

LAWS50055 Advocacy

| Credit Points: | 12.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Level: | 5 (Graduate/Postgraduate) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dates & Locations: | 2016, Parkville This subject commences in the following study period/s: January, Parkville - Taught on campus. Semester 2, Parkville - Taught on campus. This subject has a quota of 60 students (30 students per stream). Please refer to the Melbourne Law JD website for further information about subject quotas | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time Commitment: | Contact Hours: 36 hours Total Time Commitment: 144 hours | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prerequisites: | Successful completion of all the below subjects: <table border="1" data-bbox="387 629 1485 1234"> <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 |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Corequisites: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recommended Background Knowledge: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non Allowed Subjects: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Core Participation Requirements: | 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 inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Coordinator: | Dr Jacqueline Horan |
| Contact: | Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475 Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd) |
| 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: | <p>Written submissions to include outline of case theories, outline of opening and closing addresses and summary of questions to be put to witnesses (20%). January intensive: Written work due 29 Feb 2016, two days before the trial performance timetable starts Semester 2: Written work due during the exam period, shortly before the trial performance timetable starts</p> <p>Trial performance: opening statement (20%), examination-in-chief (20%), cross-examination (20%) and closing statement (20%): scheduled in accordance with trial performance timetable.</p> <p>January intensive: The trial performance timetable is scheduled from 02 March 2016 Semester 2: The trial performance timetable is scheduled during the exam period, commencing after the written work due date.</p> |
| Prescribed Texts: | George Hampel, Brimer and Kune, <i>Advocacy Manual</i> , published by the Australian Advocacy Institute (1st ed); Specialist printed materials will also be made available from the 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: | <p>Students who successfully complete this subject will be able to:</p> <ul style="list-style-type: none"> - Prepare a case for trial including: |

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| | <ul style="list-style-type: none"># 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. <p>- Conduct a trial including:</p> <ul style="list-style-type: none"># Delivering an opening address;# Examining and cross-examining witnesses;# Delivering a closing address. <p>- Reflect critically and meaningfully on their performance at the above tasks.</p> |
| Related Course(s): | Juris Doctor |