



FACULTY OF LAW

UNDERGRADUATE COURSE ADVICE 2012

This booklet contains the teaching staff's advice to continuing students about choosing papers for 2012. It is (believed to be!) accurate at the time of writing, though, of course, staff changes or other unforeseen events may disrupt our plans. If that happens we will let you know as soon as we can.

Contents		page
1	The Enrolment System	2
2	LLB Compulsories	4
3	Research and Writing	5
4	Advocacy Skills – Mooting	6
5	Double Degrees: requirements	7
6	Course Loads	11
7	Choosing your papers	12
8	About the papers	14
	Part A: Compulsory 30 point papers	15
	Part B: Optional 30 point papers	16
	Part C: Optional 15 point papers	18
	Part D: Summer School Papers	36
9	Schedule of papers	39
10	Lecture Timetable	41
11	Honours	42
12	Model course structures for double degrees	44
13	LLB Regulations	51
14	LLB(Hons) Regulations	52

ENROLLING FOR LAW PAPERS



The University's enrolment system for 2012 will be the same as for 2011. In outline, 'registration' will be done by post or online, and will precede 'course approval'. Faculties and Departments differ a little in how they dovetail their own arrangements with the University system. **Please read this booklet carefully; it tells you how the Law Faculty operates the system, and it contains our advice on how to plan your course for next year.**

When thinking about your course, remember that you are not committed to the papers you put in your registration form when you come to enrol in February. You can change to other papers if they seem more appropriate then. However, to enrol in LAWS 464 — Advocacy, you do have to apply in advance (see the separate entry for this paper). If you have not done that but subsequently change your mind, keep an eye on the noticeboard in case there are any vacancies.

The course advice available to you from the teaching staff of the Law Faculty consists of:

- 1 this booklet
- 2 the general advice session on Friday 7 October
- 3 individual advice, which will be available when you come for course approval between 17 and 20-21 February.

1st step: study the enrolment information pack that will be posted to you by the Registry in September. That will give you the general picture and the rules.

<http://www.otago.ac.nz/study/enrolment/>

2nd step: read this booklet. It contains our advice on putting courses together. It may contain all the advice that you need about choosing your papers. In addition you may want to attend our general advising session. This is meant primarily for second year students, but others are welcome to come along too. It will be held on a Friday afternoon, and will take the form of a general introduction by staff members, followed by questions.

Date: Friday 7 October: 1 pm Castle 2

3rd step: complete your registration form, and return it to the Registrar of the University by 10 December. You should wait until you have received your examination results before you return your registration form. The Registry will send you a form for Course Approval and an Account for Fees. The latter will be calculated from the papers which you have listed on your registration form.

4th step: send the Registry a cheque for your fees. You must do this by post before 10 February. If you change your course when you have got your course approved, your fees will be reassessed.

5th step: get Course Approval. Come to the 9th floor of the Richardson Building on February 17 and 20-21, and get your form signed by a Course Adviser or, if you need special permission for something, the Dean, Professor Mark Henaghan. If you need individual course advice, this is when you will get it.

We will not give Course Approval before the period February 17 and 20-21. The summer vacation is our time, when we are free to do our research uninterrupted.

However, if you have a **really pressing reason** for needing Course Approval earlier you may do so **by appointment only**, through the Faculty Administrator.

Your reason must relate to something beyond your control; if you choose (for whatever reason) not to come between February 17 and 20-21, then you must come later rather than earlier.

6th step: take your signed form for Course Approval to the Castle Lecture Theatre Complex to complete the process. An additional fee will be charged if you submit your form after 21 February.

LLB COMPULSORIES

You need to have passed the four 200-level Law papers before going on to higher level Law papers. If you have not, you can go on to some 300- or 400-level Law papers, but only so long as you take all the missing 200-level Law papers at the same time.

Also compulsory: Torts and Jurisprudence. These are usually taken in the third year. If you are taking a combined degree and have a timetable problem, one or other of them may be postponed—but Torts, in particular, is useful for other papers and should be taken in the third year if you can possibly manage it.

We have three further compulsory elements in the LLB course:

- *Research and Writing Programme (LAWS 498)* (see page 5)
A programme of written research in conjunction with your 300- and 400- level papers. In addition you must complete a training programme. Although you can and should get started on this work in your third year, don't enrol formally until the year (or semester) in which you complete your LLB.
- *Advocacy Skills Programme (LAWS 499)* (see page 6)
You must take part in the mooting programme. This is usually held during the first semester. A staff member co-ordinates the mooting programme, and Moots are judged by local practitioners. This requirement is normally completed in your final year.
- *Requirement for Admission to the Legal Profession*
If you wish to be admitted as a lawyer, you must take Legal Ethics. You may take this in your third or in any subsequent year.

BEFORE YOU ARE ABLE TO GRADUATE YOU MUST . . .

- pass non-Law papers worth 108 points
- pass Legal System and the six other compulsory papers
- pass optional Law papers worth 210 points
- complete the Research and Writing programme (LAWS 498)
- complete the Advocacy Skills programme (LAWS 499)
- pass Legal Ethics (LAWS 463) if you wish to be admitted as a lawyer.

RESEARCH & WRITING

(LAWS 498)

For today's graduates research skills are not optional. Of course employers are interested in your degree—what you took and how well you did—but they are interested too in what are sometimes called 'generic skills'. Asked to rank those in order of importance, employers of Law graduates have bracketed

- the skills to find and assess information, and
- written communication skills

top equal with 'conceptual and analytical skills' and 'a willingness to learn'. When asked more narrowly what they expect graduates to gain specifically from a Law degree, the employers ranked

- ability to find relevant legal materials

third equal with 'ability to apply legal knowledge/understanding to resolve practical problems'. Only 'capacity to analyse legal materials' and 'capacity to critically evaluate argument' ranked higher.

Unless you practise you will not pick up these skills. So we have designed LAWS 498, Research & Writing, to help.

In your second year you began the skills component of Laws 498 when you attended the three Legal Writing Workshops. We continue this process with the Legal Research Skills Programme in your third year of law. This programme is designed to be taken in conjunction with the Law of Torts and consists of a guide, exercises and compulsory sessions in library research and in computer-assisted research. **Satisfactory completion of the Legal Research Skills Programme is a compulsory element of LAWS 498.**

In order to graduate you must also complete to a satisfactory standard at least *five* pieces of legal research and writing while enrolled in 300- and 400-level papers at Otago. This is a minimum requirement; it is expected that many students will do more. Nearly all written work counting as internal assessment for individual papers also counts towards the Research & Writing requirement.

You may *not* complete Research & Writing while enrolled at another university COP for Otago, nor when not currently enrolled in a 300- or 400- level paper for the LLB.

ADVOCACY SKILLS PROGRAMME

(LAWS 499)

The Advocacy Skills programme aims to introduce students to the presentation of legal pleading and argument. The programme has two parts:

Part 1: a **plea in mitigation** in a criminal case. This is undertaken as part of the criminal procedure component of the Criminal Law course;

Part 2: Mooting: the preparation of a written case for argument (usually in a team of two) and presentation of oral argument on the case to the Moot Court (which adopts High Court procedures as nearly as may be). Moots are held in the first semester and are usually judged by local practitioners. Mooting is usually undertaken in a student's final year, but may be attempted earlier if a student anticipates absence from Dunedin during semester one of his/her final year.

Satisfactory completion of both parts of the programme is a requirement for the award of the LLB or LLB(Hons) degree. Those engaged in mooting should enrol for Laws 499 Advocacy Skills as a semester one subject.

Students who have been finalists in the SOULS senior mooting competition may apply to be exempt from Part 2 above.

Students must enrol for Laws 499 and satisfy the requirements before they can graduate.

DOUBLE DEGREES

1 BA/LLB

The minimum number of points you will need to complete a BA/LLB is 714. This maximises the 180 point cross-credit provision for a combined three and four year degree (534+ 360- 180= 714). So:

You will need for your LLB:

- 108 non-Law points (Arts)
- 216 points from the compulsory papers
- 210 points from optional papers
- completion of the Research and Writing Programme
- completion of the Advocacy Skills Programme

In addition to the above you will need 180 points to complete your BA degree:

- 54 points at 200-level
- 72 points at 300-level
- 54 points at 100-level or higher (18 of these may be non-Arts)

This programme will usually take you five years to complete, with an annual course load of 150-165 points in your third, fourth and fifth years.

You will find model BA/LLB courses on pages 44 and 45, along with a diagram outlining the structure of the double degree on page 46.

2 BA(Hons)/LLB

A combined BA(Hons)/LLB programme is normally completed in six years. You have to satisfy the regulations for both the LLB and the BA(Hons) degrees. Usually students will take 108 Arts points at 100-level and the Legal System in first year, second year Law in the second year and a combination of BA(Hons) papers and LLB papers in the third and fourth years. The fifth year is devoted entirely to the final year requirements of the BA(Hons). In the sixth year the outstanding Law papers, 135 or 150 Law points are completed. See page 9 for an example of how this double degree might be structured.

Sometimes with the agreement of the relevant Arts department, the Law degree is completed first, that is at the end of the fifth year. In those circumstances the BA(Hons) is completed in the sixth year.

3 BA(Hons)/LLB(Hons)

It is possible to complete a combined BA(Hons)/LLB(Hons) programme in six years. The structure of the programme is similar to that for the BA(Hons)/LLB, except that a slightly heavier load of Law papers may be taken in the third or fourth years in order to make room for the LLB(Hons) final research paper in the final year of Law studies.

4 BSc/LLB

This is a popular combination. The basic structure is the same as the BA/LLB although the BSc papers tend to vary a lot more in the points value of papers at each level.

If you need help with enrolment for BSc/LLB please see the Faculty Administrator or Professor Nicola Peart.

