

LAWS10003 Dispute Resolution

Credit Points:	12.50
Level:	1 (Undergraduate)
Dates & Locations:	This subject is not offered in 2011.
Time Commitment:	Contact Hours: Four contact hours per week Total Time Commitment: 144 hours.
Prerequisites:	Legal Method and Reasoning or equivalent.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	<p>This subject will introduce students to the theory and practice of dispute resolution. Students will appreciate that many conflicts never become disputes, that many disputes are never litigated, and that many civil cases in which proceedings are commenced are settled without a trial or judgment. The reasons for these various outcomes will be considered. The main stages of the civil litigation process will be analysed, and students will acquire an understanding of how adversarial processes work. The essential features of negotiation, mediation, arbitration and other primary dispute resolution options will also be considered. Topics will include:</p> <ul style="list-style-type: none"> # The nature of disputes; # Theories of disputing behaviour; # The similarities and differences between dispute avoidance, prevention, management and resolution; # The historical development of dispute resolution processes; # Cross-cultural perspectives of dispute resolution processes; # The stages in the conduct of a civil action, from commencing and defending proceedings to resolution; and # The relationship between dispute resolution processes, access to justice and law reform.
Objectives:	Details not available at time of publication.
Assessment:	Dispute Resolution Skills Exercise; due in Week 5; 10 %; 1250 words; Written Assignment; due in Week 9; 30%; 2250 1500 words; Final examination: open book; 70%; two hours writing time, plus 30 minutes reading time.
Prescribed Texts:	Printed materials will be available from the Melbourne Law School; Litigation: Evidence and Procedure (Volume 1) (Hunter, Cameron and Henning), LexisNexis-Butterworths 2005.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;

- # The capacity for close reading and analysis of a range of sources;
- # The capacity for critical and independent thought and reflection;
- # The capacity to solve problems, including through the collection and evaluation of information;
- # The capacity to communicate, both orally and in writing;
- # The capacity to plan and manage time;
- # The capacity to participate as a member of a team;
- # Intercultural sensitivity and understanding.

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # Reading, interpreting and analysing statutes (primarily Rules of Court and related statutes);
- # Hypothetical problem solving, including an ability to:
 - Identify and apply legal, procedural, ethical and strategic considerations arising in complex fact situations;
 - Draft basic documents used in dispute resolution processes, primarily negotiation plans, pleadings, affidavits and letters of advice.
- # Teamwork, including the ability to:
 - Identify and implement processes to promote effective teamwork;
 - Understand the impact of individual characteristics (for example, personality and culture) on group processes;
 - Use effective conflict management and resolution techniques in a team context;
 - Give and receive constructive feedback.
- # Negotiation and mediation, including the ability to:
 - Plan for and conduct a negotiation and/or a mediation;
 - Use an interest-based negotiation model.
- # Case reading and analysis, including an ability to:
 - Extract important features from judgments;
 - Reconcile judgments.
- # Evaluate the development of legal principles;
- # Apply legal principles arising from case law to new situations.