

LAWS90039 Mediation

Credit Points:	12.5																		
Level:	9 (Graduate/Postgraduate)																		
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law JD website for further information about subject quotas.																		
Time Commitment:	Contact Hours: 36 hours Total Time Commitment: 144 hours																		
Prerequisites:	Successful completion of all the below subjects: <table border="1" data-bbox="387 600 1485 976"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50024 Principles of Public Law	Semester 1	12.5	LAWS50025 Torts	November, Semester 2	12.5	LAWS50026 Obligations	Semester 1	12.5	LAWS50027 Dispute Resolution	Semester 1	12.5
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Corequisites:	None																		
Recommended Background Knowledge:	None																		
Non Allowed Subjects:	Students who have completed any of the below subjects are not permitted to take LAWS90039 Mediation: <table border="1" data-bbox="387 1229 1485 1377"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70467 Advanced Mediation</td> <td>Not offered 2016</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70467 Advanced Mediation	Not offered 2016	12.5												
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Core Participation Requirements:	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis 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 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.																		
Contact:	Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475																		

	Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd)
Subject Overview:	<p>Mediation has developed over the past twenty years from the legal fringes to become the process which resolves more legal disputes than any other. The aim of this course, building on concepts studied in the JD compulsory subject Dispute Resolution, is to develop an understanding of what takes place within the private confines of mediation to make the process effective, and how the different participants interact.</p> <p>Students will learn both the practice of mediation, through extensive involvement in simulations, and develop a sophisticated understanding of current mediation law and theory.</p> <p>The subject will examine when and how mediations take place, the roles of all persons involved, the legal frameworks supporting and promoting mediation, and the interaction of mediation with other dispute resolution mechanisms. It will provide an overview of mediation in specific legal contexts, such as commercial litigation and family law, and look in detail at a number of statutory mediation schemes such as the Farm Debt Mediation Act 2011 (Vic.). It will examine mediation as a career within the broader legal landscape and the evolution of the National Mediator Accreditation Scheme. It will also consider international trends on mediation.</p> <p>Teaching will be through a combination of lectures on specific topics, interactive exercises and mediation simulations, and contributions by visiting speakers with specific expertise.</p>
Learning Outcomes:	<p>A student who has successfully completed this subject will have an advanced and integrated understanding of the role of mediation in resolving disputes, and will be able to:-</p> <ul style="list-style-type: none"> # Understand and apply the main theories related to mediation as a form of conflict resolution; # Identify at what point in a dispute, mediation is likely to be effective; # Make an informed decision about what style of mediation suits the specific nature of a dispute and the parties; # Recognise the stages of a typical mediation, and understand how they can be adapted to changing dynamics when appropriate; # Facilitate a discussion which assists a disputant to understand better their own best interests and how to achieve them; # Understand the balance between mediators catalysing a useful negotiation and becoming too directive; # Develop their legal skills to act as advocate and adviser for a party at mediation; # Understand the legal framework of mediation accreditation in Australia and mediation trends internationally.
Assessment:	Participation in in-class mediation simulations and class discussion (10%); 1,500 word take-home exam case study asking for advice on alternatives and options in a hypothetical mediation (30%); 4,000 word research paper on a topic agreed with the subject co-ordinator (60%). The due date of the above assessment will be available to students via the LMS.
Prescribed Texts:	Specialist printed materials will also be made available from the Melbourne Law School.
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>This course will assist students to develop further the following skills:</p> <ul style="list-style-type: none"> # <i>Analytical problem solving</i> – through case study exercises to determine options and alternatives at mediation; # <i>Advocacy</i>- recognising that mediation has a different decision making approach to litigation, so requires a different style of advocacy; # <i>Judgement under pressure</i> – mediation is about making decisions rather than submitting to judgement; # <i>Co-ordination of a support team</i> – understanding and maximising the teamwork of parties, solicitors, barristers, experts and other participants and the mediator; # <i>Communication in emotionally difficult situations</i> – recognising and dealing with the stress of conflict; # <i>Tactical negotiation</i> – acknowledging that mediation can become a tactical game, and how to play it;

	# <i>Understanding where mediation fits within a broader dispute</i> – seeing mediation in the broader context of legal issues and other practical considerations.
Related Course(s):	Juris Doctor