been hosted in Dunedin by Otago, Auckland by Auckland, and Vanuatu by the University of the South Pacific. In 2012, student delegates from all 6 New Zealand law schools attended the conference in Auckland. The aim of the conference is to increase the understanding of Pacific legal issues and to strengthen relationships between Pacific legal scholars. The conference entails paper presentations by early career researchers and experts, panel presentations, and mooting competitions.

Waikato law students hosted and competed in the Pan Pacific Moot in 2012 against teams from the University of the South Pacific and University of Fiji. The Pan Pacific Moot originated in 1994; past competitions have also been held in Australia, Papua New Guinea, and Vanuatu.

Comparing the Effects of Exchanges and Conferences

Enrollment & Completion
Both Otago and Waikato demonstrated increases in enrollment and completion in the year immediately following the first time implementation of a conference. However, long term trends were not apparent.

Overall Participant Perceptions
As was discussed in the “Relevance” section of this Chapter, the overall positive effect of exchanges and conferences with research components was that the issues addressed were relevant to Pacific people and of interest to Pacific students. As one student participant stated:

“I’d like to see [the conference and exchange] continued because I think it’s a good opportunity for Pacific people to come together and look at Pacific issues together...we share the same Pacific values it’s nice to see that come into play in an environment where you wouldn’t Usually have it because obviously we do work in the white world” (Participant 28)

In regards to the relevance, a staff participant gave an example of the positive effect of researching and presenting on relevant Pacific legal issues:

“There was a Pacific Islander’s legal officers conference so the Solicitor Generals and Attorney Generals for the Pacific Islands that was held in Auckland in December last year and a number of [our Pacific] students presented to the Pacific Law officers again what they had to say...their research was taken really seriously...people do flourish and do quite superbly” (Participant 35)

In addition to the positive effect of relevance and being able to present on issues Pacific students found interesting (Participant 8), other positive effects of exchanges and conferences with research components were: discussions and networking.

_____________________
7 “About the Law and Culture Conferences” (n.d.) Law and Culture Conference <www.paclii.org/law-and-culture/>
9 2013 Faculty of Law Handbook (Otago, 2013) at 83
11 “About the Pan Pacific Moot Competition” (n.d) University of the South Pacific School of Law: Mooting <www.United Statesp.ac.fj/>
Discussions
Student participants felt a major positive effect of the conferences and exchanges was that they were able to showcase and have debates with people on issues they valued (Participant 10). As a student participant remarked:

“It’s all about overcoming racial stereotypes. Conferences, gatherings and meetings like this are Usually a great way to say we’re actually doing work that has an impact. We can get together and discuss ideas” (Participant 27)

Networking
A more predominant theme in regards to positive effects of conferences with a Pacific focus was the networking. Student participants especially appreciated that the networking was within a comfortable environment: “If it was just a normal [not-Pacific focused] conference I probably wouldn’t have gone for it because I would have been too intimidated. But when I feel I’m going to be around people that I would feel comfortable around then I would” (Participant 26)

Student participants valued the opportunity to build networks within their law school internally and with graduates. For example a student participant said “we have a public[law] study group now because of the conference...through the conference I met X and X graduated with his law degree, so it’s good to know him” (Participant 22).

Both student and staff greatly valued the wider networking opportunities between law schools, with the professional community and between New Zealand and Pacific countries. Two staff participants explained the significance of these wider networking opportunities:

“these networks have started to be created so that there’s a wider community than just the students [at this law school]. So if we can build into New Zealand and into the Pacific those connections...it’s really important because all of those students need to see themselves as future professionals and I think that the Palagi kids are very good at that. They envision themselves as a part of the legal profession. Our Pacific kids don’t. But this might help them” (Participant 34)

“[we’re] trying to create more opportunities for students to come out of the Pacific Islands to be able to while they’re still studying to be able to apply some of the expertise that they’ve acquired in ways that are helpful to their homeland and even for those many of whom were born here in Aotearoa to have a connection back so as to maintain the connections on a familial basis” (Participant 30)

PERMANENT PACIFIC STAFF MEMBERS
Surveying Permanent Pacific Staff Members Across Universities
Presently in 2013 there are only two legal academics in New Zealand law schools who identify as being of Pacific ethnicity. In 2006 there was the first promotion of a Pacific Islands staff member to a Personal Chair in Law12. Yet there remains a gap. Anecdotally there have been more Pacific staff however they do not tend to stay long within the faculty because they return to their respective

---

island countries. It has been recognized there is a need to increase the numbers of Pacific staff in law school\textsuperscript{13}.