5 BCom/LLB

The minimum number of points you will need to complete a BCom/LLB is 714. This maximises the 180 point cross-credit provision for a combined three and four year degree (534+360 - 180= 714). So:

You will need for your LLB:

- 108 non-Law points (at least 30 points must be Commerce points)
- 216 Points from the compulsory papers
- 15 points from Company Law*
- 195 points from the optional papers
- Completion of the Research & Writing Programme
- Completion of the Advocacy Skills Programme

In addition to the above you will need 150 points to complete your BCom:

- 54 points at 200-level
- 72 points at 300-level
- 54 points at 100-level or above (all of these could be non-Commerce)

The programme will usually take you five years to complete, with an annual course load of 150–165 points in your third, fourth and fifth years.

You will find model BCom/LLB courses on pages 47 and 48 along with a diagram outlining the structure of the double degree on page 49.

* Company Law is not compulsory but if you have not done the Business Law papers for Commerce you should include it as, along with Property Law and Law of Contract, it completes the Business Law requirements for the Professional Examination in Accountancy. Please check your BCom requirements with the Administrative Assistant, School of Business.

6 BCom(Hons)/LLB

It is possible to complete a combined BCom(Hons)/LLB programme in six years. You have to satisfy the regulations for both the LLB and for the BCom(Hons) degrees. Commerce honours papers and Law papers are combined in third and fourth year, with students normally taking 135-180 Law points in each year. For example, in third year you would take second year BCom honours and in addition take Jurisprudence and Law of Torts. The fifth year is devoted entirely to the final year requirements of the BCom(Hons). In the sixth year the outstanding Law papers are completed.

7 BCom(Hons)/LLB(Hons)

It is possible to complete a combined BCom(Hons)/LLB(Hons) programme in six years. The structure of the programme is similar to that for the BCom(Hons)/LLB, except that a slightly heavier load of Law papers may be taken in the third or fourth years in order to make room for the LLB(Hons) final research paper in the final year.

8 All students enrolled for an Honours course outside Law, plus the LLB or LLB(Hons), must see one of the special course advisers or the Dean.

BA(Hons)/LLB or LLB(Hons) - Example

Year	BA(Hons)	Cross Credits	LLB
1	At least 126 points to determine eligibility for entry	144 or 126 or 108	LAWS 101 + 108 non-Law points
2			2nd Year Law LAWS 201, 202, 203 and 204
3	2nd Year Honours 3 or 4 additional papers (54 pts of 200-level Law)	54 or 36	A minimum of 54 pts and preferably: LAWS 301 Law of Torts LAWS 302 Jurisprudence Double Honours students may be permitted to take more papers.
4	3rd Year Honours		45 pts maximum from Schedule of Law papers Double Honours students may be permitted to take more papers.
5	4th Year Honours		
6		30	Completion of LLB: 30 points cross-credited from BA(Hons) 2nd year to be substituted for 30 optional Law points 135 optional Law points LAWS 498 and 499 LAWS 490 for LLB(Hons)
		228	(Maximum cross credits allowed = 234)

COURSE LOADS

The rules:

The University has tightened up on course loads. It regards a 'normal' course load as being about 126 points, or 144 for an Honours degree. Any load exceeding 162 points needs special approval. If a double degree is involved two special approvals are needed, one from each of the Pro Vice-Chancellors concerned, or their nominees.

The practice:

if you are taking just the LLB:

after your second year you will not normally be allowed to enrol for more than 150 points in a year. If you gained all the required 108 non-Law points in your first year it might be advisable to spread your remaining work evenly over your two remaining years. So in your third year you would take Torts and Jurisprudence plus optional papers worth 75 points, leaving 135 points for your fourth year.

if you are taking a double degree:

to fit the degrees into five years you will need to take 150-165 points in each of your third, fourth and fifth years. The Dean has delegated authority from the Pro Vice-Chancellor (Humanities) to approve heavy loads, and will usually give permission for 165 points, and may exceed that in special cases. But you will also need special approval from someone else, usually the Divisional Administrator of the Division responsible for your other degree.

if you are completing your degrees in 2012:

the Dean will give permission for a load of 165 points to complete, though if you are taking a double degree you will also need permission from the Divisional Administrator of the Division responsible for your other degree. Higher loads may sometimes be approved, but only if there are special reasons and if your previous academic performance warrants it.

if you are an LLB Honours student:

you will usually be allowed a load of 180 points in your final year. If you anticipate difficulty fitting this degree in with another you should see the advisor to LLB(Hons) students.

!Be warned: careful planning of double degrees is necessary. Take some time now to map out the loads for all your remaining years, not just next year. Students transferring into LLB(Hons) after their third year (or equivalent) need particularly careful advice.

CHOOSING YOUR PAPERS

Advising you how to choose your papers is a hopeless business. If we thought that some papers were so important that everybody must do them we would have made them compulsory. If we thought a paper not worth doing we would not be offering it. It really is over to you to put together a package that suits you. To guide you in this process, we encourage you to make a time to see our Third and Fourth Year Co-ordinator.

Basic propositions:

- Third year students should normally take both Torts and Jurisprudence. It is not essential; but you should have a good reason if you decide not to.
- You cannot enrol for a paper for which you do not have the necessary prerequisite or corequisite papers. The course description for each paper tells you what these are (so do the Handbook and the Calendar).
- You may have to take Legal Ethics now or in a later year; see page 4.
- Because it is difficult for you to accurately predict if you will ever practise in any form of litigation, where a knowledge of the law of evidence is **essential**, the Otago District Law Society has made a special recommendation that you take the Evidence course (LAWS 314) as part of your degree.
- You should enrol in Advocacy Skills (LAWS 499 – the Mooting Programme) in your final year unless you envisage the possibility of your transferring to a Law Faculty at another University or going on a Semester 1 exchange in your final year.

Choosing optional subjects:

- what interests you most?
 - papers building on others that you liked
 - papers linking with ones you have enjoyed as part of another degree
 - papers linking with particular interests
- what skills do you want to acquire or develop?
 - consider the Research & Writing opportunities; seminar/workshop work; oral presentations; negotiation exercises.
- what might you do best at?
 - papers with a high or low internal assessment component, suiting your strengths
 - papers taught by someone to whom you relate well
 - papers taught intensively—provided that you are willing to do the work!
- ‘I may never have another chance to study this ...’
- availability?
 - check whether this booklet says that the paper may not be available in a subsequent year (because of staff leave, for example)

Next: balance your workload. Think about the distribution of papers between semesters (and about the timetable for any other degree that you are studying for at the same time). If you are in your second year, think about the distribution of papers between your subsequent years. Are there some papers best left until your final year? Are there things you would like to get over quickly? How much leeway do you want to leave for changes of mind in subsequent years? Balance full and half year papers too: fill up your third year with full year papers, and you may struggle with too many half year papers later.

Going into the Third Year?

Torts & Jurisprudence ... and what?

Have you already picked up all the 108 non-Law points you need for your LLB? If not, this would be a good time to make up the shortfall.

Credits for Non-Law Papers

- If you have 'spare' non-Law papers (200 level or above), you can use them up in this way (up to a maximum of 30 Law points). But you must make sure that they really are spare. You cannot normally credit non-Law points to a Law degree if they are already being credited to another degree.
- If you have completed a degree prior to starting your LLB
- If you are enrolled in a 4 year degree (eg BA(Hons), BSC(Hons), BCom(Hons) etc)

You must check with the Faculty Administrator that your proposed substitution falls within the rules. If it does, Registry will be notified so that it can be recorded on your academic record. And you must nominate the paper(s) to be substituted.

CHOOSING FOR USEFULNESS

If you hope to become a practising lawyer you are likely to include some papers in your degree because you think that they will increase your chances of employment by a law firm, or because you want to prepare yourself for the reality of practising law. Here you meet a problem: law firms are inclined to think that their specialities are essential, but that other law firms' are not. So commercial law specialists usually say that you should have Company Law plus other subjects such as Banking Law, Securities Regulation, Intellectual Property, Competition Law, Commercial Transactions, Secured Transactions, Creditors' Remedies, Taxation and others—not necessarily all of them of course, but usually Company Law plus two or three others. Litigation specialists put similar weight on Evidence and, perhaps, Civil Procedure or Sentencing. Small firms with a general practice might look for Family Law, Labour Law and Wills and Trusts perhaps. You could aim for a balance, of course.

Don't overlook the skills you can and should be acquiring: the 'knowledge' gained from particular papers is only part of the story. Think about the Research & Writing component. If you do only the minimum, and choose only the shortest exercises, will you be able to present yourself as an accomplished legal researcher with good writing skills? If you choose only big classes where you hope not to participate in discussion, will you acquire the verbal skills needed to explain a difficult legal point to a client or to engage in argument with an opposing lawyer?

ABOUT THE PAPERS

We include in this section a note on the two compulsory papers, Torts and Jurisprudence, and a description of each of the optional Law papers available in 2012. Papers at 300-level are taught over the whole year and are worth 30 points each; papers at 400-level are single semester papers worth 15 points each. After second year you may take any of these papers, subject to any special prerequisites they may have. Each entry lists the prerequisites and corequisites, the internal assessment requirements, the staff members responsible for the paper and the lecture times in 2012. It also contains a description of the paper, written by one of the staff who teach it.

Of the papers listed, most are the same as they were in 2011. However the following papers will not be available in 2012: **Advanced Company Law, Banking Law, Bills of Rights, Crime and Property, Information and Data Protection, International Human Rights Law, Law and Indigenous Peoples, Law and the Democratic Process, Maori Land Law and Treaty of Waitangi.**

The following papers return after a break: **Advanced Criminal Law, Advanced Public Law, Commercial Equity, Commercial Transactions, Competition Law, Law and Psychiatry, Law and Religion, Law of Restitution and Securities Market Regulation.**

We remind you that Legal Ethics is compulsory. Summer School papers will vary from year to year.

