

## ENROLMENT POLICIES

[no material in this edition]

## EVALUATION

[no material in this edition]

## FACILITIES

[no material in this edition]

## FINANCIAL ASPECTS

[no material in this edition]

## GOVERNANCE

[no material in this edition]

## HISTORY

[no material in this edition]

## INDIVIDUAL SUBJECTS/AREAS OF LAW

### **The golden arches meet the hallowed halls: franchise law and the law school curriculum**

D Wright

*45 J Legal Educ 1*, March 1995, pp 119-129

Most new lawyers soon realise the artificiality of law school subject demarcations. Contractual representation issues overlap with trademark rights issues at both federal and state levels in the area of franchise law which also has identifiable clients and issues. Franchising accounts for 35 percent of all retail sales in the US and employs 7.2 million people.

A franchise law course is an effective way to introduce students to the concept of the interconnectedness of a range of law school subjects. However, a one semester law school course cannot cover all these interrelated topics, but it can show how legal issues and categories interact within a single discrete subject.

For the purpose of course design four principal subjects were identified as being at the core of franchise law: federal and state disclosure regulations, common law contract issues, trademark and service marks, and antitrust law. These were taught in this order over a nine week period. To assess students' grasp of these areas of law, a short answer format exam was used so as to avoid the trauma of a typical final exam. The exam functioned as a review before the next stage of the course, the hands-on exercises.

A franchise agreement was obtained and modified for the class and a hypothetical fact situation was used. Students then paired up, one acting for the franchisee and the other for the franchisor and set to work on negotiating the exact terms of the contract. Most groups, as expected, only managed to finalise one or two terms. However, the exercise clearly demonstrated how reasonable people can disagree on what are the many insignificant issues as to whether a franchisee would get three or five days to cure certain defaults on the franchise agreement.

The second hands-on exercise was a mock hearing on a contract that had broken down. This included nefarious deeds, such as sales of unauthorised goods, opening of a competing store with a similar trade address, taking kickbacks from

suppliers and negotiating to open another store in the franchisee's exclusive territory. The students had to hand in submissions on the above which were then handed over to a judge the night before oral argument. Each team had 15 minutes to present their case and rebut the case of the other side.

Grading the students proved difficult, especially for the oral presentations. They were not graded on their ability to speak, but on the content of their oral submissions and whether they picked the correct level of generality for the proceedings.

Student satisfaction with the course was generally positive, apart from complaints of the spacing of material, heavy workloads and confusion. However, most found it to be a positive experience and that franchise law might be an interesting career prospect for them.

### **A practitioner's perspective on the teaching of product liability law**

S D Schotland

*45 J Legal Educ 2*, June 1995, pp 287-289

The teaching of product liability law could benefit from the integration of litigation practice issues and perspectives. Whilst the eminent casebook, Henderson & Twerski's *Product Liability: Problems and Process*, is a landmark, it is of little use to the practitioner, with only eight of its 800 pages being dedicated to litigation practice issues. Despite the fact that 90 to 95% of cases settle, no part of the book deals with settlement, mediation or arbitration.