

## 730-808 Proof in Litigation

<b>Credit Points:</b>	12.500
<b>Level:</b>	Graduate/Postgraduate
<b>Dates &amp; Locations:</b>	2008, This subject commences in the following study period/s: Summer Term, - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
<b>Prerequisites:</b>	N.A.
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Coordinator:</b>	A/Prof Andrew Palmer
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> <li># Have developed advanced skills in the analysis of evidence</li> <li># Have developed an enhanced ability to manage the evidential aspects of litigation</li> <li># Have developed an enhanced ability to conduct effective case preparation</li> <li># Be able to apply a systematic method for analysing and organising evidence as part of the process of preparing a matter for trial</li> <li># Be able to identify the arguments to be used in a closing address, and the evidence that will need to be adduced in order for those arguments to be made</li> <li># Be able to draft an Advice on Evidence</li> <li># Be able to compile a Trial Book</li> <li># Be able to demonstrate the achievement of these objectives in relation to a specific case.</li> </ul> <p><b>Syllabus:</b></p> <p>This subject presents a systematic method for analysing and organising the factual information in a brief or file as part of a lawyers preparation for trial. The method will be taught through its application to a hypothetical case file. While the focus is on trial preparation, application of the method to a matter is beneficial whether or not the matter ultimately proceeds to trial.</p> <p>The steps to be covered include:</p> <ul style="list-style-type: none"> <li># Introduction</li> <li># Preliminaries</li> <li># Chronologies</li> <li># Investigation</li> <li># Developing a case theory</li> <li># Proving the theory</li> <li># Arguing from and about evidence, including: Witnesses and other sources of evidence; relevance and the drawing of inferences; negative and missing evidence; and probative value and the standard of proof</li> <li># Analysing for admissibility</li> <li># Pulling it all together for trial.</li> </ul>
<b>Assessment:</b>	Seminar participation (10%) Take-home examination (90%) (11-14 April)

<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
<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>Generic Skills:</b>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/730808">http://www.masters.law.unimelb.edu.au/subject/730808</a>