# Session 8 – EXERCISES

# Exercise One – balanced and imbalanced match-ups

Look at the schema extracted on page 3 of the Session 8 Outline, where Marc Galanter has mapped different combinations of litigants according to his One-Shotter, Repeat-Player distinction.

Categorise the following (imaginary) court cases into Galanter’s four boxes (OS v OS; OS v RP; RP v RP; RP v OS). Where you think more than one category is possible, note what information you would need to make a more confident prediction.

[HINT: You may need to do a quick Google search to find some basic information about a party, if you haven’t heard of them before.]

1. *David Jones Limited v Westfield Limited*
2. *Amelia Simpson v Federal Commissioner of Taxation*
3. *Australian National University v Bill & Ted Pty Ltd (trading as Craft Beans)*
4. *BlueScope Steel Limited v Australian Workers Union*
5. *Commonwealth v South Australia*
6. *North Australian Aboriginal Justice Agency v Northern Territory*
7. *Sarah Smith* (employee) *v Fred Nerk* (cafe owner and employer)
8. *Republic of Chile v Qantas Airways Limited*
9. *Caltex Australia Petroleum Pty Ltd* (franchisor) *v Dubbo Servo Pty Ltd* (franchisee)

# Exercise Two – alternatives to adversarial litigation

In your breakout group, research the topic allocated to you (in the readings and/or online). Elect one or more presenters to brief the whole class on your findings. I’ll let you decide what aspects are most important or interesting, but I want you to aim for a very short presentation of around 2 minutes.

1. Legal aid – pick one or more jurisdictions and investigate case load, eligibility, etc
2. Community Legal Centres – look at two or more to see what they do, how funded, etc
3. Problem solving courts – drug courts, children’s courts, etc. How do they work?
4. ADR (mediation, etc) – which Aust courts/tribunals offer this? In what circumstances?
5. DIY Legal Kits – what kinds are available in Aust? Would you use one – when/why?
6. Pro bono lawyering – how is this organised in Australia; how would you seek out?
7. **‘**Class actions’ – what’s involved in this type of litigation? Risks? Benefits?