Beware: not all the papers available in 2012 will necessarily be available in 2013. It is anticipated that in future **Legal Theory and Law & Society** will be offered in alternate years, as will **Civil Liberties and the Private Sector** and **Civil Liberties and the Public Sector.**

Advanced Company Law, Bills of Rights, Crime and Property, Information and Data Protection, International Human Rights Law, Law and Indigenous Peoples, Law and the Democratic Process, Maori Land Law and Treaty of Waitangi are expected to return in 2013. There will doubtless be other changes, dictated by availability of staff, but they cannot yet be foreseen.

Papers taught in one semester in 2012 may be taught in the other semester in 2013, and at a different time.

PART A
Compulsory Papers worth 30 points each, taught over the full year

LAW OF TORTS

(LAWS 301)

Barry Allan , John Smillie and Judith Ferguson

Tuesday and Thursday 10.00 am

Analysis of the various heads of tortious liability including negligence, nuisance, trespass, defamation and the implications of the Accident Compensation scheme.

Internal Assessment: optional research paper counting for 20% of the final mark.

JURISPRUDENCE

(LAWS 302)

John Dawson and Michael Robertson

Wednesday and Friday 11.00 am

Jurisprudence has been described as “the most fundamental, general, and theoretical plane of analysis of the social phenomenon called law”.

Jurisprudence considers questions like these: What is law? Is it a system of rules? What is the relationship between law and morality? Is it ever justified to break the law? Is the law capable of being objective and neutral, or will it always be biased in favour of the dominant groups in society? How does law differ from politics? What is the appropriate and actual role of the judge? What is the role of discretion in judging? Does law progress? Can law be made a science? Is there a distinct form of legal reasoning? Is law an autonomous discipline?

In the first semester we will consider the responses of HLA Hart, Lon Fuller, Ronald Dworkin and the Legal Realists to some of these questions. In the second semester we will look at the contrasting responses of critical jurisprudence.

Internal assessment: There is the option of writing a research paper in one of the semesters of 2,500 words worth 25% of the final grade. (Plussage will NOT apply).

There will be **two examinations** — one in Semester 1 worth 50% and another in Semester 2 worth 50%. Each exam is two hours long and is ‘closed book’

PART B
Optional Papers worth 30 points each, taught over the full year

ADVANCED PUBLIC LAW
(LAWS 304)

Stuart Anderson

Wednesday 3.00 – 4.50 pm

The emphasis in this paper is on judicial review, building on the introduction you had in Public Law. Since almost any area of public life can be subject to a review, contexts vary widely, from applications against Ministers to contractors for health services, schools, parole boards, welfare agencies, city councils, lower courts (especially in the area of criminal procedure), the list seems endless. You will get to understand how the law works today, and become familiar with the interplay between legal principle, statutory setting, and the wider political and policy contexts within which value choices have to be made.

The paper looks also at remedies ancillary to judicial review, particularly at damages and habeas corpus, and at rights and remedies available under the Official Information Act. The remainder of the paper examines other processes for the control of public power. These vary from year to year, but have included looking at the use of parliamentary processes (notably select committees), Officers of Parliament and at other complaints mechanisms modelled loosely on the Ombudsman.

Though I often give introductory overviews, and lecture a little on the more difficult topics, the emphasis is usually on group discussion. There is a lot to be read.

Prerequisite: Public Law

Internal Assessment: 50%, made up as follows:

- a) an opinion of up to 3,000 words, for 25% (deadline late August). (This counts as 1 piece of research for Laws 498.)
- b) two shorter assignments together counting for 25%; usually a topic will be set each week, and students may attempt as many as they like, with the best two counting. (Together count as 1 piece of research for Laws 498.)

The final examination, which is 'open book', accounts for the remaining 50%.

FAMILY LAW
(LAWS 311)

Mark Henaghan

Tuesday and Thursday 11.00 am

Family law is a central part of the general practice of law. All lawyers should have a general knowledge of family law, both for their professional and personal life. There are also a growing number of lawyers who become specialists in family law.

The course is taught at two levels—a practical and policy analysis of family law in New Zealand. There is analysis of and practice at the processes and procedures of family law (eg counselling, mediation, negotiation, court hearing). There is also detailed analysis of and practice at the main areas of family law—custody / access, guardianship, marriage, same sex relationships, separation, dissolution, violence in the home, maintenance, child support, relationship property, child abuse, property and welfare of incompetent persons, adoption and new birth technologies. A number of perspectives on family law are explored—these include children's rights, feminist points of view, Māori aspirations, cultural differences,

Christian perspectives, fathers' rights and social science inputs.

The goal of the course is that by the end students should be able to handle complex family law problems on behalf of a client in a confident and effective manner. They should also be able to understand and analyse the policy choices which family law has been built on.

Internal Assessment: compulsory practical file for client—50% of final mark; optional project—20% of final mark.

INTERNATIONAL LAW

(LAWS 312)

Kevin Dawkins

Wednesday and Friday 10.00 am

The course examines the rules of customary international law and treaties that govern the international relations of states. The introductory parts deal with the nature and sources of international law and the relationship between international law and national law. The remaining parts focus on particular areas of international law applicable to recent and contemporary issues and events. These parts include self-determination and secession (the advisory opinion of the International Court of Justice in the *Kosovo* case), individual and state accountability for violations of international criminal law (the *Pinochet* case in the United Kingdom; the decision of the International Court of Justice in *Congo v Belgium*; tortious liability in civil proceedings), an introduction to international criminal tribunals (the International Criminal Tribunals for the former Yugoslavia and Rwanda; the Special Court for Sierra Leone; the Special Tribunal for Lebanon; the International Criminal Court), and the use of force (the role of the United Nations Security Council; self-defence; the duty to protect).

Internal Assessment: optional written opinion of up to 2,500 words, counting for 25% of final mark.

Examination is 'open book'.

LAW OF EVIDENCE

(LAWS 314)

Donna Buckingham, Richard Mahoney
& Stephen Smith

Monday and Wednesday 9.00 am

The Law of Evidence sets out the set of rules and principles which govern whether particular proof of a fact will be rejected or admitted as evidence. Often therefore this means that the rules are largely concerned with stating what is not admissible evidence, followed by limited restorative exceptions.

The Law of Evidence is crucial to any student who is contemplating appearing as counsel in any form of litigation.

Because it is difficult for students to accurately predict if they will ever practise in any form of litigation, where a knowledge of the law of evidence is **essential**, the Otago District Law Society has made a special recommendation that students take the evidence course as part of their degree.

Internal Assessment: optional research paper.

Examination is 'open book'.

PART C
Optional Papers worth 15 points each, taught in a single semester

ADVANCED CRIMINAL LAW

(LAWS 430)

Richard Mahoney

First Semester
Monday and Wednesday 12.00 noon

- 1 Procedure/Double jeopardy
 - 2 Drunk Driving
 - 3 Drugs
 - 4 Consent in cases of sexual violation
-

Prerequisite: Criminal Law

Internal Assessment: optional paper of up to 1,500 words, counting for 20% of final mark.

Examination is 'open-book'.

ADVANCED FAMILY PROPERTY LAW

(LAWS 433)

Nicola Peart

Second Semester
Monday and Wednesday 12.00 noon

This paper builds on Property Law, Wills and Trusts and Family Law. It deals with the law governing relationship property, asset protection, estate planning and other means of arranging family property to suit the needs of individuals. The class is run on a seminar basis with class presentation by students.

Attendance is compulsory: As this paper is run on a seminar basis with a substantial amount of work done by the students at each seminar, attendance is compulsory. The roll will be taken and missing a class without good reason may result in failing this paper.

Prerequisites: Property Law, Family Law and Wills and Trusts

Internal Assessment: 25% optional research paper and 10% oral presentation. Class participation may also count up to 5% of the final mark.

Examination is 'open-book'.

ADVANCED LEGAL HISTORY

(LAWS 451)

Nigel Jamieson

Second semester
Wednesday and Friday 11.00 am

If as Maitland says, all law is history then it isn't going to matter whether you chose this or any other subject of legal study—you're never going to get away from history. If that faces

you with dismay, then choose some other subject than this one—you're not ready for legal history just yet.

The course looks at the relationship between legal history and the philosophy of law; different views of legal history in relation to legal data and legal ideas; techniques and methods of historical study in relation to law; different requirements for researching ancient, medieval and modern legal history; some problems of New Zealand legal history; an introduction to the legal history of the new world order represented by UK as a member state of EC, and by the re-approachment of western to eastern legal systems as a result of free trade and the collapse of the Soviet Union.

The course focuses on learning to write as well as to read legal history. Indeed, the capacity to read legal history (to evaluate the evidence for happenings and events, to discern the objective status of informed opinion, and to accept or reject the testimony for legal and jurisprudential values) is as quickly gathered from learning to write as it is from learning to read legal history—no less than one first learned to read and to write both together.

Internal Assessment: compulsory research assignment on an individually chosen topic, to a limit usually of 3,000 words, counting for 50% of the final mark.

ADVANCED LEGISLATION

(LAWS 453)

Nigel Jamieson

First semester
Wednesday and Friday 11.00 am

Over ninety percent of all cases decided in the courts relate to legislation. One corollary of that equation is that over ninety percent of all legislation requires a court case to decide what is meant by the legislation. The relationship between case law and legislation is therefore an intimate one.

Because statute law is commonplace we are inclined to mistake it for being straightforward. Some classic texts on statute law present it as such, but if you look carefully at the dozen or so different editions of Maxwell you will find that each contradicts the other. What this possibly means is that there are different styles and even fashions for legislation. Are different styles appropriate for different legislative purposes? Perhaps you believe in plain language for lawyers, in which case drafting legislation that works the way you intend it to work, will provide the severest test of your belief in plain language.

