Faculty of Law- University of Tasmania
Summer School Offerings 2016

Three Summer School Units will be offered in the 2016 session

- Please read important information regarding enrolment in Summer School Units on page 8.
- Students should particularly note that although each of the summer school units runs for one-three weeks there will be assessment tasks outside of that teaching period. As such, students should plan to be available to undertake assessment tasks for at least ten days after each of the formal summer school sessions have been completed.

LAW628: Advocacy

Start Date: Tuesday 5 January 2016
Finish Date: Tuesday 12 January 2016
Length of Unit: 7 days (please see below for details of the timetable)
Lecturer: Dr David Plater and John Wells
Elective Group: C
Assessment: In Class 35%: Class Advocacy Exercise; Plea in Mitigation or Trial Day (15%) and one written exercise (letter of negotiation) (20%)
End of teaching 65%: Oral Presentation and Legal Submissions (45%) Written Outline (20%).

Teaching Pattern: This unit will be taught intensively over the period 4 January to 14 January 2016 with pre-reading and preparation required, prior to the classes, which begin on 5 January 2016. Classes will be held intensively between 5 and 12 January 2016. The final assessment exercises will be on 14 January 2016 at the Federal Courts.

The Unit is intensive - hours will be 9am – up to 5pm each day.

Unit Description:

This unit provides a theoretical framework to enable an understanding of the practical and ethical skills of advocacy. It provides law students and others with the opportunity to develop a broad range of skills towards all aspects of effective advocacy as a junior lawyer. The unit is innovative and interactive and is intended to enhance academic, legal and practical skills. The unit aims to help prepare a lawyer in junior civil and criminal practice with the skills and expertise to deal with the type of hearings and situations that they will typically encounter in junior practice.

The unit includes basic advocacy skills; the role and etiquette of an advocate; the underlying notion of ‘ethical’ advocacy to all aspects of advocacy; taking clients'
instructions; preparation for trial; negotiation and alternative dispute resolution; written advocacy; the trial skills of examination in chief, cross-examination; opening and closing addresses; advocacy situations junior advocates might encounter such as the difficult judge, bail applications, adjournments and pleas in mitigation and, lastly, tribunals and an introduction to appellate advocacy.

The unit combines in an intensive format both formal (courtroom) and informal (including negotiation and dispute resolution) settings, realising that these processes stand by each other in modern legal practice and must be managed concurrently by lawyers. The unit has a detailed civil and/or criminal case scenario and the advocacy and written exercises and final combined exercise will follow that scenario from the start to the end of the proceedings. Students will conduct both oral and written advocacy exercises as part of the unit.

**About the Lecturer:**

**BA/LLB, LLM, PhD (UTAS), Barrister and Solicitor of the Supreme Court of South Australia (also admitted in Northern Territory, England, Republic of Ireland and Tasmania)**

David joined the Adelaide Law School in 2015. He obtained his PhD in 2011 from the University of Tasmania. His thesis examined the historical and modern development and application of the role of the prosecution lawyer as a 'minister of justice'. David combines roles in both legal practice and the university sector. He has extensive previous practical experience as a prosecution lawyer in both England and Australia. He still works as a legal practitioner in Adelaide. He is a mentor on the South Australian Indigenous Law Students scheme. In 2013 he was part of a national team of researchers who were awarded an Australian Research Council Linkage grant to conduct an ongoing national study aimed at gauging informed public opinion on sentencing for sex offences by surveying the views of jurors in sex offence trials in all higher courts in Australia.

His current research interests include:

- The Prerogative of Mercy and the Historical Exercise of the Death Penalty
- Sentencing of Sexual Offenders
- The Position of Vulnerable Victims and Witnesses in the Criminal Justice System
- The Role of the Prosecutor and Prosecutorial Discretion
John Wells is a senior solicitor at the Office of the Director of Public Prosecutions in Adelaide. Since graduating in 1995, he has worked exclusively as a criminal lawyer. He has worked as a prosecutor and solicitor at the DPP and has worked as a defence lawyer, both for the Legal Services Commission (legal aid) and in private practice. He has appeared as trial counsel (both as a prosecutor and as defence counsel) in all jurisdictions and regularly conducts appeals in the Court of Criminal Appeal. He has an interest in teaching advocacy and regularly gives lectures at the University of South Australia and to police prosecutors.
LAW647: International Arbitration

Start Date: Monday 4 January 2016
Finish Date: Friday 15 January 2016
Length of Unit: 2 weeks (please see below for details of the timetable)
Lecturer: Paul Tan and Samuel Seow
Elective Group: B

Pre-requisites:

Teaching Pattern: 9am -12.50pm Monday – Friday for 2 weeks

Unit Description:

Arbitration has become the dispute resolution forum of choice in international commerce and trade, often lauded as more efficient and effective than cross-border litigation. In recent years however, studies have increasingly put such assumptions to the test, with mixed results. Concerns are mounting from some end-users of international arbitration’s unwholesome tendency of resulting in soaring costs and protracted delays.

