



Summer School 2012

Te Piringa-Faculty of Law

Level 400 papers

(Laws 411C – 10 pts) Comparative Law

31st Jan till 3rd Feb

Prof. Dr. Gerald Mäsch, University of Münster, Germany
Prof. Dr. Christiana Fountoulakis, University of Fribourg, Switzerland

The course offers an introduction to comparative law. In a first step, we will explore the functions and the purpose of comparative law (What do we need comparative law for?) as well as its methods. This will include, in particular, a discussion on the advantages and drawbacks of the "functionality of comparisons", the leading principle governing the comparison of laws. In a second step, different legal systems will be presented both in their historical development and their defining characteristics. The main focus will be on the continental European Civil Law systems and the Common Law.

The third part of the course concentrates on the study of selected legal institutions of contract and tort law. This will allow for an assessment of the validity and the limits of the traditional theory of praesumptio similitudinis, according to which different legal systems will regularly reach similar solutions to similar social problems. Finally, we will discuss the current trends in the harmonization – both regional and international – of different legal systems. This discussion includes also the question whether there is or ought to be a (real and) fruitful competition between legal systems.

Course material: A reader as well as Power Point presentations will be provided.

(Laws 441C – 10 pts) Special Topic: Art Crime During Armed Conflict.

13-17 February

Judge Arthur Tompkins, Hamilton District Court

This paper will study the history of art crime during times of armed conflict. It will examine particular crimes against art during times of war, ranging over 2000 years from the Classical World right through to the wars in Iraq/Afghanistan, and placing them in their historical contexts. It will examine the international legal responses to such crimes, and consider private law remedies to rectify earlier art crimes.

This course will be taught by lectures, accompanied by Powerpoint presentations, over the five days of the taught section of the course.

(Law 422S – 20 pts) Creditors Remedies and Consumer Protection

9 Jan-7Feb

Sue Tappenden

An examination of the law relating to Creditors' Remedies and Consumer Protection in New Zealand

(Laws 469S – 20 pts) Issues in Health Law

Jan 9, 16, 23 and 30 Feb 13 and 20

Assoc Prof Kate Diesfeld

Explores the role of New Zealand law in health care. Students will critically analyse select legislation, legal processes and institutions that impact upon health care delivery. Topics include issues across the lifespan from the beginning to the end of life, disability, consent, confidentiality and professional discipline. Assessment includes a research project and oral presentation.

Level 500 papers

Laws 555 – 12C Indigenous Peoples and International Law

Starting week of 30 Jan

Prof Brad Morse and Dr Robert Joseph

This paper will examine the construction and development of the relationship between Indigenous Peoples and International Law. We will explore: the evolution and origins of International Law in its relationship with Indigenous Peoples; the laws, procedures and institutions of International Law that specifically address Indigenous Peoples concerns and the processes of their ongoing development and implementation internationally and domestically; and specific selected topics of concern to various Indigenous Peoples.

The paper includes detailed comparisons among USA, Australia, Canada and N.Z. with fully interactive video-conference sessions with 6 other law schools in these four nations. Course materials: All online.

Laws 570 – 12C Special Topic: European Law

7,8,9,10 Feb from 9-12 and 2-5pm each day

Prof Michael Hahn, University of Lausanne, Switzerland

The European Union is the world's biggest trader and also one of New Zealand's most important trading partners. It also is a unique organization of states that have agreed to set up an institution and equip it with powers normally reserved to a sovereign state. As such, the Union is not only defining to a large extent the rules of the games inside of the EU Internal Market, but is also the world's most frequent user of international treaties. This is illustrated by the fact that NZ's partner in international affairs, such as Trade, is normally the European Union, sometimes together with its Member states, but often without them.

European Union Law will familiarize students with the legal context, system(s) and philosophies behind European law as well as a general working knowledge of those areas which are of particular importance for NZ exporters.

Laws 571 – 12C European Environmental Law

20,22,28 Feb and 1st March 9-4each day

Prof Dr. Sabine Schlacke, University of Bremen, Germany

European environmental law continues to grow in importance in many potential fields in the work of lawyers, including the European institutions, law firms and academics. Students will acquire a thorough knowledge of the most important features of general European environmental law, such as the objectives, principles, institutional frameworks, decision-making mechanisms and the most pertinent challenges. Secondly, the students will become familiar with the core substantive areas of the vast and complex subject that is environmental law, including for example climate change, biodiversity, waste and product-related environmental regulation. This analysis of substantive environmental law also serves to illustrate and exemplify the general features and their variety in practice. This course focuses on the interactions between the EU and its member states. Students' attention will be drawn, on the one hand, to the way European environmental Law influences the development of the member states' legislation, administration and jurisdiction and how the law of the member states influences the development of European environmental law.

The course is taught in an interactive and case oriented way. Overall, enhancing the students' ability to effectively address issues of environmental law for both academic and practical purposes is the main purpose of the course.

Course material: Power point presentation will be provided.

Apply on-line at: www.waikato.ac.nz/enrol/
Or phone us on 0800529788 or 07 8384167
Or email: lawrecp@waikato.ac.nz

Note –

10 Point papers are 24 class hours per week
20 point papers are 48 class hours per week.