The course examines the extent and limits of legislation, especially in relation to other forms of law-making; the legislative process with particular reference to different methods of drafting and composition; judicial and executive responses to legislation by way of interpretation, enforcement, and administration; present-day problems and deficiencies of statute law; and an analysis of suggested ways of resolving the problems and remedying the deficiencies of legislation. The course will also examine and question the current equation of law reform with legislation and in other ways try to establish criteria for evaluating legislation in the context of changing social values.

Internal Assessment: compulsory research assignment on an individually chosen topic, to a limit usually of 3,000 words, counting for 50% of the final mark. Students should be prepared to purchase Burrows *Statute Law in New Zealand*.

ADVANCED RESOURCE MANAGEMENT LAW

(LAWS 477)

Ceri Warnock

Second semester
Tuesday 9.00-10.50 am

This is an advanced study of topical resource management issues. The class will combine lectures, workshops and group discussions.

Prerequisite: Resource Management Law LAWS 315

Internal Assessment: optional research paper worth 30% of final mark (plussage does not apply)

Examination is 'open book'.

ADVOCACY

(LAWS 464)

Len Andersen

First semester
Friday 1.00 - 2.50 pm

This course is designed for final year students. Its purpose is to teach practical skills of advocacy so that when the student practises in the Court it can be done with a knowledge of the basics and an appreciation of what is required to perform successfully. The class size is limited to 12 students and the majority of the course work is practical and recorded on video tape. The subjects covered include mitigation pleas, theory of the case, examination, cross examination, conduct in court and appeals.

Prerequisite: Law of Evidence. Students will find it helpful to have passed Sentencing.

Assessment: compulsory varied internal assessment, counting for 50% of final mark. The examination consists of being counsel in a trial. Students have the opportunity to indicate whether they would prefer a criminal, civil or employment dispute trial.

Special conditions: course entry is restricted and by application. **Applications for the course close on 1 December.** If there are more than 12 final year applicants the class size will be limited by giving entry to the students with the best mark in Law of Evidence. You should make your application to the Faculty Administrator.

CIVIL LIBERTIES AND THE PUBLIC SECTOR

(LAWS 474)

Selene Mize

Second semester
Tuesday and Thursday 1.00 pm

Following major developments in this area of law, the traditional Civil Liberties paper is fissioning into two new papers, to be offered in alternate years. This paper, Civil Liberties and the Public Sector, will focus on rights and liberties involved in government restrictions on behaviour. The source and nature of civil liberties, censorship, protest, hate speech, discrimination by the government, sex and marriage, smoking, smacking and innovative punishments will be the major topics covered. Class time will be devoted to lecture with significant student participation.

The major aim of this course is to prepare students for legal practice in this area by covering the substantive law involved. Additional aims include giving students exposure to the wide range of opinions concerning the desirability of the laws in question; improving students' confidence in speaking and their ability to articulate and justify submissions; developing or furthering an appreciation of the desirability of diversity and inclusive policies; and furthering students' research and writing skills (if choosing the optional research paper assignment).

By the end of this course, students should be able to identify potential civil liberties issues involved in government restrictions on the actions of individuals, and be able to apply the law covered in the paper to a given set of facts.

Assessment: There will be an optional mid-semester exam (plussage will apply against part of the final examination); an optional research and writing project; and a compulsory final exam.

Examination: The final exam will be 'open book' and will include both multiple choice questions and problem questions requiring students to state the relevant law and to apply it to a given set of facts.

CIVIL PROCEDURE

(LAWS 406)

Barry Allan

Second semester
Monday and Thursday 3:00 pm

The theories of why we have courts and what we expect from their procedural rules are important elements of this course. The focus is at all times on the practical application of the Rules, in light of their theoretical underpinning. So you will be creating statements of claim, a statement of defence and making various interlocutory applications.

While not a formal pre-requisite, it would be useful if you have previously studied or are currently studying the Law of Torts. **The nature of the assessment means that there is significant work to be done during the semester. This course will not be appropriate for you if you have other commitments preventing you from doing this work.**

Assessment: There are 7 tasks set for the paper: all are required but you can be excused from one. In the final teaching week, you will need to prepare and orally argue an interlocutory application. This is compulsory. You will be working in teams of two or three for all tasks. There is no examination.

There is an **optional** research and writing essay, worth 20% and due in early October.

COMPANY LAW

(LAWS 407)

Shelley Griffiths

First Semester
Tuesday and Thursday 4.00pm

An introduction to the basic concepts of company law

Internal Assessment: an optional group research assignment not exceeding 2,500 words. The assignment is worth potentially 25% of the final mark (plussage applies).

Except for those students enrolled in Laws 380 (Preliminary Honours) (and not also enrolled in Laws 490 (Final Honours Research Paper)), the assignment is a **group research assignment** to be completed by students working in groups of three. Students can choose the membership of their own group.

Students enrolled in Laws 380 may chose either to be involved in the group research assignment or alternatively to undertake an individual assignment.

Examination is 'open book'.

COMMERCIAL EQUITY

(LAWS 473)

Jessica Palmer

Second semester
Monday and Wednesday 1.00pm

This course considers how equitable doctrines and principles affect commercial activities. The course will cover:

- features of the courts' equitable jurisdiction
 - fiduciary law in joint ventures and contracts
 - commercial uses of trusts
 - unconscionability
 - equitable remedies
-

Prerequisite: Law of Contract, Property Law

Internal Assessment: optional research essay / case comment of up to 3,000 words, counting for 30% of final mark. Plussage applies.

Examination is open book.

COMMERCIAL TRANSACTIONS

(LAWS 436)

Jessica Palmer

First semester
Monday and Wednesday 1.00pm

This course provides a detailed analysis of sales law and consumer protection with particular emphasis on defective products. The following topics are covered: commercial sales law (Sale of Goods Act 1908); consumer sale law (Consumer Guarantees Act 1993); deceptive trade practices (Fair Trading Act 1986) and international sales law (the Vienna Convention).

Prerequisite: Law of Contract

Internal Assessment: optional research essay / case comment of up to 3,000 words, counting for 30% of final mark. Plussage applies.

Examination is open book.

COMPETITION LAW

(LAWS 437)

Professor Ahdar

**First semester
Monday and Wednesday 2.00 pm**

Competition Law (also called “Antitrust Law”) is concerned with efforts by traders to restrict competition at the expense of rivals, consumers and society at large. The law in this field is found in the Commerce Act 1986 as amplified by decisions of the Commerce Commission and the Courts.

This paper examines the economic effects and legality of anticompetitive practices such as price fixing, market division, group boycotts, resale price maintenance, exclusive dealing and tying, and monopolisation. Mergers and acquisitions will also be covered, as will the exemption or ‘authorisation’ process.

Economics plays a significant role in this course but is confined to an elementary level.

Internal Assessment: an *optional* research essay / case comment of up to 3,000 words, counting for 30% of the final mark. Plussage does *not* apply.

Examination is ‘open book’.

CONFLICT OF LAWS

(LAWS 409)

Giora Shapira

**Second semester
Monday 10.00 – 11.50**

Conflict of law deals with cross-boundary transactions. In a shrinking world, transactions often take place in more than one state. Shipping, international trade insurance, travel and communication are typical areas where national boundaries are often crossed. A transaction, or an event with legal consequences, may start in one state, continue in another and conclude in yet another. Such cases require a unique approach embodied in the Conflict of Laws.

Conflict of Laws (also called Private International Law) thus challenges the territoriality of law. It deals with transactions involving foreign elements and it is divided into three main parts:

- Jurisdiction of the New Zealand courts in transnational cases
- The choice of law process
- Enforcement of foreign judgments

Jurisdiction—What jurisdiction do the New Zealand Courts have over foreign defendants, and transactions that had happened, wholly or partly, overseas?

Choice of Law—The process by which a New Zealand court chooses the law to be applied to transactions involving *foreign elements*.

For example— A Ltd, in New Zealand, orders by e-mail goods from B Ltd in China. The goods are to be delivered in Fiji. The goods arrive two weeks out of time and are defective. A Ltd sues in New Zealand for cancellation of contract. B Ltd's raises a defence against breach of contract and alternatively argues that the proper remedy is damages not cancellation.

What law applies to these issues: New Zealand law? Chinese law? Fijian law? Or elements of each? The answer is often crucial to the outcome in the case.

Enforcement of Foreign Judgments—Under what conditions will a foreign judgment, issued by an overseas court, be recognised here, and what is the procedure for its enforcement?

Conflict of laws is largely judge-made law and is evolving. It is intellectually stimulating, but may appear complex and is not everybody's cup of tea. Some find it initially confusing but ultimately satisfying. It may be a matter of acquired taste. Its practical importance is growing due to globalisation and acceleration of international trade, travel and communication.

Internal Assessment: optional essay, or opinion of 2,000 words, counting for 25% of final mark (on a plussage basis).

Examination is 'open book'.

CRIMINAL JUSTICE

(LAWS 417)

Geoff Hall

**First semester
Tuesday and Thursday 1.00 pm**

The course examines the criminal justice process from the individual's first contact with the police (eg questioning, search, arrest) and traces progress through the trial process to ultimate disposition by the Courts and possible entry into the penal system.

Group and/or individual research will be required.

The opportunity to participate in Police and Duty Solicitor observation schemes will be available.

Prerequisite: Criminal Law

Internal Assessment: optional research paper of up to 2,500 words, counting for 25% of final mark.

Examination is 'closed book'.

ENERGY LAW

(Dean's Special Topic 14: LAWS 485)

Ceri Warnock

Second semester
Wednesday 11.00-12.50 pm

This paper will consider:-

- The legal framework for minerals exploitation
- Governance of the electricity and gas industries
- Energy contracts
- Environmental issues for energy participants including the emissions trading scheme

The class will combine lectures, workshops and group discussions.

