

LAWS70379 What is it that Judges Do?

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2013, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus.
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 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: 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) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>This subject seeks to understand how judges arrive at judgments and thus the complex question of adjudication. By examining key elements of the vast literature that has analysed the process of adjudication, the course attempts to develop the conceptual tools by which each student can approach the reading of judgments of courts. The subject then intensively discusses a number of important cases from various jurisdictions – the United Kingdom, the United States, Australia, South Africa and Canada. By applying the insights learnt from the earlier conceptual discussion, the course examines the judicial mind that has given rise to the judgments so studied. In this way, the subject talks to practitioners who litigate and can reflect on the means of help shaping the judgment they so seek as well as to those lawyers who wish to develop a comprehensive understanding of both the theory and practice of adjudication.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"># A critical reading of key texts – Hart, Raz, Fuller, Dworkin, Habermas, Derrida and Kennedy# Language, linguistic theory and the law# Reading judgments (Australian and comparative) – both in the area of constitutional/human rights law and private law# The impact of political emergency upon the judicial function/adjudication.

Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"># Be aware of the range of factors that shape a judgment# Understand the weight of precedent, legal discourse, political ideology, judicial philosophy and advocacy upon the outcome of the case# Critically evaluate the key academic texts that have set out the main theories of adjudication# Understand judgments and examine legal development by the courts by employing a theory or theories of adjudication.
Assessment:	Take-home examination (100%) (22–25 November) or 10,000 word research paper (100%) (22 January 2014) on a topic approved by the subject coordinator, a rough preliminary draft of which is to be presented in class
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/subject/LAWS70379/2013