However, there is a number of legal academic staff who research Pacific legal issues and provide consultation with Pacific countries. Four law schools stated they had several academic staff working as consultants and researchers in Pacific legal issues\textsuperscript{14} and with Pacific Island governments\textsuperscript{15}. Auckland in 2006 it would seek to work with colleagues in Pacific institutions to take the relationship further\textsuperscript{16}.

There was no qualitative or quantitative data on existing permanent Pacific academic staff members. However as was discussed in the section of the Chapter entitled "Pacific Academic staff", participants did have a strong interest in attaining more Pacific staff members.

**PACIFIC LAW STUDENT ASSOCIATIONS**

**Surveying Pacific Law Student Associations Across Universities**

In 2013, five law schools have active Pacific law students associations. Anecdotally, the sixth law school has had one in the past but over recent years it has faded away. Resources such as space and records are challenges that face associations, especially those with small numbers\textsuperscript{17}.

Student associations provide a variety of support including academic, social, cultural, spiritual and pastoral support for Pacific students\textsuperscript{18}. Associations do this by organizing social events\textsuperscript{19}, promoting sports teams, assisting secondary and overseas students in their transition to law school life\textsuperscript{20}, and running tutorials, seminars and orientations\textsuperscript{21}.

There was no indication of when exactly PLSA began. Thus the effects on enrollment and completion could not be determined.

**Comparing the Effects of Pacific Law Students Associations**

**Overall Participant Perceptions**

The positive effects of Pacific students associations were they enabled the conception of Pacific identity and created valuable networks of support. The somewhat negative effect of Associations was that they were largely dependent on leaders whom were perceived to not always meet the needs of all Pacific law students.

---

\textsuperscript{13} Otago Review of the Faculty of Law (Otago, 12-14 February 2013) at 4
\textsuperscript{14} Annual Report, The Auckland 2006 Annual Report (Auckland, 2006) at 27; Otago “Rex Ahdar Visits Samoa” Otago Law Faculty of Law Newsletter (Dunedin, Winter 2012) at 2
\textsuperscript{15} Annual Report 2009 (Victoria, 2009) at 45; Canterbury “Rewriting Fiji’s Criminal Code” School of Law Newsletter (Christchurch, September 2005) at 4
\textsuperscript{17} Review of the Faculty of Law Otago (Otago, 12-14 February 2007) at 10
\textsuperscript{18} 2013 Faculty of Law Handbook (Otago, 2013) at 83; Undergraduate Handbook Waikato-Faculty of Law (Waikato, 2013) at 4; Faculty of Law Undergraduate Handbook (Auckland, 2013) at 99; Faculty of Law Student Handbook (Victoria, 2013) at 24
\textsuperscript{19} Undergraduate Handbook Waikato-Faculty of Law (Waikato, 2013) at 4
\textsuperscript{20} Faculty of Law Student Handbook (Victoria, 2013) at 24
\textsuperscript{21} Faculty of Law Undergraduate Handbook (Auckland, 2013) at 99
Positive Pacific Identity
Pacific Law Student Associations were perceived by student participants as effective in enabling them to create a positive Pacific identity for themselves. This was helpful as many student participants felt they did not belong in law school. For example participants remarked:

“It’s kind of like a mutual understanding or you feel more comfortable....I don’t know it’s hard to explain. It’s just a more comfort thing like you could talk to them and not feel a bit stupid in a way.” (Participant 10)

“So then I felt like I didn’t belong at law school and then I started to get involved in PILSA and then I started to find my footing there like ‘oh this is a place where I can see myself’ and then so from that experience to actually finding a sense of belonging right now I feel really comfortable at law school.” (Participant 14)

Thus for many Pacific students, Pacific Associations were effective in making students feel they had a community group and belonged in law school. Another way Pacific Law Student Associations were effective in creating positive Pacific identity was that it made mainstream law student aware of Pacific students and Pacific issues. As one student participant stated:

“I remember last year when we decorated that common room people were like ‘wow there’s a PILSA, is there a PILSA?’ and some people were aware of it. But I think now that there is, maybe that’s a good thing. Maybe that shows that Pacific Islander students are capable of getting beyond first year law and really being effective.” (Participant 15)

Networks of Support
Similar to an effect of exchanges and conferences, Pacific Law Students Associations were perceived to positively create networks within the law school. Having a community within the law school was perceived by student participants to positive impact academic success.

