

# LAWS70121 International Commercial Arbitration

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	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.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	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 and critique 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 to 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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Prof Richard Garnett
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>International commercial arbitration is the most important method globally for resolving cross-border commercial disputes. The focus of this subject is on the basic principles of international commercial arbitration law and is taught from the perspective of both the practitioner advising clients and the scholar interested in advanced research. There will be a particular focus on the desirability of arbitration compared to other dispute resolution methods, the relationship between the courts and arbitrators, drafting techniques and developments in Australia and other countries. The lecturer is both a leading scholar in the field and a practising lawyer at a major commercial law firm.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># The nature of international arbitration</li> <li># Applicable law in international arbitration</li> <li># The Australian procedural regime and an introduction to the UNCITRAL Model Law</li> <li># Enforcing international arbitration agreements</li> <li># Appointment and qualifications of arbitrators</li> </ul>

	<ul style="list-style-type: none"> <li># Misconduct of arbitrators</li> <li># Privacy and confidentiality</li> <li># Enforcement and challenge of awards.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the nature of arbitration as a form of dispute resolution and its advantages and disadvantages relative to litigation, particularly in international trade matters</li> <li># Be aware of the legal and procedural regime for international arbitration in Australia and its similarity with the laws of other countries</li> <li># Be familiar with some of the major forms of institutional arbitration (e.g. the International Chamber of Commerce)</li> <li># Understand the relationship between domestic courts and arbitration and the growing autonomy of the arbitral process</li> <li># Be able to advise clients on the drafting and enforcing of arbitration agreements and awards and the conduct of arbitral proceedings.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (14–17 June) or 10,000 word research paper (100%) (17 June) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	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.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70121/2013">http://www.law.unimelb.edu.au/subject/LAWS70121/2013</a>