

LAWS70018 Alternative Dispute Resolution

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	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.
Non Allowed Subjects:	None
Core Participation Requirements:	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: www.services.unimelb.edu.au/disability/
Coordinator:	Prof Allen Snyder
Contact:	Lecturers Professor Allen Snyder (http://www.law.unimelb.edu.au/staff/Allen%20Snyder) (Coordinator) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190
Subject Overview:	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 subject provides an overview of the range of dispute resolution techniques used internationally. This subject differentiates 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 effectiveness in both resolving disputes and enhancing problem-solving abilities.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> # The nature and varieties of disputes, how they arise and how they are avoided # The options for resolving disputes: litigation, arbitration, negotiation, mediation and conciliation # Factors considered by people when they choose a dispute resolution method, including social, cultural and economic factors # Relevant law reform initiatives, with an emphasis on Australia, other common law countries and selected Asian countries # Cross-cultural issues in the dispute resolution process # The roles of judges, lawyers and the courts in the alternative dispute resolution process # 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 # Basic skills for successful negotiation and mediation, including theory and practical exercises.
<p>Learning Outcomes:</p>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the legal and practical principles underlying both judicial and private dispute resolution systems # Be able to critically examine, analyse, interpret and assess different systems and make reasonable decisions about forum selection # Be an engaged participant in debate regarding the tension between legal rules and other more fluid systems for dispute resolution # Have a sophisticated appreciation of the never-ending war between textual certainty and the uncertainty of human decision-making and interactions # Have an advanced understanding of solutions and their benefits and limitations # Have a detailed understanding of negotiation strategies and tactics and how to use them in resolving disputes # Have the cognitive and technical skills to generate critical and creative ideas relating solving complex problems between people # Have the cognitive and technical skills to independently examine, research, create and analyse solution sets # Have the communication skills to clearly articulate and convey complex information regarding emotional disagreements, wants and needs # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in problem solving and dispute resolution.
<p>Assessment:</p>	<p>10,000 word research paper (100%) (22 February) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<p>Prescribed Texts:</p>	<p>Wiggins and Lowery, Negotiation and Settlement Advocacy: a book of readings (Thomson Reuters)</p>
<p>Breadth Options:</p>	<p>This subject is not available as a breadth subject.</p>
<p>Fees Information:</p>	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
<p>Links to further information:</p>	<p>www.law.unimelb.edu.au/subject/LAWS70018/2016</p>
<p>Related Course(s):</p>	<p>Graduate Diploma in Construction Law Graduate Diploma in Dispute Resolution Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Employment and Labour Relations Law Master of Laws Master of Public and International Law</p>