

LAWS50055 Advocacy

Credit Points:	12.5																														
Level:	5 (Graduate/Postgraduate)																														
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: December, Parkville - Taught on campus. Semester 1, Parkville - Taught on campus.																														
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																														
Prerequisites:	<p>Evidence and Proof (LAWS50037) is a concurrent prerequisite. A concurrent prerequisite is a requisite that students must either be undertaking concurrently (in exactly the same study period) with their enrolment in the subject, or have already met (student has undertaken the requisite subject previously).</p> <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>November, 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> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50037 Evidence and Proof</td> <td>July, 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	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50031 Legal Theory	Semester 2	12.50	LAWS50037 Evidence and Proof	July, 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: www.services.unimelb.edu.au/disability/.</p>																														

Coordinator:	Dr Jacqueline Horan
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:	<p>The enforcement and protection of legal rights and interests ultimately depends on legal proceedings in courts and tribunals. Many if not most legal proceedings revolve around issues of fact, and in an adversarial context this means the presentation of competing versions of contentious events and the attempt by each of the parties to persuade the tribunal of fact to accept a version of events which would entitle them to the remedy or outcome sought by their client.</p> <p>The focus of this subject is on the development of the specialised skills and expert judgment needed for this crucial aspect of legal practice, which can broadly be described as trial advocacy (as distinct from appellate advocacy). Effective trial advocacy requires a broad, complex and diverse set of skills, ranging from the ability to develop and present a persuasive narrative (both in an address and by examining a witness) to the ability to force an opposing witness to make concessions that will advance the party's case.</p> <p>Advocacy enables students to develop this set of skills in a supportive workshop environment. Topics covered will include the adversary process; the role of the trial advocate; the development of case theories, themes and labels; opening and closing addresses; and witness examination including examination-in-chief and cross-examination. Students will be required to plan and conduct a variety of advocacy exercises.</p>
Learning Outcomes:	<p>A candidate who has successfully completed the subject will be able to:</p> <ul style="list-style-type: none"> # Identify aims and objectives for the conduct of a trial; # Develop plans and strategies for the achievement of those aims and objectives; # Implement those plans and strategies in the preparation of, and through the course of, a trial; and # Critically reflect on all of the above at the conclusion of a trial. <p>Through the development of these cognitive and technical skills, students will develop the ability to:</p> <ul style="list-style-type: none"> # Independently analyse, reflect on and synthesise the complex masses of evidence and information that typically arise in litigation; # Independently identify issues and problems arising or likely to arise in a particular trial; # Independently develop solutions to those problems; and # Communicate ideas, theories, information and arguments to a tribunal of fact or law.
Assessment:	Semester 1 Written submissions to include outline of case theories, outline of opening and closing addresses and summary of questions to be put to witnesses. Written work due prior to scheduled trial performance (20%); and Trial performance: opening statement (20%), examination-in-chief (20%), cross-examination (20%) and closing statement (20%): scheduled in accordance with trial performance timetable. November: Class participation (hurdle); Written preparation including drafts of opening and closing addresses and outline of objectives for trial and examination of witnesses, due prior to scheduled trial performance (25%); Trial performance, scheduled in accordance with trial performance timetable (50%); Reflective Report due approximately 2 weeks after the end of the teaching period (25%).
Prescribed Texts:	Semester 1: George Hampel, Brimer and Kune, Advocacy Manual, published by the Australian Advocacy Institute (1st ed); Specialist printed material will also be made available from Melbourne Law School. November: Andrew Palmer, Proof: How to Analyse Evidence in Preparation for Trial (2nd ed, Thomson Reuters, 2010); Specialist printed material will also be made available from Melbourne Law School.
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:	Students who successfully complete this subject will be able to:

- Prepare a case for trial including:
 - # Developing a case theory;
 - # Drafting an opening address;
 - # Drafting a closing address;
 - # Drafting examinations and cross-examinations of witnesses; and
 - # Assessing the strengths and weaknesses of a case.
- Conduct a trial including:
 - # Delivering an opening address;
 - # Examining and cross-examining witnesses;
 - # Delivering a closing address.
- Reflect critically and meaningfully on their performance at the above tasks.

Notes:

This subject has a quota of 30. Please contact the Law Student Centre for enrolment information. Details on **quota subject selection** (<http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/>) are available on the JD website.