Internal Assessment: optional research paper worth 30% of final mark (plussage does not apply)

Examination: is 'open book'

ENVIRONMENTAL LAW

(LAWS 440)

Nicola Wheen

Second semester
Tuesday and Thursday 1.00 pm

An economic, ethical and ecological analysis and assessment of the law relating to the use and protection of the natural environment. This paper complements Resource Management Law, and covers topics including new organisms, indigenous forests, commercial fisheries (and fishing-related mortality), the conservation estate, and Treaty of Waitangi settlements.

Internal Assessment: optional assignment worth 40%, plussage applies.

Examination: 60% or 100%, and is 'take home', subject to a student vote.

INSOLVENCY LAW

(LAWS 478)

Jim Guest

First semester
Monday 10.00–11:50am

An examination of the law of insolvency, covering personal insolvencies (bankruptcies) and corporate insolvencies (liquidations), along with the special property rules covering insolvencies (reversal of transactions, disclaimers, order of distributions), and revision of property law principles relevant to insolvencies.

Internal Assessment: optional 2,000 – 3,000 word essay, counting for 20% of the final mark

Examination: Three hours, four questions, closed book examination.

INTELLECTUAL PROPERTY

(LAWS 444)

John Smillie

**Second semester
Wednesday and Friday 11.00 am**

An introduction to the law conferring rights in relation to the use and expression of ideas, including patents, copyright, industrial designs, confidential information, trademarks, passing off and the Fair Trading Act 1986.

Prerequisites: Law of Contract and Property Law

Internal Assessment: optional research paper counting for 50% of final mark.

Examination: two hour 'open book' examination.

INTERNATIONAL CRIMINAL COURT

(Dean's Special Topic 13: LAWS 484)

Stephen Smith

**Second semester
Monday and Wednesday 1.00 pm**

Established in 2002, the International Criminal Court is a new court that applies a relatively new area of law. International criminal law has been described as the convergence of two disciplines: the penal aspects of international law and the international aspects of domestic criminal law. International criminal law has developed alongside international humanitarian law (the law of armed conflict), but ICL is unique in international law in that its principles apply directly to individuals, as opposed to states.

The course will examine the history, jurisdiction, structure, and procedures of the International Criminal Court. Particular attention will be given to the four core crimes within the current or prospective jurisdiction of the Court: the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. In doing so, the origins, historical development, sources, and content of substantive international criminal law will be surveyed.

Internal Assessment: optional research paper on an approved topic; maximum 2,500 words, counting for 25% of the final mark ('plussage' does not apply).

Examination: three hour 'open book' examination, worth 100% or 75% of final mark

INTERNATIONAL ENVIRONMENTAL LAW

(LAWS 421)

Nicola Wheen

**First semester
Tuesday and Thursday 1.00 pm**

An introduction to the key principles and sources of international environmental law and an analysis of the international and domestic law relating to topics including climate change, ozone depletion, biodiversity, trade in endangered species, whales and Antarctica.

In 2012 there will be a new topic looking at the idea of an international crime of ecocide.

Internal Assessment: optional assignment worth 40%, plussage applies.

Examination: 60% or 100%, and is 'take home', subject to a student vote.

LABOUR LAW

(LAWS 413)

Paul Roth

**First semester
Tuesday and Thursday 12.00 noon**

The course begins with a brief introduction to labour law and policy, both generally and in specific relation to the Employment Relations Act 2000. The course will then focus on three key areas:

1. The Contract of Employment
The nature, formation, contents, and operation of the contract of service.
2. Employment Relationship Problems
Institutions and procedures for dealing with employment law matters, particularly personal grievances.
3. Collective Labour Law
The law relating to freedom of association, collective bargaining, and industrial action.

Internal Assessment: optional legal research opinion of up to 1,500 words counting for 20% of final grade.

Examination is 'open book'.

LANDLORD AND TENANT

(LAWS 445)

Michael Robertson

**Second semester
Tuesday and Thursday 10.00 am**

Commercial Leases

Most people buy their own homes, but most businesses do not buy the premises they operate from—instead they lease. So knowledge of the law of commercial leaseholds is important for any generalist lawyer advising business clients, as well as for those specialising in land law. While the law relating to residential tenancies has been simplified and clarified by the Residential Tenancies Act, the law of commercial tenancies remains a complex and sometimes counterintuitive mass of common law, contract, and statute (mainly found in the Property Law Act.) The aim of this course is to provide you with a basic understanding of this law of commercial leaseholds.

We will begin by considering the differences between leases and licences, and the practical importance of the distinction. We will then consider the types of leases that can exist, the prerequisites for and the problems with their creation, and the writing and registration requirements for leases. Additionally, we will look at what you can do if someone (not you—an earlier solicitor who didn't take this course) has failed to comply with these requirements. Then we turn to two of the important clauses that you find in leases—those dealing with repair and assignments.

Prerequisite: Property Law.

Assessment: will be by an 'open book' 2 hour examination. There is also the option of writing a research paper of 3,000 words for 30% of the mark.

LAW AND EMERGING TECHNOLOGIES

(LAWS 483)

Colin Gavaghan

**Second semester
Monday and Wednesday 10.00 am**

The paper will consider the law's relationship with emerging technologies from a number of directions. The syllabus will consider emerging technologies both as regulatory targets and as regulatory tools.

The first part of the syllabus will consider some of the challenges confronted by law-makers and regulators when attempting to regulate, for example, reproductive, genetic and nano-technologies. The second part of the course will consider the actual or potential uses of emerging technologies as regulatory tools, including surveillance technologies, genetic databases, and the use of neurotechnologies in the courtroom.

Assessment: optional research paper, counting for 30% of the overall mark.

Examination: three hours, 'open book'.

LAW AND MEDICINE

(LAWS 447)

Peter Skegg

**First semester
Tuesday and Thursday 4.00 pm**

The course will examine a range of issues where law impinges on medical practice and decision making. The topics usually include the beginning and end of life, the allocation of health care resources, informed consent and the right to refuse treatment, and other matters dealt with in the Code of Patients' Rights.

There will be a number of visiting speakers. Students will be encouraged to consider the ethical as well as the legal dimensions of the topics discussed. Preliminary reading will be limited so students can concentrate on their research papers.

The research paper provides students with the opportunity to pursue a topic of their choice — subject to its having *some* connection with the Code of Rights or disciplinary proceedings. In the past, students have been overwhelmingly positive about this aspect of the course, and have recommended its retention.

Assessment: compulsory research paper of up to 3,500 words, counting for 50% of the overall mark.

Examination: two hours, 'open book'.

LAW AND PSYCHIATRY

(LAWS 448)

John Dawson

Second semester
Monday 2.00 – 3.50 pm

Subject Matter: New Zealand law concerning compulsory psychiatric treatment.

Areas covered include: legal definitions of ‘mental disorder’; standards governing compulsory psychiatric assessment and treatment; mental disorder and violence; review procedures; the disposition of mentally disordered offenders; confidentiality and access to psychiatric records.

The class is also attended by some health science and psychology students.

The class is usually divided into two parts, with a break between; a lecture/discussion in the first hour, followed by a problem-based discussion.

Assessment: the course will be assessed by an optional 3,000 word research essay and an exam. The essay is worth 40%, on a plussage basis, due in the eighth week of the semester. There will be a 2.5 hour, 3 question, open book exam at the conclusion of the course, worth 60%, or 100%, depending on the essay.

LAW AND RELIGION

(LAWS 469)

Rex Ahdar

Second semester
Monday and Wednesday 2:00 pm

This paper looks at the connection between law and religion. It has several interrelated components. The likely structure for 2012 is as follows:

Part 1 explores issues of a constitutional law nature: the relationship between religion(s) and government (“church and state”), the secularity of the state, the legal definition of religion, the law’s recognition of religious bodies, and the scope of the right of religious freedom and any exemptions for religion or conscience under the relevant legislation (especially the NZ Bill of Rights Act 1990 and the Human Rights Act 1993).

Part 2 is theoretical and quite abstract. It involves an introduction to worldview analysis. A worldview is the lens through which we interpret the world and all of life. We will also look at the key tenets of the political philosophy of liberalism and its treatment of religion.

Part 3 examines the foundation of law and human rights. Is it religious, secular or something else?

Part 4 explores the question of enforcing morality in a secular liberal state.

Part 5 contains a miscellany of topics that vary from year to year. Recently, these have been: the accommodation of Islam in Western legal systems; law and the miraculous; evolution, intelligent design and the law.

Part 6 comprises student-led seminars based on the research topics chosen.

You are free to choose any topic of relevant interest for your research essay which—depending on the size of the class—will be presented in a class seminar.

Internal Assessment: A *compulsory* research essay (and, subject to class size, seminar presentation) worth 50% of the final mark.

Examination is 'closed book'.

LAW AND SOCIETY

(LAWS 465)

Michael Robertson

First semester
Tuesday and Thursday 2.00 pm

The Modern Business Corporation in its Broader Context

The modern business corporation is an institution with which the law has a lot to do. There are laws dealing with its creation and dissolution, its financing and growth, its internal organisation and the rights and duties of its guiding minds and participants. But simply concentrating upon these rules will not allow one to appreciate the full significance of this institution. One writer in the area has said that "[t]he modern corporation is the dominant institution of our era and has been a major factor in reshaping the present century. In that sense it is an institution of world historical significance no less than the old Chinese mandarin, the classic Roman army, or even the Catholic church". I would like the course to develop this wider picture.

In 2012 we shall cover the following topics:

- [A] The Rise of the Modern Business Corporation
- [B] Legal Theory and the Modern Business Corporation
- [C] Legal Regulation and the Modern Business Corporation
- [D] Reforming the Modern Business Corporation

Assessment: 100% take home examination, or 50% take home examination and 50% research paper (4,000 words).

