

LAWS70019 Class Actions

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2016.
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/
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:	<p>Class actions have become an increasingly prominent feature of Australia's litigation landscape. Some people think they enhance access to justice, offer an efficient way to deal with large numbers of claims and function as an effective regulatory tool, while others criticise them as improper 'private' regulation or as just another way for lawyers to become wealthy. Students will have the opportunity to critically evaluate these views. Law reform proposals will be considered, as will the development, present state and likely future directions of the law and practice of Australian class actions. While the focus will be on Australia, methods used in other countries to bring and manage group proceedings will be considered and compared. Students will have the opportunity to engage and debate with lecturers and guest lecturers with substantial academic, practice, judicial and international experience.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The origins of modern class action regimes in Australia # Comparisons of the federal and Victorian regimes with those in other Australian and overseas jurisdictions # The main stages of class action litigation

	<ul style="list-style-type: none"> # The roles of lawyers, judges, parties, litigation funders and regulators # Specific issues, including choosing a forum, defining the class, the role of the lead plaintiff, entrepreneurial lawyering, identifying and notifying class members, settlement and court approval # Comparing class actions with other procedures available for bringing and managing complex litigation # Securities class actions and the regulatory role of the class action # Funding and costs issues, including the role of commercial litigation funders.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the statutory regimes, principles and practices governing class action litigation, including recent local and international developments in this field of law and practice # Be able to critically examine, analyse, interpret and assess the purposes and efficacy of class action litigation # Be an engaged participant in debates regarding emerging and contemporary issues in the field, such as the extent to which Australia's class action regimes have secured the policy goals of access to justice and judicial economy, empirical evidence regarding the practical operation of these regimes, their interaction with the activities of the Australian Securities and Investments Commission and the role of commercial litigation funders # Have a sophisticated appreciation of the key practical, conceptual and ethical issues that arise in the context of class action litigation # Have an advanced understanding of the main stages class action litigation and how class action proceedings are commenced, conducted and settled # Have a detailed understanding of class action regimes in a comparative and empirical context # Have the cognitive and technical skills to generate critical and creative ideas relating to class action litigation and to critically evaluate law reform initiatives and existing issues, debates, theories and controversies # Have the cognitive and technical skills to independently examine, research and analyse existing and emerging issues relating to class action litigation # Have the communication skills to clearly articulate and convey complex information regarding class action litigation to relevant specialist and non-specialist audiences # Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of class action litigation.
Assessment:	Take-home examination (100%) (21-24 August) or 10,000 word research paper (100%) (30 September) on a topic approved by the subject coordinator
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/LAWS70019/2015
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.
Related Course(s):	<p>Graduate Diploma in Dispute Resolution Graduate Diploma in Legal Studies Master of Commercial Law Master of Laws Master of Public and International Law</p>