

LAWS90051 The Practice of Commercial Arbitration

Credit Points:	12.5
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: November, 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:	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 Student Equity and Disability Support.
Coordinator:	Prof Ian Bailey
Contact:	Lecturers Professor Ian Bailey SC (http://www.law.unimelb.edu.au/staff/ian%20Bailey%20SC) (Coordinator) 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:	This subject provides an outline of the UNCITRAL Model Law legislation and the LEADR & IAMA Rules and a detailed analysis of the procedures involved in the conduct of domestic commercial arbitration proceedings. It will provide lawyers involved in the conduct of such proceedings and practising arbitrators with an opportunity to develop a comprehensive understanding of all elements of the process. The subject includes consideration of the principles of procedural fairness, the law of evidence and their application to commercial arbitration proceedings. The subject will also include written exercises intended to develop skill in the process of decision-making and the writing of decisions and Awards in arbitrations.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> # An introduction to the UNCITRAL Model Law legislation # A detailed analysis of procedural rules and their use in the course of proceedings # Identification of Issues; pleadings and Issues Statements # Evidence; documents; statements of evidence and admissibility generally # Expert evidence; identification of issues; adoption of rules and procedural control # Procedural fairness and its application in practice # Procedural efficiency and control of the process # The process of analysis of evidence and reasoning # Award writing.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Understand the Model Law based legislative background to and the procedural rules for the conduct of commercial arbitrations # Have a detailed understanding of the procedures which may be adopted for the conduct of domestic commercial arbitration proceedings # Understand the necessity for, and the means by which, the process can provide efficiency and economy # Have a demonstrated ability to adapt the powers under the legislation and the LEADR & IAMA Rules so as to ensure that the paramount object under the legislation is achieved # Have a detailed understanding of the rules of evidence and procedural fairness and their application under domestic commercial arbitration proceedings # Be able to examine and analyse evidence, including expert evidence, and to draw rational and considered conclusions therefrom # Have developed an advanced ability to explain in writing factual and legal analyses and the reasoning involved in the decisions drawn from that process # Be able to express their analysis and reasoning in written Awards in clear and complete language.
Assessment:	<p>Participation in decision making and determination writing during the course of the subject (25%) Take-home examination in the form of an Award writing exercise (5,000-6,000 words as specified in the subject reading guide) (75%) (20 - 23 January 2017) A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS90051/2016</p>
Related Course(s):	<p>Graduate Diploma in Construction Law Graduate Diploma in Dispute Resolution Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Law and Development Master of Laws Master of Private Law</p>