

LAWS50023 Legal Method and Reasoning

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	<p>2011, Parkville</p> <p>This subject commences in the following study period/s: February, Parkville - Taught on campus.</p>
Time Commitment:	Contact Hours: Taught intensively: 4 hours per day, over a 2 week period. Total Time Commitment: 80-100 hours.
Prerequisites:	None.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are:</p> <ul style="list-style-type: none"> The ability to attend classes and actively engage in the analysis 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 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. <p>Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students.</p> <p>Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/.</p>
Coordinator:	Prof Ian Malkin
Contact:	<p>Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475</p>
Subject Overview:	<p>This foundation subject introduces students to core elements of legal method and reasoning in common law legal systems, including: the principal sources of law; the ways in which law develops and is used in relation to each; the relationship between sources of law; and the principal contemporary theoretical debates on common law method. Methodological issues will be considered in substantive context, to give students an understanding of the social role of law. Students will develop their own legal skills, through interactive classes, additional skills classes and assessment tasks that are designed to give students hand-on experience, as well as to test skills acquired in the course.</p> <p>The principal topics include:</p> <ul style="list-style-type: none"> # Analysis of a case; # The concept and use of precedent; # Progressive evolution of common law doctrine; # Emergence of new doctrine; # Analysis of a statute;

	<ul style="list-style-type: none"> # Approaches to statutory interpretation; # Relationship between statutes and case-law and between statutes themselves; # Presumptions in statutory interpretation. <p>Essentially descriptive material concerning the structure of government, the hierarchy of courts and the nature of the legislative process will be covered in introductory readings; understanding of it will be enhanced and reinforced through discussions in class.</p>
Objectives:	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> # Understand and be able to describe the institutional structure of Australian government and its implications for the legal system; # Understand and be able to engage in critical debate on the way in which common law reasoning operates, including an ability to: <ul style="list-style-type: none"> - Extract important features from judgments; - Reconcile judgments; - Evaluate the development of legal principles; - Apply legal principles arising from case law to new situations. # Understand and be able to engage in critical debate on the way in which significant statutory regimes operate, including an ability to: <ul style="list-style-type: none"> - Extract important features from statutes; - Use, interpret and apply statutory provisions to new situations. # Have acquired basic skills in legal analysis and problem-solving, on which subsequent subjects will build, including an ability to: <ul style="list-style-type: none"> - Identify and analyse legal issues arising in new fact situations; - Demonstrate ways in which disputes can be resolved. # Have a sound and reliable grasp of fundamental legal research skills, including an ability to: <ul style="list-style-type: none"> - Find case law; - Find legislation. # Have a grounding in legal writing skills, which them to: <ul style="list-style-type: none"> - Identify and articulate legal principles, concisely and accurately; - Evaluate the significance and implications of legal rules and the issues to which they relate; - Provide advice on legal issues. # Have developed an enthusiasm for the study of law; # Have acquired an attitude to legal education which accepts pre-reading, reflection and class discussion as essential to learning.
Assessment:	Assignment 1: Case Analysis (1,500 words) due in accordance with the assessment schedule; Assignment 2: Statutes (1,500 words) due in accordance with the assessment schedule; All assessment will be graded as hurdle requirements. Students must pass all assessment tasks to be awarded a pass in the subject.
Prescribed Texts:	Printed materials will be available from the Melbourne Law School; Catriona Cook (et al), Laying Down the Law (7th ed, 2009); Butterworths Concise Australian Legal Dictionary.
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:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time; # The capacity to participate as a member of a group engaged in class exercises; # Intercultural sensitivity and understanding; # Oral communication skills, by participating in classroom problem solving and discussion;

	# An ability to work in groups to solve problems and critically analyse legal materials in a classroom setting.
Related Course(s):	Juris Doctor