

LAWS70178 Proof in Litigation

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: April, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
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/
Coordinator:	Assoc Prof Andrew Palmer
Contact:	For more information: 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:	Proof in litigation is primarily designed as a subject for lawyers looking to improve their skills in analysing evidence as part of the process of preparing for adversarial litigation. The subject is taught in a hands-on workshop format and the final day is spent in the Moot Court, putting the preparation into practice. This subject presents a systematic method for analysing and organising the factual information in a brief or file as part of a lawyer's preparation for trial. The method will be taught through its application to a hypothetical case file. While the focus is on trial preparation, application of the method to a matter is beneficial, whether or not the matter ultimately proceeds to trial. Principal topics include: # Introduction

	<ul style="list-style-type: none"> # Preliminaries # Chronologies # Investigation # Developing a case theory # Proving the theory # Arguing from and about evidence, including: witnesses and other sources of evidence, relevance and the drawing of inferences, negative and missing evidence, probative value and the standard of proof # Analysing for admissibility # Pulling it all together for trial.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have developed advanced skills in the analysis of evidence # Have developed an enhanced ability to manage the evidential aspects of litigation # Have developed an enhanced ability to conduct effective case preparation # Have the cognitive and technical skills to be able to systematically analyse and organise evidence as part of the process of preparing a matter for trial # Have developed advanced skills in identifying the arguments to be used in a closing address and the evidence that will need to be adduced in order for those arguments to be made # Have the cognitive and communication skills to be able to draft an Advice on Evidence # Be able to demonstrate the achievement of these objectives in relation to a specific case.
Assessment:	Class participation (10%) Take-home examination (90%) (29 May – 1 June)
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the 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:	www.law.unimelb.edu.au/subject/LAWS70178/2015
Notes:	This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.