LAW OF RESTITUTION

(LAWS 450)

Struan Scott

Second semester
Tuesday and Thursday 9.00 am

The Law of Restitution is a loose confederation of legal rules which have one thing in common: the defendant has been *unjustly enriched at the expense* of the plaintiff. In all other respects, the law is highly diverse, ranging from claims arising out of explicit transactions between the parties (i.e., restitutionary remedies where one party has broken a contract) to claims between complete strangers (i.e., mistaken improvement of another's land); from the accidental (i.e., money paid under mistake) to the deliberate (i.e., transactions entered into under duress and coercion).

This paper considers a selection of topics coming within the Law of Restitution.

The method of instruction will be a combination of lectures and small group student-led seminar discussion. Depending on the class size, the seminar programme may require some students to attend their seminars at times other than the scheduled times; if so the alternative time will be arranged after discussion with the class.

Prerequisites: Law of Contract and Property Law

Internal Assessment:

- a) compulsory class participation—i.e., presentation of material at one seminar and a commentary on another student's presentation—may count for a third of the final mark.
- b) optional 2,000 word research assignment may count for a third of the final mark.

The final mark will be based on the best three of each of the examination answers, the class participation and the assignment (if one has been submitted).

Terms requirements: fulfilling the roles of Presenter, Commentator and Scribe in the seminar programme.

Examination is 'open book'.

LEGAL ETHICS

(LAWS 463)

Selene Mize & Richard Mahoney

**Second Semester
Monday and Wednesday 1.00 pm**

This course will provide an introduction to ethical analysis including an examination of the role of lawyers; the structure of the adversary system; the concept of a profession; the wider responsibilities of lawyers in the community; and the ethical and professional duties of practitioners.

Class time will be devoted to lectures with class participation. A tutorial programme will provide the opportunity for in depth analysis and discussion of selected ethical issues.

Successful completion of this course is mandatory for admission to the profession for those who complete LLB studies after 31 July 2000 (it is not a compulsory subject for the LLB).

The aims of this course are for students to canvas a range of contemporary ethical and professional issues involving lawyers; to explore personal perceptions of ethical behaviour; to improve their ability to articulate and justify various ideas and arguments; and, if opting for the research paper, to improve the quality of their research skills and their written expression.

By the end of this course, students should be able to identify several main approaches to the role of lawyers; be familiar with the role professional rules play in the areas canvassed by the course; be able to identify and deal with ethical and professional issues arising from specific situations in practice; and be able to articulate the advantages and disadvantages of various ethical stances.

Assessment: there will be a compulsory final examination. It will be 'open-book' and require students to state the relevant law correctly, apply it to a given set of facts, and be able to discuss both sides of a variety of ethical questions.

Students can undertake an optional research paper.

NEGOTIATION

(LAWS 454)

Selene Mize

First semester
Monday Wednesday Friday 1.00 pm

This course is aimed at familiarising students with theory and research on legal negotiation strategies and techniques, and developing students' practical negotiating skills. Class time will be devoted to lecture, class discussion, and practical exercises. Some exercises may need to be completed outside of class time.

The aims of this course are for students to improve fluency and confidence in speaking and argumentation skills; improve the quality of written expression; learn and practise skills for defusing tense and potentially hostile situations; and experiment with a variety of different approaches to negotiation, and, based on this experience, develop a personal style for negotiation.

By the end of this course, students should be able to calculate accurately the economic value of going to trial given sufficient supporting information, and be able to use this information to establish parameters for a negotiated agreement; be able to identify advantages and disadvantages of adversarial, problem-solving, and cooperative approaches to negotiation; be able to represent a party effectively in a negotiation; be able to critique a negotiator's performance in a negotiation; and be familiar with those aspects of the rules for professional conduct which are relevant to the negotiation process.

Assessment: Assessment will be discussed with the students during the first week of the term. It will include an exam, compulsory negotiation and journal exercises, and an optional research paper. Faculty research and writing credit will be given for successful completion of the optional paper. Plussage will not apply.

Attendance is compulsory and the roll will be taken. Missing a negotiation exercise, without excuse or makeup, will result in failing this course.

RESOURCE MANAGEMENT LAW

(LAWS 415)

Ceri Warnock

First semester
Tuesday and Thursday 10.00 am

This paper is an introduction to resource management law. It focuses upon the workings of the Resource Management Act 1991 which is the main statute regulating the use of land, air and water in New Zealand. Knowledge of resource management law is relevant to many areas of legal practice.

Internal Assessment: optional research paper worth 30% of final mark (plussage does not apply)

Examination is 2 hour final exam, 'restricted materials'

SECURED TRANSACTIONS

(LAWS 457)

Barry Allan

First semester
Tuesday and Thursday 2.00 pm

Secured lending is an integral part of the commercial world, whether to consumers or to business entities. This paper examines the creation, perfection and enforcement of security interests in personal property, and the interface between secured advances and bankruptcy, insolvency and receivership law. It is also concerned with the relative priorities of secured creditors with competing claims to collateral and its proceeds, including the potential for conflicts of law to arise in international transactions. Finally, there is an analysis of the rights of consumer borrowers under both the *Personal Property Securities Act* and the *Consumer Finance and Credit Contracts Act*.

Prerequisite: Law of Contract, Property Law

Internal Assessment: Research paper of 2,500 words worth 30%. Plussage applies.

Examination is 'open book'.

SECURITIES MARKET REGULATION

(LAWS 419)

Shelley Griffiths

Second semester
Tuesday and Thursday 3.00 pm

An introduction to the regulation of New Zealand securities markets, including offers of securities to the public, insider trading, the Stock Exchange, market abuse, and disclosure.

Internal Assessment: optional research paper counting for 30% of the final mark.

Examination is 'open book'.

SENTENCING

(LAWS 458)

Geoff Hall

Second semester
Friday 1.00 - 2.50 pm

An examination of the principles and practice of sentencing. A key feature of sentencing is that it is discretionary, but the sentencing Judge is constrained by the requirements of the Sentencing Act 2002 and by sentencing levels as evidenced in similar cases.

Topics will include the nature and purpose of punishment; statutory and judicial sentencing principles; sentencing alternatives; and the mechanics of sentencing — the sentencing and appeal process, including the roles of prosecution and defence counsel.

Particular emphasis is placed on the acquiring of practical skills through the plea in mitigation/judgment exercise. Video and 'live' presentation is required.

Internal Assessment: a compulsory oral plea in mitigation and judgment, counting for 40%, an optional research project of up to 2,500 words, counting for 25% of the final mark.

Examination is 'closed book'.

TAXATION

(LAWS 416)

Shelley Griffiths

**First semester
Tuesday and Thursday 10.00 am**

An introduction to the law and policy of income tax in New Zealand.

Internal Assessment: optional research paper counting for 30% of the final mark.

Examination is 'open book'.

VENDOR AND PURCHASER

(LAWS 460)

Ian Williams

**Second semester
Monday and Wednesday 4.00 pm**

Vendor and Purchaser is a practically oriented course that deals generally with contracts concerning the sale and purchase of land. The course focuses on the formation of such agreements, a number of issues associated with the 'life' of these agreements (building on topics examined in Contract and Property Law) and finally, their enforcement.

Prerequisite: Property Law

Internal Assessment: optional written assignment of about 2,500 words counting for 30% of the final mark. "Plussage" does not apply.

Examination is 'open book'.

WILLS AND TRUSTS

(LAWS 462)

Nicola Peart

**First semester
Monday and Wednesday 12:00 noon**

Wills and Trusts builds on Property Law and knowledge of that paper is presumed and examinable. The Property Law course introduced you to the basic principles of property law in relation to chattels and land. It also gave you a very brief introduction to the law of trusts and wills. This course looks into these latter areas in much greater depth.

Approximately 60% of the course is devoted to the law of trusts. The aim is to give you an understanding of the nature, creation and administration of express trusts. Attention will also be given to the various remedies available for breach of trust. The remaining 40% of the course examines various aspects related to the making of wills, the administration of

deceased estates, the intestacy rules and claims against deceased estates.

Prerequisite: Property Law

Internal Assessment: optional independent research assignment (3,000 words) worth 30% on a topic of your choice, subject to my approval.

Examination is 'open book'.

SUPERVISED RESEARCH PAPER

(LAWS 480)

Single Semester

This paper consists of writing a research paper of up to about 8,000 words, under supervision. Enrolment requires the consent of the Dean. If you wish to take up this option, you are invited to discuss it with the Dean, either before 20 December or during the Course Approval period, 19, 22-23 February. You will need to have decided upon a topic (in outline, at least) and, preferably, have already discussed it with a staff member who is willing to supervise you. The Dean will help you find a supervisor if necessary.

Completion date is the last day of lectures in whichever semester you have enrolled for the paper.

PART D
Optional Papers worth 15 points each, taught in Summer School

Summer School runs 9 January – 17 February 2011

Note: Students who do not have the prerequisites may be admitted to the course with the approval of the Pro-Vice-Chancellor, Humanities, through the Dean of the Faculty.

INTERNATIONAL INVESTMENT LAW
(Taught and examined at Wellington Centre)

(Special Topic 5: LAWS 471)

Dr Tracey Epps

Summer School
Tuesday and Thursday 5.30-7.30pm
(16 January – 10 February)

This paper examines the international community's regulation of foreign investment, examining the norms that have developed to govern this process and protect investors, and providing an insight into the conflict between capital-importing and capital-exporting states.

Prerequisites: Laws 201-204.

Restrictions: Laws 477 in 2009

Internal Assessment: optional research assignment worth 30%.

Examination: take home examination 70% or 100%.

THE IDEA OF PRIVATE LAW

(Special Topic 6: LAWS 475)

Professor Charles Rickett
School of Law
University of South Australia

Summer School
Monday, Wednesday and Thursday 10.00-11.50am

This course will examine the arguments in Ernest Weinrib's book of the same name and analyse a number of the more important critiques of Weinrib's corrective justice position. The objective is to provide a philosophically coherent basis for understanding the nature of private law as actually conducted by lawyers.

