

LAWS50072 Medical Law

Credit Points:	12.5																											
Level:	5 (Graduate/Postgraduate)																											
Dates & Locations:	This subject is not offered in 2016. This subject has a quota of 60 students. Details on quota subject selection are available on the JD website.																											
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																											
Prerequisites:	<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>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50032 Administrative Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50034 Criminal Law and Procedure</td> <td>Semester 2</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	LAWS50029 Contracts	Semester 2	12.50	LAWS50032 Administrative Law	Semester 1	12.50	LAWS50034 Criminal Law and Procedure	Semester 2	12.50
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Corequisites:	None																											
Recommended Background Knowledge:	None																											
Non Allowed Subjects:	A student may not undertake both this subject and the MLM subjects <i>Foundations of Medical Law</i> or <i>Law for Health Care Professionals</i> during this degree.																											
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 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/ .																											
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:	Medical Law covers many aspects of the legal relationship between doctors and other health professionals and patients. It includes potential civil liability if a patient is injured by a failure to																											

	<p>take reasonable care in providing treatment; and also potential disciplinary action and criminal prosecution for more serious conduct. However, the scope of the subject is much wider than many people would expect, extending to legal obligations in all aspects of day-to-day practice, far beyond court and disciplinary proceedings.</p> <p>Medical law is constantly changing and students will need to keep abreast of legal and ethical developments across a wide range of divergent legal areas as they occur, including possible policy implications. Examples of topical areas that may be considered in class include the alleged right of family members to require treatment to be continued for a critically ill relative; genetic privacy; embryonic stem cell research; and calls to change the law on euthanasia.</p>
Learning Outcomes:	<p>This subject will build upon the research, analytical and communication skills already developed within the JD program. In addition, and specifically, on completion of this subject, students should have developed specialised knowledge and skills for research and/or professional practice and for further learning in the field of Medical Law. Students will have a detailed understanding of the law, including critical and theoretical analyses of the application of relevant legal principles in practice, in relation to:</p> <ul style="list-style-type: none"> # The legal duty of doctors and other health professionals to exercise reasonable care in diagnosis, providing information and treatment; # The special rights, needs and interests of children, adolescents, mentally ill and intellectually disabled patients and the terminally ill and dying, and methods of making medical decisions on their behalf; # The principles and values that govern the process of making medical decisions on behalf of another person, whether the decisions are made by parents, other family members, guardians or agents; # The extent of the obligation of doctors and other health professionals to keep information confidential and to allow patients access to their records; # The process for patients and surrogate decision makers to refuse medical procedures and the limits of that process in practice; # The steps that hospitals, doctors and other health professionals could take if there is a dispute about medical procedures, especially at the beginning or end of life; # The underlying theory of surrogate decision making; and # Policy and legal issues that may arise concerning the law on abortion, child destruction, wrongful birth and wrongful life.
Assessment:	<p>Submission of research proposal on one of a number of topics selected or approved by the coordinator, and group presentation of work in progress concerning that proposal in class (30%): Students will develop their own written research proposal of 2,000 words on one of a number of topics selected or approved by the coordinator, outlining their contention and arguments for their Research Essay. Students will present their ideas and arguments orally to the class, as a member of a group of students working on the same topic. Students will be expected to provide a reasoned explanation and defence of their arguments in response to points raised by the coordinator, and other students, after an informed and respectful critical debate about relevant issues. In this exercise, students will gain experience in oral defence of a short thesis. They will be expected to take account of the comments of others when developing their research proposal into the Research Essay. They will also acquire critical and analytical skills in responding to the research and arguments of other students. Research Essay, 5,000 words due in accordance with the assessment schedule (70%): Students will submit a Research Essay of 5,000 words. This will require detailed independent research and writing involving breadth and complexity, utilising a wide range of research materials and drawing on methods of detailed analysis and critique of other disciplines. In undertaking research and writing the essay, students will take account of the discussion and critical comments on their research proposal and class presentation. This will strengthen and deepen the arguments in the Research Essay, which is expected to be of the high standard one would expect after peer review. The Research Essay should meet the standard of a legal article that has undergone peer review for publication in a law journal.</p>
Prescribed Texts:	Specialist printed materials 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:	<p>Students who successfully complete this subject will be able to draw on their understanding of the substantive and theoretical aspects of the subject and:</p> <ul style="list-style-type: none"># Through the assessment involving a written research proposal and class participation, work with a group to develop a research question relevant to a specific topic within this complex field, articulate arguments and views concerning the subject material at a sophisticated level, critically and respectfully review research and arguments of their peers, and respond effectively and productively to peer review on work in progress;# Through the assessment involving a research paper,, creativelyundertake independent and self-directed legal research, involving diverse international sources, to produce a substantial piece of legal writing;# Through the assessment involving a research paper, display sophisticated skills in investigation, analysis, synthesis and application of theoretical understanding, and in developing/presenting arguments in a way that is highly structured, supported and referenced, and accessible to legal and non-legal audiences alike.
Related Course(s):	Juris Doctor