

# LAWS50050 Cross-Border Litigation

<b>Credit Points:</b>	12.50																		
<b>Level:</b>	5 (Graduate/Postgraduate)																		
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. Seminars.																		
<b>Time Commitment:</b>	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																		
<b>Prerequisites:</b>	<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 2</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 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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<b>Corequisites:</b>	None.																		
<b>Recommended Background Knowledge:</b>	None.																		
<b>Non Allowed Subjects:</b>	None.																		
<b>Core Participation Requirements:</b>	<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: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																		
<b>Coordinator:</b>	Prof Richard Garnett																		
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																		
<b>Subject Overview:</b>	This subject will examine, from an advanced and specialist point of view, the rules applicable to the court determination of cross-border disputes in Australia, in particular the issues of civil																		

	jurisdiction (including both the existence and discretionary exercise of jurisdiction), applicable law (focusing on the areas of tort and contract) and the recognition and enforcement of foreign judgments. The subject will examine both transnational and intra-federal disputes. This subject aims at equipping students with an expert knowledge of the major topics within the field as well as integrating new skills in international and comparative analysis.
<b>Objectives:</b>	Students who successfully complete this subject will have: <ul style="list-style-type: none"> <li># A high level of awareness of the kinds of legal problems that can arise from cross-border transactions;</li> <li># A mastery of the principal mechanisms that parties use to resolve or reduce those problems;</li> <li># Acquired an expert knowledge of the law of jurisdiction, applicable law and the recognition and enforcement of foreign judgments; and</li> <li># A sophisticated understanding of strategic decision making in cross-border litigation.</li> </ul>
<b>Assessment:</b>	A moot court on a topic set by the subject co-ordinator. 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%); and A day long, 8 hour take-home examination worth 60%.
<b>Prescribed Texts:</b>	Mortensen, Garnett, and Keyes, <i>Private International Law in Australia</i> (most recent edition); Specialist printed materials will also be made available from Melbourne Law School.
<b>Recommended Texts:</b>	<ul style="list-style-type: none"> <li># <i>Nygh's Conflict of Laws in Australia</i> (most recent edition);</li> <li># <i>Cheshire and North's Private International Law</i> by Fawcett and Carruthers (most recent edition).</li> </ul>
<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>	On completion of the subject students should have developed and demonstrated their skills as follows: <ul style="list-style-type: none"> <li># Advanced cognitive skills to solve problems by practical application of often complex legal principles;</li> <li># High-level cognitive and technical skills to interpret, analyse and draft effective jurisdiction and choice of law clauses in international and intra-federal contracts;</li> <li># A strong conceptual understanding of the differences between international and intra-federal disputes including relevant constitutional considerations;</li> <li># Cognitive and technical skills to establish mastery in using comparative legal materials;</li> <li># Creative and technical skills to understand and critically reflect upon strategies in cross-border litigation and a demonstrated ability to provide sophisticated and informed advice to individual, commercial and government clients on such strategies; and</li> <li># Independent communication and technical research skills as demonstrated in oral advocacy and written submissions for the moot court segment.</li> </ul>