Prerequisites: Laws 201-204.

Restrictions: Laws 475 in 2009 and 2010.

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

EUROPEAN UNION LAW
(Taught and examined at Wellington Centre)
(Special Topic 7: LAWS 476)

Mr Richard Cornes
School of Law
University of Essex

Summer School
After 5:30pm, tba

This course is designed specifically for a New Zealand audience and has two goals: first, to provide students who intend to study or work in Europe with a knowledge of the key features of EU law, and second, to consider the comparative lessons New Zealand (in the context of its own regional arrangements – key being the Closer Economic Relationship with Australia) might learn from the European project.

Prerequisites: Laws 201-204

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

THE RIGHTS AND WELL BEING OF CHILDREN
(Taught and Examined at the Auckland Centre)
(Special Topic 10: LAWS 479)

Dr Nicola Taylor
Senior Research Fellow
Centre for Research on Children & Families
University of Otago

Summer School
Sat, Sun: 21-22 January; 11-12 February
9:30-12.00, 12.30-4.30pm

This paper examines the role of the New Zealand legal system and the United Nations Convention on the Rights of the Child in enhancing the rights and well-being of children and young people.

Prerequisites: Laws 201-204

Restrictions: Laws 485 in 2007, 2008; Laws 487 in 2010.

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

FORENSIC LAW
(Taught and examined at Auckland Centre)
(Special Topic 15: LAWS486)

Mr L A Andersen and Dr Robin J Watt

Summer School
Sat, Sun: 14-15 January; 28-29 January,
4-5 February
11.00am – 12.50, 2.00-3.50pm

This paper will look at the use of forensics in legal cases.

Prerequisites: Laws 201-204

Restrictions: Laws 486 2009-2011

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

COMPARATIVE BILLS OF RIGHTS
(Special Topic 16: LAWS 487)

Professor James Allan
TC Beirne School of Law
University of Queensland

Summer School
Wednesday, Thursday 2.00-3.50pm
(11, 12, 18, 19, 25, 26 January)
Wednesday, Thursday, Friday 2.00-3.50pm
(1, 2, 3, 8, 9, 10 February)

This paper will look at rights and bills of rights. It will start by considering various theories of rights and how they ought to be understood. It will look at the main sorts of bills of rights in the Anglo-American common law world. The paper will consider how these instruments are interpreted as well as looking at some of the main cases that have occurred.

Prerequisites: Laws 201-204

Restrictions: Laws 482

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

FACULTY OF LAW

300 & 400 Level Papers for 2012

Full year papers:

LAWS	Papers	Teachers	Days and Times
301	Law of Torts	Mr Allan , Professor Smillie & Ms Ferguson	Tue Thu 10.00
302	Jurisprudence	Professor Dawson & Assoc Prof Robertson	Wed Fri 11.00
304	Advanced Public Law	Professor Anderson	Wed 3.00-4.50
311	Family Law	Professor Henaghan	Tue Thu 11.00
312	International Law	Professor Dawkins	Wed Fri 10.00
314	Law of Evidence	Assoc Prof Buckingham, Prof Mahoney, Mr Smith	Mon Wed 9.00

380	Preliminary Honours
490	Final Honours Research Paper
498	Research and Writing

First semester papers:

LAWS	Papers	Teachers	Days and Times
407	Company Law	Ms Griffiths	Tue Thur 4.00
413	Labour Law	Professor Roth	Tue Thur 12.00
415	Resource Management Law	Ms Warnock	Tue Thur 10.00
416	Taxation	Ms Griffiths	Tue Thur 10.00
417	Criminal Justice	Professor Hall	Tue Thur 1.00
421	International Environmental Law	Ms Wheen	Tue Thur 1.00
430	Advanced Criminal Law	Professor Mahoney	Mon Wed 12.00
436	Commercial Transactions	Mrs Palmer	Mon Wed 1.00
437	Competition Law	Professor Ahdar	Mon Wed 2.00
447	Law and Medicine	Professor Skegg	Tue Thur 4.00
453	Advanced Legislation	Dr Jamieson	Wed Fri 11.00
454	Negotiation	Ms Mize	Mon Wed Fri 1.00
457	Secured Transactions	Mr Allan	Tue Thur 2.00
462	Wills & Trusts	Professor Peart	Mon Wed 12.00
464	Advocacy	Mr Len Andersen	Fri 1.00-2.50
465	Law and Society	Assoc Prof Robertson	Tue Thur 2.00
498	Research and Writing		
499	Advocacy Skills		

Second semester papers:

LAWS	Papers	Teachers	Days and Times
406	Civil Procedure	Mr Allan	Mon Thur 3.00
409	Conflict of Laws	Mr Shapira	Mon 10.00-11.50
419	Securities Market Regulation	Ms Griffiths	Tue Thur 3.00
433	Advanced Family Property	Professor Peart	Mon Wed 12.00
440	Environmental Law	Ms Wheen	Tue Thur 1.00
444	Intellectual Property	Professor Smillie	Wed Fri 11.00
445	Landlord and Tenant	Assoc Prof Robertson	Tue Thur 10.00
448	Law and Psychiatry	Professor Dawson	Mon 2.00-3.50
450	Restitution	Assoc Professor Scott	Tue Thur 9.00
451	Advanced Legal History	Dr Jamieson	Wed Fri 11.00
458	Sentencing	Professor Hall	Fri 1.00-2.50
460	Vendor and Purchaser	Mr Williams	Mon Wed 4.00
463	Legal Ethics	Ms Mize, Professor Mahoney	Mon Wed 1.00
469	Law and Religion	Professor Ahdar	Mon Wed 2.00
473	Commercial Equity	Mrs Palmer	Mon Wed 1.00
474	Civil Liberties and the Public Sector	Ms Mize	Tue Thur 1.00
477	Advanced Resource Management Law	Ms Warnock	Tue 9.00-10.50
478	Insolvency law	Mr Jim Guest	Mon 10.00-11.50
483	Law and Emerging Technologies	Assoc Professor Gavaghan	Mon Wed 10.00
484	International Criminal Court	Mr Smith	Mon Wed 1.00
485	Energy Law	Ms Warnock	Wed 11.00-12.50

498	Research and Writing
-----	----------------------

Either semester:

480	Research Paper
-----	----------------

Summer School (9 January – 17 February):

LAWS	Papers	Teachers	Days and Times
471	International Investment Law <i>(Taught & examined in Wellington)</i>	Dr Tracey Epps	Tue Thur 5.30-7.30pm
475	The Idea of Private Law	Professor Charles Rickett	Mon Wed Thur 10.00-11.50
476	European Union Law <i>(Taught & examined in Wellington)</i>	Mr Richard Cornes	After 5:30pm, TBA
479	The Rights and Well Being of Children <i>(Taught & examined in Auckland)</i>	Dr Nicola Taylor	Sat Sun 21-22 January; 11-12 February 9.30-12.00, 12.30-4.30pm
486	Issues in Forensic Law <i>(Taught & examined in Auckland)</i>	Dr Robyn Watt & Mr Len Andersen	Sat Sun 14-15 & 28-29 January 4-5 February 11.00-12.50, 2.00-3.50pm
487	Comparative Bills of Rights	Professor James Allan	Wed Thur 2.00-3.50pm 11, 12, 18, 19, 25, 26 January Wed Thur Fri 2.00-3.50pm 1, 2, 3, 8, 9, 10 February

timetable page

HONOURS

The focus of the LLB(Honours) programme is on high quality research, culminating in the writing of a dissertation. It takes the same time to complete as an ordinary LLB. The dissertation counts for a further 60 points on top of the ordinary LLB point requirements.

How to get in

- **by invitation:** if you get an average of at least B+ in your four 200-level papers and your marks place you in about the top 10% of the second year class, the staff will invite you to join the Honours programme.
- **by application:** if you do not get in by invitation you may apply for admission to the Honours programme after you have done some 300- and 400-level papers. Your application will be considered if:
 - (a) you have completed Law papers at 300- and 400-level worth at least 105 points (but you must not have substantially completed your LLB degree); and
 - (b) your performance in those papers falls within the range expected of Honours students; that is, your grades average at least a high B+ and your marks rank you within the top 10% of the class or close to it; and
 - (c) you have obtained at least a B+ grade in two pieces of legal research and writing undertaken in conjunction with the 300- and 400-level Law papers and the research and writing programme (you may count only one piece of research and writing per course for this purpose); and
 - (d) you apply in writing to the Dean, Professor Henaghan, by 1st February. Your marks will be considered as at 31 December. Please fill out the Application Form available from the Office or from the Law Blackboard site or the Faculty of Law website: www.otago.ac.nz/law.

Your application will be considered by the staff before course advising begins in late February.

To come in by this route you must apply.

What the Honours degree requires

- you must complete the requirements for the LLB degree.
- you must pass Preliminary Honours.

If you are admitted by invitation this means that in the year after you are admitted to the Honours programme you must submit at least two pieces of legal research in conjunction with your 300- and 400-level courses and the research and writing programme in the same year (you may count only one piece of research and writing per course for this purpose). The best two of these, taken together, must average B+ or better. If you are planning to spend all or most of that year on subjects other than Law, see the Honours Co-ordinator before you accept the invitation to join the Honours Programme. There is a discretion to postpone the invitation in such cases.

If you are admitted after an application, you will necessarily have satisfied the standard required for Preliminary Honours, and will be credited with having passed it.

- you must write a Final Honours Research Paper of between 10,000 and 15,000 words in length (15,000 words is the maximum length for this paper). You will write this paper, often referred to as the Honours dissertation, under the supervision of a staff member. You choose the topic yourself, though, of course, you may consult whomever you like before you make up your mind. You must submit your paper by the end of lectures in the second semester.
- you must present the research for your Final Honours Research Paper, or an abridged version of it, or the material for it, or the main arguments from it, to a seminar consisting of staff and other Honours students. Final Honours students will be expected to attend three of these seminars per year (not including your own). Preliminary Honours students must attend three seminars also. The seminars will be held in the middle of the year. Details will be posted during the first semester.

