

## LAWS70018 Alternative Dispute Resolution

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: December, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>Dispute resolution and problem solving lie at the core of modern professional life for lawyers, business people and anyone who works with more than one other person. This Alternative Dispute Resolution subject provides an overview of the range of dispute resolution techniques used internationally. We compare and contrast the most prominent dispute resolution methods, including: traditional litigation, arbitration (in its many forms, including international commercial arbitration negotiation, mediation (also in its many forms, including: partnering, mini-trials, dispute resolution coordinators, etc.). It also includes skills training in negotiations and mediation designed to increase your effectiveness in both resolving disputes and enhancing your problem-solving abilities.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># The nature and varieties of disputes, how they arise and how they are avoided</li> <li># The options for resolving disputes: Litigation, arbitration, negotiation, mediation and conciliation</li> <li># Factors considered by people when they choose a dispute resolution method, including social, cultural and economic factors</li> <li># Relevant law reform initiatives, with an emphasis on Australia, other common law countries and selected Asian countries</li> <li># Cross-cultural issues in the dispute resolution process</li> </ul>

	<ul style="list-style-type: none"> <li># The role of judges, lawyers and the courts in the alternative dispute resolution process</li> <li># An analysis and comparison of the dispute resolution processes in environmental and native land title disputes, with an emphasis on Australia, Canada and the United States</li> <li># Basic skills for successful negotiation and mediation, including theory and practical exercises.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the nature of disputes and the principal methods of resolving disputes</li> <li># Understand the advantages and disadvantages of the various methods of alternative dispute resolution</li> <li># Understand the main issues and developments in alternative dispute resolution theory and practice</li> <li># Understand the implications of these theoretical and practical issues for law reform</li> <li># Be able to apply their learning to evaluate and propose law reform initiatives and analyse case studies</li> <li># Be able to use basic dispute resolution skills to resolve disputes based on simulations and case studies.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (5 March 2014) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70018/2013">http://www.law.unimelb.edu.au/subject/LAWS70018/2013</a>