



## 2008 Timetable & Unit Descriptions

Code-Session	Unit Name	Class Dates	Location	Lecturer / Description
LAWS6188-46	Commercial Equity	Jan 6-9 (4 days)	Robinson College Cambridge	<p><b>Mr Mark Leeming, SC</b> E: <a href="mailto:mleeming@selbornechambers.com.au">mleeming@selbornechambers.com.au</a></p> <p>Assessment: class participation (20%) and 1x6000-8000wd essay (80%)</p> <p>This unit examines, from a practical perspective, the role of equity in commercial litigation. After a brief review of basic equitable principles, the unit focuses on particular examples, including litigation against trustees, accessorial liability, the role of subrogation, contribution and marshalling, and the use and availability of injunctions, equitable compensation and other equitable remedies in commercial litigation.</p>
LAWS6872-8	Contract Negotiation	Jun 22-26 (5 days)	Robinson College Cambridge	<p><b>Prof David Yates</b> E: <a href="mailto:ady21@cam.ac.uk">ady21@cam.ac.uk</a></p> <p>Assessment: simulated negotiation in teams (in class) (30%) and 1xtake home exam (conducted by email over 24 hours in Aug – date TBA) (70%)</p> <p>This unit will examine the legal principles that provide the overarching framework within which contract negotiations take place. It will concentrate particularly on requirements of certainty and good faith and the issues that can arise in re-negotiating terms in long-term contractual relationships. It will also address some of the techniques of negotiations. Topics covered will include: standard form contracts and negotiated contracts; "agreements to agree" and the requirements of certainty; "long-term" contractual relationships and the use of hardship and intervener clauses; "good faith" negotiations and negotiation techniques. The unit will also involve a simulated contractual negotiation in which the class will be split into teams of 2 or 3 (depending upon class size) for a "team against team" negotiation.</p> <p>Textbooks Recommended text: J W Carter and D J Harland: Contract Law in Australia, Lexis Nexis, 4th ed, 2002, G H Treitel, The Law of Contract, 11th ed, Sweet &amp; Maxwell/Thompson, 2003, Leigh Thompson: The Mind &amp; Heart of the Negotiator, Prentice Hall, 1998</p>
LAWS6909-9	International Corporate Law	Jul 2-5 (4 days)	Walter Hallstein Institute, Humboldt University	<p><b>Mr Saul Fridman</b> E: <a href="mailto:s.fridman@usyd.edu.au">s.fridman@usyd.edu.au</a></p> <p>Assessment: 1x6000-8000wd research essay or 1xtake home exam (100%)</p> <p>This unit studies the policy and application of basic principles of corporate law shared by a number of common law jurisdictions. It looks closely at the fundamental theoretical principles on which these jurisdictions have based their statutes, focussing primarily on Australia, Canada and the US. Our aim will be to contrast and compare particular aspects of the various laws, rather than achieve the complete mastery of the complex laws of each system. The unit will cover the following topics:</p> <ul style="list-style-type: none"> <li>- Policy and principles of corporate law, history of the corporate form</li> <li>- Formation of the corporation</li> <li>- Corporate personality</li> <li>- Duties of directors and managers: corporate governance</li> <li>- Majority control of corporations</li> <li>- Devices for the protection of the minority</li> </ul>

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LAWS6884-9	International Commercial Litigation	<b>Not offered in 2008.</b> 2009 class dates (TBA)	TBA	<p><b>Mr Justin Hogan Doran</b> E: <a href="mailto:jhogan-doran@selbornechambers.com.au">jhogan-doran@selbornechambers.com.au</a> Assumed knowledge: basic understanding of private international law from any legal system Prohibition: LAWS6824 Assessment: 1x8000wd essay (100%)</p> <p>The unit examines, from a comparative perspective, questions of domestic court jurisdiction, commercial choice of law issues and recognition and enforcement of judgments against assets, across the main world legal systems. This will include European continental states, the UK and Commonwealth (Australia, Canada etc) and the USA. Particular attention will also be given to internet jurisdiction, worldwide freezing orders, and international commercial arbitration. Candidates will develop a sound understanding of the core principles of private international law in these systems, tactical and strategic concerns in international litigation, and the ability to advise clients on exposure risks for businesses with assets in multiple jurisdictions. The unit is thus aimed equally at those practicing or intending to practice in domestic and international litigation, advisers to multi-national corporations, and candidates interested in comparative law and private international law.</p>
LAWS6852-10	Doing Business in China	Sep 8-11 (4 days)	UCL	<p><b>Ms Vivienne Bath</b> E: <a href="mailto:v.bath@usyd.edu.au">v.bath@usyd.edu.au</a> Assessment: 1x2000wd assignment (30%) and 1xtake home exam (70%)</p> <p>This unit aims to provide an introduction to the legal and practical aspects of doing business in China. The unit will commence with an overview of the Chinese legal, political and economic system and will then move on to an examination of the system of commercial regulation in China, including contracts, land use, regulation of private and state-owned businesses and Chinese companies and securities laws. The unit will focus on Chinese contract law and the foreign investment regime and the related structuring and regulatory issues related to foreign participation in the Chinese market. Areas covered will discuss the principal issues relating to the establishment of a corporate or other presence in China and the related negotiation process, including taxation and foreign exchange controls. The unit will conclude with an examination of methods of resolution of disputes arising under contracts entered into in China. More specialized topics which may be covered include intellectual property, labour law and regulation of financial institutions.</p>

#### Class locations:

**Faculty of Laws, University College London (UCL)**  
Bentham House , Endsleigh Gardens, London WC1H OEG  
Web: [www.ucl.ac.uk/laws/faculty/](http://www.ucl.ac.uk/laws/faculty/)

**Robinson College, University of Cambridge**  
Grange Road, Cambridge CB3 9AN  
Maps / travel info: [www.robinson.cam.ac.uk/contact/maps.php](http://www.robinson.cam.ac.uk/contact/maps.php)  
On arrival, please visit the Porter Lodge at the entrance

#### Walter Hallstein Institute, Humboldt University

Unter den Linden 6, D-10099 Berlin  
Web: <http://www.hu-berlin.de/indexe.html>

**General class attendance pattern** (Classes are generally held over 4 days. Class times may vary by arrangement with the class after the first day):

1<sup>st</sup> day - 10am to 5pm  
2<sup>nd</sup> and 3<sup>rd</sup> day – 9am to 5pm  
4<sup>th</sup> day – 9am to 2pm

**Travel and accommodation options:** [www.law.usyd.edu.au/fstudent/coursework/LLM/accommodation.shtml](http://www.law.usyd.edu.au/fstudent/coursework/LLM/accommodation.shtml)

**Enrolment and payment:** must be finalised at least 8 weeks prior to commencement of classes. The closing date sets the minimum time necessary for enrolment processing to take place. This includes the printing of reading materials and establishment of computer (including Web Course Tools) and library access.

**Note:** The University of Sydney reserves the right to cancel units of study, which do not reach the minimum enrolment four weeks prior to the advertised date.