How Honours degrees are graded

The class of Honours you will ultimately receive will depend upon your marks in all your 300- and 400-level Law papers (this counts for 70%) and your Final Honours Research Paper (this counts for 30%). The calculation is undertaken as follows:

- Step 1: Add the 15 point paper scores and divide by 2. This is total A.
Step 2: Add the 30 point paper scores. This is total B.
Step 3: Add totals A and B and divide by the number of 30 point papers and equivalent 15 point papers. This is total C.
Step 4: Multiply total C by 0.7. This is total D.
Step 5: Multiply your dissertation score by 0.3. This is total E.
Step 6: Your final score is total D plus total E.

To obtain First Class Honours you need to achieve a mark of at least 80 based on the above calculation. The dividing mark for Second Class (Division I) and (Division 2) Honours is 73. There is no rounding up of the Final Honours mark. So, for example, (and this occurs nearly every year!) 79.99 is not rounded up to 80, and the class of Honours remains Second Class (Division I).

How to get more information

See the Honours programme coordinator, Professor Rex Ahdar.

MODEL COURSES FOR DOUBLE DEGREES

BA/LLB/LAW PROFESSIONAL - Variation 1

Year	Papers	Credit
First year	Legal System and six 100-level Arts papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 54 pts, Law of Torts, Jurisprudence and one optional 30 pt Law paper	144
Fourth year	300-level Arts papers to value of 72 pts, one 100-level Arts paper and two optional 30 pt Law papers	150
Fifth year	200-level Arts papers to the value of 36 pts, and four optional 30 pt Law papers Enrol in Laws 498 & Laws 499	156
<i>BA/LLB completed</i>		Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 2

Year	Papers	Credit
First year	Legal System and six 100-level Arts papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 54 pts, 100-level Arts papers to value of 36 pts, Law of Torts and Jurisprudence	150
Fourth year	300-level Arts papers to value of 72 pts, one 200-level Arts paper, and two optional 30 pt Law papers	150
<i>BA completed</i>		
Fifth year	Five optional 30 pt Law papers Enrol in Laws 498 & Laws 499	150
<i>LLB completed</i>		Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 3

Year	Papers	Credit
First year	Legal System and five 100-level Arts papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 54 pts, one 100-level Arts paper, Law of Torts, Jurisprudence and one optional 30 pt Law paper	162
Fourth year	300-level Arts papers to value of 72 pts, one 200-level Arts paper and two optional 30 pt Law papers	150
Fifth year	Two 100-level Arts papers and four optional 30 pt Law papers Enrol in Laws 498 & Laws 499	156
	<i>BA/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 4

Year	Papers	Credit
First year	Legal System and five 100-level Arts papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 54 pts, 100-level Arts papers to value of 36 pts, Law of Torts and Jurisprudence	150
Fourth year	300-level Arts papers to value of 72 pts, 100-level Arts papers to value of 36 pts, one optional 30 pt and one optional 15 pt Law papers	153
	<i>BA completed</i>	
Fifth year	Five optional 30 pt and one optional 15 pt Law papers Enrol in Laws 498 & Laws 499	165
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB or LLB(Hons) - Structure Sheet

BCOM/LLB/LAW PROFESSIONAL - Variation 1

Year	Papers	Credit
First year	Legal System and six 100-level Commerce papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 54 pts, Law of Torts, Jurisprudence, Company Law (15 pt) and 1 optional 15 pt Law paper	144
Fourth year	300-level Commerce papers to value of 72 pts, one 100-level Commerce paper, and two optional 30 pt Law papers	150
Fifth year	Four optional 30 pt Law papers, and two 100-level Commerce papers Enrol in Laws 498 & Laws 499	156
	<i>BCOM/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 2

Year	Papers	Credit
First year	Legal System and six 100-level Commerce papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 54 pts, two 100-level Commerce papers, Law of Torts and Jurisprudence	150
Fourth year	300-level Commerce papers to value of 72 pts, one 100-level Commerce paper, Company Law (15 pt) and optional Law papers to the value of 45 pts Enrol in Laws 498 & Laws 499	150
	<i>BCom completed</i>	
Fifth year	Five optional 30 pt Law papers	150
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 3

Year	Papers	Credit
First year	Legal System and five 100-level Commerce papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 54 pts, one 100-level Commerce paper, Law of Torts, Jurisprudence, Company Law (15 pt) and one optional 15 pt Law paper	162
Fourth year	300-level Commerce papers to value of 72 pts, one 100-level Commerce paper, and two optional 30 pt Law papers	150
Fifth year	Four optional 30 pt Law papers and two 100-level Commerce papers Enrol in Laws 498 & Laws 499	156
	<i>BCOM/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 4

Year	Papers	Credit
First year	Legal System and five 100-level Commerce papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 54 pts, two 100-level Commerce papers, Law of Torts, Company Law (15 pt) and one 15 pt optional Law paper	150
Fourth year	300-level Commerce papers to value of 72 pts, 100-level Commerce papers to the value of 36 pts, Jurisprudence and one 15 pt optional Law paper	153
	<i>BCom completed</i>	
Fifth year	Five 30 pt and one 15 pt optional Law papers Enrol in Laws 498 & Laws 499	165
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCom/LLB or LLB(Hons) - structure sheet

BSc/LLB or LLB(Hons) - structure sheet

LLB REGULATIONS

2 *Structure of the Degree*

- (a) Every degree shall
 - (i) normally be pursued over four years of full-time study, or an equivalent period of part-time study;
 - (ii) consist of papers worth not less than 534 points;
 - (iii) include 36 points for the 100-level Law paper (LAWS 101);
 - (iv) include 180 points for the four 200-level Law papers (LAWS 201-204) and the papers LAWS 301 and LAWS 302;
 - (v) include papers selected from the Schedule of Law Papers worth at least 210 points, provided that a student may substitute for up to 30 of those points one or more papers at 200-level or higher worth at least 30 points prescribed for any other degree or diploma.
 - (vi) include 108 points for papers in other degree courses.
- (b) To qualify for the award of the degree of Bachelor of Laws, a candidate must also complete, to the satisfaction of the Dean of Law:
 - (i) the Research and Writing Programme (LAWS 498);
 - (ii) the Advocacy Skills Programme (LAWS 499).

3 *Prerequisites, Corequisites and Restrictions*

Every course of study for the degree shall satisfy the requirements for prerequisites, corequisites and restrictions laid down in the Schedule, provided that the Dean of Law may waive any prerequisite or corequisite generally in a given year for any paper, or in special circumstances waive any prerequisite or corequisite in approving a particular candidate's course of study.

4 *Compensation Passes*

The Dean of Law may grant a compensation pass to a full-time student, or a student who is completing the degree, if the Law Examiners so recommend on the basis of the student's work as a whole in the year concerned.

5 *Cross Credits*

A candidate who is enrolled for the degree of Bachelor of Laws concurrently with another degree, or who has completed one of the two degrees and is proceeding with the other, may cross credit 100- and 200-level papers which are common to both degrees up to a maximum of 180 points.

6 *Variations*

The Assistant Vice-Chancellor (Humanities) may in exceptional circumstances approve a course of study which does not comply with these regulations.

LLB(HONS) REGULATIONS

2 *Structure of the Course*

- (a) A candidate for the degree of Bachelor of Laws with Honours shall complete:
 - (i) the requirements prescribed in regulation 2 of the regulations for the degree of Bachelor of Laws;
 - (ii) the Preliminary Honours Research Papers (LAWS 380);
 - (iii) the Final Honours Research Paper (LAWS 490)
- (b) In order to obtain the degree of Bachelor of Laws with Honours a candidate shall complete its requirements within two years of first enrolling for 300-level or 400-level Law papers if studying for the degree alone, or within three years of first enrolling for 300-level or 400-level Law papers if studying for the degree concurrently with another degree, provided that in special circumstances the Dean of Law may extend these periods.

3 *Prerequisites, Corequisites and Restrictions*

Every course of study for the degree must satisfy the requirements for prerequisites, corequisites and restrictions provided that the Dean of Law may waive any prerequisite or corequisite generally in a given year for any paper, or in special circumstances waive any prerequisite or corequisite in approving a particular candidate's course of study. Details are set out in the Prescriptions.

4 *Withdrawal from the Course*

- (a) A candidate whose results are not satisfactory may be required, by the Dean of Law, to withdraw from the Honours course.
- (b) When a candidate withdraws from the Honours course, voluntarily or otherwise, the Dean of Law may recommend that the ordinary degree of Bachelor of Laws be awarded or determine the papers which shall be credited towards that degree.

5 *Level of Award of the Degree*

- (a) The degree may be awarded with First Class Honours, with Second Class Honours (Division I), or with Second Class Honours (Division II). The class of Honours awarded shall be determined by the Law Examiners on the performance of the candidate in 300- and 400-level Law papers, with particular emphasis on the result obtained for LAWS 490.
- (b) A candidate who fails to obtain Honours may, on the recommendation of the Dean of Law, be awarded the degree of Bachelor of Laws.

6 *Compensation Passes*

The Dean of Law may grant a compensation pass to a full-time student, or a student who is completing the degree, if the Law Examiners so recommend on the basis of the student's work as a whole in the year concerned.

7 *Cross Credits*

A candidate who is enrolled for the degree of Bachelor of Laws with Honours concurrently with another degree, or who has completed one of the two degrees and is proceeding with the other, may cross credit 100- and 200-level papers which are common to both degrees up to a maximum of 180 points.

8 *Variations*

The Pro Vice-Chancellor (Humanities) may in exceptional circumstances approve a course of study which does not comply with these regulations.