“I think for me PILSA or just having relationships with other law students has been more of a help than the PASS tutorials and workshops for me personally. Because I think I learn better that way instead of just going to another tutorial. Just having my friends or just other people who are law students” (Participant 12)

“But I think it would be a really good initiative to get that going because it just kind of provides that support, like I said for Pacific people to have that personal touch you know with their community. There’s a sense of community. I think the biggest thing that the University can do is to be able to nurture that and to build that Pacific community within the law school.” (Participant 28)

Staff participants likewise affirmed the perception that peer support was correlated with academic success.

“That’s a real great advantage and a benefit that you can be a part of the law school and also be a part of this community where you know everyone else. You can share ideas, you can talk about problems, and
you can help other students in turn as you become a more senior student. That’s a really great positive.” (Participant 35)

“They’re best supported from their peers. They are supported by other things. But if their peers are really supportive then they’ll go really well and they won’t feel isolated because they’ll have built their own family network, which is good. That’s the real thing you are trying to bring forth. If you have that then things go along quite nicely.” (Participant 38)

Leader Dependent
As with any student association, student participants noted that a negative effect of the association as that it was dependent on the strength and skills of its leaders. The prominence and reputation of Pacific Law Student Associations waxed and waned depending on particular leaders and their initiatives (Participant 10). Some student participants admitted they were unaware of who was on the association, only knowing their names and not faces was not helpful (Participant 19).

Consistent with other student participant perspectives, a student participant who organized events for Pacific Law Students Association noted that it was difficult to raise awareness about the association to other Pacific students and to encourage persons to get involved.

“It’s just I’m in the [Pacific Law Students Association] committee and it just really hard trying to reach out to the other students to come interact with everyone else like you have like PILSA, the people who are always there who are interacting and wanting to help but then there’s others out there, like the 60 out there that don’t want to be a part of it or something. It’s always. I don’t know if maybe they’re getting enough information about the whole Pacific side of helping out or it’s just like the mentality of Pacific Islander you just don’t got ask for help because it’s too shaming or something. (Participant 4)

Exclusivity, Self-Segregation
A negative effect of Pacific Law Students Associations was that they were exclusive and entailed self-segregation of Pacific students. However, this was a minor theme throughout student participant interviews. One student participant explained to tried to avoid fitting herself only within the Pacific law student category because of certain detrimental effects:

I try to not categorise myself as just being a Pacifica student. What I would like to see is more infusion of being a law student because that would be inclusive as opposed to being exclusive. I feel that sometimes we Use it as an excuse to be separate and I think we need to work on amalgamating mainstream and Pacifica students together. (Participant 24)

Pacific Mooting Programme
Surveying Mooting Programmes across Universities
Presently only the University of Auckland runs a Pacific Moot in which students receive credit for the LLB General Moot requirement. Other universities have only participated in Pacific moots in conjunction with conferences, but these moots are not institutionalized within the law schools themselves. When examining University of Auckland data on the effects the moot had on enrollment and completion, there was no apparent effect.
CONCLUSIONS

Upon viewing New Zealand law schools as a whole, Section 4.6 1) recognized major trends in ethnic representation within enrollment and completion statistics 2) examined other compounding demographic factors that should be examined alongside race and 3) presented major themes from all participant interviews. Upon viewing law schools comparatively, this Section reveals the positive and negative effects of specific equity programmes from quantitative and qualitative data. The Table below summarizes the specific types of equity programmes available at each institution, as has been discussed in this Section. The following Timeline of equity programmes illustrates when each equity programme was implemented for the sake of comparison.