

LAWS70217 Fundamentals of the Common Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Semester 2, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: This subject is offered as an intensive and in semester length format at different times during the year. The timetable is available on the Melbourne Law Masters website at: www.law.unimelb.edu.au/subject/LAWS70217/2015 The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	Students who are required to undertake this subject are advised to do so as early as possible in their course. Students who have a degree in law from, or are admitted to practise in, a common law jurisdiction are not permitted to enrol in this subject except with the permission of the Associate Dean, Melbourne Law Masters.
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	Students who have a degree in law from, or are admitted to practise in, a common law jurisdiction are not permitted to enrol in this subject except with the permission of the Associate Dean, Melbourne Law Masters.
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Coordinator:	Ms Claire Kaylock, Ms Erica Grundell
Contact:	For more information: Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)

Subject Overview:	<p>The common law forms one of the two principal systems of Western law that, through colonisation, have spread throughout the world. The common law's understanding of the nature of law, its approach to the resolution of disputes and its institutions have all had a profound effect on the development not only of the societies in the countries in which it applies, but also of international law and practice. This subject introduces the common law, at an advanced level, to graduates in disciplines other than law and to law graduates of non-common law jurisdictions. Adopting a historical, comparative and jurisprudential approach, the subject studies the major rules, principles and values of the common law that are likely to enhance an understanding of the other subjects that students will undertake in the Melbourne Law Masters. The subject also aims to develop skills in legal analysis, research and writing.</p> <p>This subject provides an examination of the history, principal legal concepts and institutions of the common law. Topics will be chosen with a view to providing a basis of knowledge and understanding for areas of law covered elsewhere in the Melbourne Law Masters.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Evolution of the common law, the division between law and equity, theories of law, basic concepts, and values and assumptions # Sources of law in common law systems # Institutions and procedures of the common law # Substantive principles of the common law # The interpretation of statutes.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a sound general understanding of the history, principles, legal concepts and institutions of the common law # Understand the principal points of similarity and difference between common law and civil law systems # Be aware of the tendencies of the main legal systems to borrow from each other and understand the principal reasons for this # Have developed skills in legal analysis, research and writing.
Assessment:	<p>Semester-length classes Case presentation (during class) (10%) Legal writing exercise (10%) Semester 1: 1 April Semester 2: 24 August Research assignment (80%) Semester 1: 10 June Semester 2: 11 November A minimum of 75% attendance is a hurdle requirement for students commencing this subject in Semester 2.</p>
Prescribed Texts:	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70217/2015</p>
Notes:	<p>This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.</p>
Related Majors/Minors/Specialisations:	<p>Tailored Specialisation Tailored Specialisation</p>