This unit examines the legal framework in which international arbitration operates alongside its processes, with a strong focus on the practice of international arbitration including the issues facing international arbitration’s continued development as a dispute resolution mechanism of choice. While pertinent developments in the Australian arbitration landscape are analysed, the unit takes a comparative approach in examining legislative and quasi-legislative instruments, scholarship, arbitral decisions and jurisprudence from major arbitration jurisdictions in Asia-Pacific and across the world.

The unit aims to equip students with a practical understanding of international arbitration, including its ostensible benefits over (and interaction with) litigation and other forms of dispute resolution; major transnational arbitration instruments; the arbitration process and procedure; the function of arbitral institutions; the recognition of arbitral awards and enforcement; the role of investor-state arbitration in global trade and commerce; and current practice and ethical issues in international arbitration. Practical skills in drafting basic arbitration agreements and dispute resolution clauses for specific results will be emphasised.
About the Lecturers:

Paul Tan is a partner at Rajah and Tann. Paul is called to the Singapore and English bars and enjoys a broad-based international arbitration (commercial and investor-State) and commercial litigation practice, in which he is regularly instructed as lead counsel. In addition to his “wide knowledge” in these areas, he is praised for his “powerful intellect” and “extraordinary analytical discipline.” He is included in the 2014 and 2015 editions of Best Lawyers for commercial litigation and international arbitration. Paul holds first class law degrees from NUS and Oxford.

Samuel Seow is a senior legal executive in the International Arbitration Practice of Rajah & Tann Asia. He is a solicitor and barrister of the Supreme Court of the ACT and the Federal Courts of Australia, specialising in complex commercial disputes across a wide range of industries, including energy, property, telecommunications, cosmetics and healthcare. Samuel holds a first class law degree from the Australian National University.
LAW659: Comparative Water Law

Start Date: Tuesday 19 January 2016
Finish Date: Friday 12 February 2016
Length of Unit: 3 weeks (please see below for details of the timetable)
Lecturer: William H Leary Professor of Law Robin Craig, University of Utah College of Law
Elective Group: A
Assessment: Multiple Choice Quiz (5%), Reflective Journal (25%), Take Home Examination distributed 3rd February due 11th February 2016 (70%)

Unit Description:

Water law is somewhat unusual among areas of natural resources law because the law governing ownership, allocation, and use of water differs tremendously depending on the natural hydrological conditions of particular places. This course will explore how place and hydrology, and to a lesser extent culture, influence the water law of various places around the globe. This course will thus begin with an overview of basic hydrology and the major frameworks for water law that have developed around the globe for allocating water and regulating its use. It will then survey a number of countries’ approaches to water law, including Australia, the United States, the European Union, and various countries in Asia, the Middle East, and Africa.

Course discussions will also consider the use and effects of water engineering (e.g., dams and long-distance transportation), international water treaties, and more recent efforts to preserve water in streams and lakes to preserve and enhance ecological integrity. In addition, class discussions will include case studies of contemporary water allocation and use issues arising in various countries.
About the Lecturer:

Professor Robin Craig researches the law and policy of "all things water," including water rights, water pollution, and ocean and coastal issues, as well as climate change adaptation and the intersection of constitutional and environmental law. She has authored, co-authored, or edited 7 books, 12 books chapters, and over 65 articles.

See https://faculty.utah.edu/u0793211-ROBIN_KUNDIS_CRAIG/research/index.html

Professor Craig is a University of Tasmania 2016 Visiting Scholar
1. University of Tasmania law students are only allowed to undertake Summer School Units once they have passed the following compulsory units – LAW221 Contract Law A, LAW222 Contract Law B, LAW223 Torts A, LAW224 Torts B, LAW225 Criminal Law A, LAW226 Criminal Law B, LAW 204 Administrative Law and LAW 205 Constitutional Law 1 or their equivalent.

2. Students are only permitted to study one Summer School Unit at a time. Therefore you can only take one summer school unit from the options commencing on 4 January 2016 - Law 628 Advocacy or Law or Law 647 International Arbitration.

3. Students should particularly note that although each of the summer school units runs for 1-3 weeks there will be assessment tasks outside of that period. As such, students should plan to be available to undertake assessment tasks for at least ten days after each of the formal summer school sessions have been completed.

4. Students from another institution wishing to complete Summer School units need to complete the form Application for a student from another institution to enroll at UTas, which can be downloaded from: http://www.studentcentre.utas.edu.au/enrolments/forms_files/

   These applications should be lodged at the University’s Student Centre as detailed on the form.

Contact information:

For any queries in relation to any of these units, please contact Associate Professor Rick Snell, Deputy Head of School, Faculty of Law, University of Tasmania on +61 3 6226 2062 or r.snell@utas.edu.au

Enrolment information please contact Kira White, Faculty Executive Officer, Faculty of Law, University of Tasmania on +61 3 6226 7510 or Kira.White@utas.edu.au