

LAWS70342 International Arbitration Workshop

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: December, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.
Prerequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Corequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Recommended Background Knowledge:	Visit the Melbourne Law Masters website for more information about this subject.
Non Allowed Subjects:	Visit the Melbourne Law Masters website for more information about this subject.
Core Participation Requirements:	Visit the Melbourne Law Masters website for more information about this subject.
Coordinator:	Assoc Prof Andrew Mitchell
Contact:	For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at law-masters@unimelb.edu.au or phone 8344 6190 or alternatively visit the subject website: www.masters.law.unimelb.edu.au
Subject Overview:	<p>Principal topics will include:</p> <ul style="list-style-type: none"> # Arbitration agreement: How should you draft an arbitration agreement? Should you favour institutional arbitration or ad hoc arbitration? How do the various arbitration institutions compare? How should you decide issues such as the number of arbitrators, the language of the arbitration and the seat of the arbitration? # Request for arbitration: What should be contained in a request for arbitration? How should you choose an arbitrator? What is the applicable law to the procedure and merits? # Procedural hearing: What are the objectives of the so-called 'terms of references' under ICC arbitration? How to decide on the timetable of the arbitration? How does disclosure and discovery in international arbitration work? What issues arise regarding the hearing of witnesses and in relation to privileges? What are the limits of the jurisdiction of an arbitral tribunal? # Challenge of an arbitrator: What is the scope of the duty of independence and impartiality of arbitrators? How to appeal against a challenge decision? # Recognition and enforcement of arbitral awards: How does the legal framework of the New York Convention work? What are the prerequisites for the enforcement of an arbitral award?
Objectives:	<p>Students will experience some of the most important steps in an international commercial arbitration by putting themselves in the shoes of a counsel or arbitrator in a simulated arbitration. The majority of the subject involves a 'learning-by-doing' exercise on international commercial arbitration, supervised and guided by the subject leaders. The training focuses on the main principles of international commercial arbitration law and practice, with particular reference to their practical and strategic application. Participants are expected to take an active part in the exercises and discussion sessions.</p> <p>Students who have successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have drafted an arbitration agreement and a request for arbitration # Have participated (either as counsel or arbitrator) in a procedural hearing # Have argued the challenge of an arbitrator and for/against the recognition (or annulment) of an award # Recognise the key tactical considerations involved at the different stages of the international arbitration process.

Assessment:	Take-home examination (100%) (28-31 January 2011) or 10,000 word research paper (100%) (7 March 2011) on a topic approved by the subject coordinator
Prescribed Texts:	Visit the subject website for more information
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	Visit the Melbourne Law Masters website for more information about this subject.
Links to further information:	http://www.masters.law.unimelb.edu.au/