

LAWS70073 Expert Evidence

Credit Points:	12.5						
Level:	7 (Graduate/Postgraduate)						
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: July, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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:	<p>Melbourne Law Masters Students: None</p> <p>JD Students: Successful completion of the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50037 Evidence and Proof</td> <td>July, Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50037 Evidence and Proof	July, Semester 1	12.5
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LAWS50037 Evidence and Proof	July, Semester 1	12.5					
Corequisites:	None						
Recommended Background Knowledge:	<p>Prior study in evidence law or appropriate practical experience is recommended.</p> <p>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.</p>						
Non Allowed Subjects:	None						
Core Participation Requirements:	<p>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 Student Equity and Disability Support.</p>						
Coordinator:	Prof Jeremy Gans						
Contact:	<p>Lecturers</p> <p>Professor Jeremy Gans (http://www.law.unimelb.edu.au/staff/Jeremy%20Gans) (Coordinator)</p> <p>Professor David Caudill (http://www.law.unimelb.edu.au/staff/David%20Caudill)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190</p>						

	Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Expert evidence continues to play a major role in civil litigation and criminal prosecution, as well as in administrative regulation. Moreover, the field of expertise in law has become the site of numerous contemporary controversies over judicial standards for admissibility of expertise, how to evaluate the reliability of expert testimony and the ethics of experts and attorneys who present expert testimony. This subject is primarily a detailed examination of the law and policy of the regulation of expert evidence in Australia, as well as comparative reform movements of likely significance to Australia in the future, notably developments in the United States. The materials for the subject, most of which are from court files of actual cases, will emphasise the practical uses of expert evidence inside and outside the courtroom.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The legal framework for regulating expert evidence # Debate and controversies about expertise # The admissibility of expert testimony # Restrictions on the conduct of experts # Use of expert evidence inside and outside courtrooms. <p>The above topics will be illuminated through the study of specific instances of expert evidence, conduct and regulation that have prompted change and reform or controversy in Australia or other countries, especially the United States.</p>
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 legal principles of Australian law on the admissibility of opinion evidence, including comparative developments in this field of law and practice # Be able to critically examine, analyse, interpret and assess the operation of these legal rules # Be an engaged participant in debate regarding the regulation of experts, expertise and expert evidence # Have a sophisticated appreciation of the factors and processes governing the use of expert evidence in civil and criminal proceedings # Have an advanced understanding of the implications of the sociology of science in law for debates on the use of expert evidence # Have a detailed understanding of comparative developments on the reception of expert evidence # Have the cognitive and technical skills to generate critical and creative ideas relating to the use of expert evidence in litigation and to critically evaluate past and current instances of such use # Have the cognitive and technical skills to independently examine, research and analyse emerging issues in the regulation of experts and expertise # Have the communication skills to clearly articulate and convey complex information regarding the relationship between courts, professional experts and the scientific community to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of evidence law as it relates to experts.
Assessment:	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (2 - 5 September) or 10,000 word research paper (100%) (17 October) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
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/LAWS70073/2016
Related Course(s):	Graduate Diploma in Competition and Consumer Law

Graduate Diploma in Construction Law
Graduate Diploma in Dispute Resolution
Graduate Diploma in Health and Medical Law
Graduate Diploma in Legal Studies
Juris Doctor
Master of Commercial Law
Master of Competition and Consumer Law
Master of Construction Law
Master of Health and Medical Law
Master of Laws
Master of Public and International Law