

LAWS70384 Comparative Tort Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2012.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None.
Corequisites:	None.
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) or phone +61 3 8344 6190. Alternatively, visit our website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	The lecturer will bring his experience as a consultant to Australian law firms for nearly 20 years to help students understand the points of similarity and difference between the two systems. This subject will examine the ways in which the American law of torts is similar to the Australian law of torts, and the ways in which the two systems differ. A comparative analysis of the two legal systems will encourage a critical analysis of what is beneficial in a tort law regime, and what is questionable. Principal topics will include: <ul style="list-style-type: none"> # An introduction to comparative law methods # Punitive damages # Product liability # Medical malpractice # Defamation, intentional infliction of emotional distress and First Amendment rights # Procedure, jury trials and pre-trial motion practice # Damages for loss of a chance of a better outcome

	<ul style="list-style-type: none"> # Duty of care concepts # Liability for purely economic losses # Liability of government authorities/sovereign immunity # Transnational claims; conflict of laws # Sexual and racial harassment # Torts affecting Internet use: Trespass, conversion, etc. # Occupier's liability # The role of insurance # Proximate cause/'scope of liability' # Market share liability for dangerous products # Jurisdictional issues: When will a court assert authority?
Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a working knowledge of the American law of torts in relation to key issues of private liability # Understand why and in what ways Australian and American tort law differ # Have a reflective sense of what a law of torts should aim to achieve
Assessment:	10,000 word research paper (100%) (1 October) on a topic approved by the subject coordinator
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
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
Links to further information:	http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5150