

# LAWS70202 Advanced Civil Litigation

LAWS50027 Advanced Civil Litigation

Credit Points:	12.5						
Level:	7 (Graduate/Postgraduate)						
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: September, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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:	<b>Melbourne Law Masters Students:</b> None <b>JD Students:</b> Successful completion of the below subject: <table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50027 Dispute Resolution</td><td>Semester 1</td><td>12.5</td></tr></table>	Subject	Study Period Commencement:	Credit Points:	LAWS50027 Dispute Resolution	Semester 1	12.5
Subject	Study Period Commencement:	Credit Points:					
LAWS50027 Dispute Resolution	Semester 1	12.5					
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:	None						
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 Student Equity and Disability Support.						
Contact:	<b>Dr Andrew Higgins</b> ( <a href="http://www.law.unimelb.edu.au/staff/Andrew%20Higgins">http://www.law.unimelb.edu.au/staff/Andrew%20Higgins</a> ) (Coordinator) Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )						
Subject Overview:	Civil litigation is experiencing unprecedented levels of reform. Legislative changes, court decisions, changes to court rules and economic pressures are changing the way litigation is practised across the common law world. The proper roles of parties, lawyers, judges and courts						

	<p>are under scrutiny and discussion. The focus of this subject is current and significant issues in civil litigation, with an emphasis on new and emerging developments.</p> <p>The lecturer is a member of the Victorian Bar and Associate Professor in Civil Procedure at the University of Oxford and Fellow of Mansfield College, and guest lecturers are drawn from the profession and the courts.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Recent significant procedural reforms in Australia and overseas</li> <li># Law reform proposals</li> <li># Cost of justice, including cost rules and litigation funding</li> <li># Judicial intervention, including case management and apprehended bias</li> <li># Duties to the court</li> <li># Questions of jurisdiction</li> <li># Discovery, the duty to disclose and exceptions including client legal privilege</li> <li># Interim remedies</li> <li># Appeals &amp; finality in litigation</li> <li># Alternative dispute resolution.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the elements of and current issues in civil litigation</li> <li># Be able to critically examine, analyse, interpret and assess these elements and issues</li> <li># Be an engaged participant in debate regarding contemporary and emerging issues such as duties to the court, pressure for reform of discovery processes and judicial case management</li> <li># Have a sophisticated appreciation of the factors driving recent reforms in civil procedure</li> <li># Have an advanced understanding of the practical effects of reforms and current practices on civil litigation</li> <li># Have a detailed understanding of critical elements in civil litigation processes</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to possible future reforms and methods to deal with current problems in civil litigation procedure</li> <li># Have the cognitive and technical skills to independently examine, research and analyse aspects of civil procedure</li> <li># Have the communication skills to clearly articulate and convey complex information regarding civil procedure both to specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (14 December) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70202/2016">www.law.unimelb.edu.au/subject/LAWS70202/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Construction Law Graduate Diploma in Dispute Resolution Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Construction Law Master of Health and Medical Law Master of Laws

## Master of Public and International Law