

LAWS50050 Cross-Border Litigation

Credit Points:	12.50																				
Level:	5 (Graduate/Postgraduate)																				
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. Seminars.																				
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																				
Prerequisites:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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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: 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. 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. 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>																				
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																				
Subject Overview:	The focus of this subject is on litigation of cross-border disputes. The subject will examine the key doctrinal principles in the area as well as problems commonly encountered in practice.																				
Objectives:	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> # Understand the nature and scope of cross-border disputes (both transnational and intra-federal) before Australian courts; # Understand the principles relating to civil jurisdiction and applicable law in Australia; 																				

	<ul style="list-style-type: none"> # Have an appreciation of the principles that govern the recognition and enforcement of foreign judgments in Australia; and # Demonstrate a capacity to (i) apply the above principles to specific case situations and (ii) engage in oral and written expression and argument.
Assessment:	A moot court on a topic to be nominated by the lecturer. The moots shall be prepared in groups of two persons per 'side' with each side receiving a mark for their combined written argument (20 points) and each individual mooter receiving a mark for his or her oral advocacy (20 points) (40%); 2-hour open book supervised exam with half an hour reading time (60%) during examination period.
Prescribed Texts:	None
Recommended Texts:	<p>The casebook for the subject is Davies, Ricketson and Lindell, <i>Conflict of Laws: Commentary and Materials</i> (1997, Butterworths) referred to in the reading guide as CB. While students are not required to purchase this book, much of its content remains relevant. Printed materials (PM) will also be distributed covering recent developments since the casebook's publication and other matters which are outside its scope.</p> <p>There are a number of very useful texts and casebooks to which reference will also be made. These include:</p> <ul style="list-style-type: none"> # Nygh and Davies, <i>Conflict of Laws in Australia</i> (7th ed 2002); # Mortensen, <i>Private International Law in Australia</i> (2006); # Tilbury, Davis and Opeskin, <i>Conflict of Laws in Australia</i> (casebook) (2001); # Sykes and Pryles, <i>Australian Private International Law</i> (3rd ed 1991); # <i>Cheshire and North's Private International Law</i> (13th ed) by North and Fawcett (1999) (2000).
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"> # 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.