

### Class Nine: Judges and Judging

<b>Citation</b>	Dorset Yacht Co Ltd v Home Office [1970] AC 1004
<b>Facts</b>	Group of juvenile justice detainees were taken to an island to work as part of their training → Supervised by three corrections officers, but 7 boys escaped and boarded a nearby yacht → It collided with and damaged a yacht owned by the plaintiff
<b>Jurisdiction</b>	House of Lords
<b>Legal Issues</b>	Whether duty of care in negligence arose in this situation (Where the defendant was a public authority, and where the damage was caused not directly by the defendant but by a third party's voluntary action)
<b>Decision/Outcome</b>	Appeal by Home Office dismissed: Duty of care owed to Dorset Yacht Co Ltd Process of change occurring within the doctrine of precedent Referred to Donoghue v Stevenson → First authoritative attempt at such an analysis → seminal effect upon the modern development of the law of negligence
<b>Ratio/Obiter</b>	Method adopted as this stage of process is analytical and inductive → starts with analysis of characteristics of conduct and relationship involved in each of the decided cases →
<b>Topics</b>	Doctrine of Precedent, Judicial Activism, Rule of the Judge, Duty of Care

<b>Citation</b>	Dugan v Mirror Newspapers [1978] HCA
<b>Facts</b>	Dugan sentenced to death for felony of wounding with intent to murder → Mirror Newspapers published article about him → Dugan tried to sue on the grounds of defamation → Rejected under English doctrine of attainder → Dugan appealed
<b>Jurisdiction</b>	High Court of Australia
<b>Legal Issues</b>	Whether the civil death doctrine accords with modern standards in Australia
<b>Decision/Outcome</b>	Civil death doctrine does not accord with modern standards in Australia Cited International documents such as International Covenant on Civil and Political Rights and European Convention on Human Rights
<b>Ratio/Obiter</b>	Conceiving rule of law usually must have access to the courts Civil claim must be capable of being submitted to a judge → universally 'recognised' fundamental principles of law
<b>Topics</b>	Doctrine of Attainder (Civil Death), Doctrine of Precedent, Judicial Activism

### Class Ten: Modern Lawyers

<b>Citation</b>	In re Edith Haynes [1904] 6 WALR 209.
<b>Facts</b>	Edith Haynes sought to be admitted as legal practitioner under Legal Practitioners Act 1893 (WA). → Admitted as Law student in 1900 though Barrister's Board (upon admittance: warned she may not be eligible for admission under the Act) → 1904: refused intermediate examination on grounds she would not be admitted to practice, (Board believed women not eligible for admission as legal practitioners) → Obtained a <i>rule nisi</i> : writ of mandamus to compel Barristers' Board to admit Edith Haynes to intermediate examination under Barristers' Board Rules r 23 Legal Practitioners Act 1893 (WA): women have no express right of admission
<b>Jurisdiction</b>	Supreme Court of Western Australia
<b>Legal Issues</b>	Whether a woman can be admitted as a legal practitioner
<b>Decision/Outcome</b>	Women cannot be admitted as legal practitioner (no precedent in common law)
<b>Ratio/Obiter</b>	Legal Practitioners Act 1893 (WA) s 15(2), allows for "persons to be admitted", but court should not acknowledge 'woman' as 'person' without Parliament
<b>Topics</b>	Modern Lawyer, Cultural Gap in the Law