

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2017/2018**

Part I Course Overview

Course Title:	<u>International Arbitration Practice</u>
Course Code:	<u>PLE5025</u>
Course Duration:	<u>Semester B</u>
Credit Units:	<u>2</u>
Level:	<u>P</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>Nil</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>Nil</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>Nil</u>

Part II Course Details

1. Abstract

This course aims to enable students to develop a basic range of abilities in the conduct of international arbitration in Hong Kong. The focus will be upon the full range of matters dealt with in international arbitrations but bearing in mind that the students will, later in practice, initially play a subsidiary role and work under supervision

In addition to becoming familiar with the legal and practical issues involved in international arbitration, students will also deal with a number of practical scenarios throughout the course (such as challenges to the jurisdiction of an arbitral Tribunal, challenges to arbitrators and challenges of awards). These scenarios may involve looking at how the arbitral process interacts with the Courts and Court practice in relation to international arbitration. The course aims to develop research, analytical, organisational and advocacy skills by requiring students to resolve complex issues of both fact and law in preparing and presenting arguments in the context of the scenarios under discussion in class.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Understand and recall applicable international arbitration law, practice and procedure.			✓	✓
2.	Prepare for the various issues which may arise at various stages in an international arbitration by selecting, evaluating, analysing and processing relevant resources and information.		✓	✓	✓
3.	Prepare written briefs/ skeleton arguments for use at hearings which <ul style="list-style-type: none"> ○ are coherent and cogent ○ use relevant arguments ○ use critical and original thinking ○ cite relevant sources effectively. 			✓	✓
4.	Participate effectively and present arguments for the various scenarios involved in the course (undertaken in mock hearings) by <ul style="list-style-type: none"> ○ selecting and using appropriate content and language ○ communicating ideas and arguments clearly, coherently and accurately and in plain English ○ confidently responding to arguments and questions. 		✓	✓	✓

- A1: *Attitude*
 Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.
- A2: *Ability*
 Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.
- A3: *Accomplishments*
 Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
1	Will be achieved by means of a number of tutorials conducted by lecturers in small group meetings in which students will develop a broad understanding of the law and practice of international arbitration in the Hong Kong setting.	✓				
2	<p>Will be achieved by the students writing/preparing in groups various memoranda and skeleton arguments for use in proceedings related to arbitration.</p> <p>This interactive process has several stages –</p> <ul style="list-style-type: none"> ○ a brainstorming between students and the tutor on a problem for arbitration, identifying issues and finding possible arguments, based on the facts and the law ○ students in groups will research and write a draft of their argument on one or more issues ○ students in the small group will present and discuss their respective work and their arguments, and the tutor will ask questions to test knowledge, understanding, persuasiveness, and logical and critical thinking as well as provide feedback 		✓	✓		

	<ul style="list-style-type: none"> ○ this process may be repeated, as required ○ students will complete their final memoranda/skeleton arguments ○ the tutor will provide further feedback on the drafts in terms of fluidity, avoidance of repetition, support for the arguments in terms of the facts and the law, structure and style 					
3	<p>Will be achieved by –</p> <ul style="list-style-type: none"> ○ students undertaking oral practice to prepare for mock hearings on the various problem scenarios presented in the course, the tutor provides feedback on the practice ○ the tutor providing further specific training on presentation skills and the presentation of arguments 				✓	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Examination: 100% (duration: 2 hours)						
Will be assessed by a 2 hour in-class open book examination at the end of the course.	✓	✓	✓	✓	100%	
					100%	

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-*)	Marginal (D*)	Failure (F)
2 hour examination	To pass this course students must obtain an aggregate mark of 50%.	<p>The work meets the client's needs in all respects, evidenced by –</p> <ul style="list-style-type: none"> • a superior grasp of the issues and subject matter • good organization • a capacity to analyze and synthesize • possession of an extensive knowledge base <p>a superior use of lawyer skills.</p>	<p>Good</p> <p>The work meets the client's needs in most respects, evidenced by –</p> <ul style="list-style-type: none"> • a strong grasp of the issues and subject matter • some critical and analytical ability • an understanding of the applicable law and procedures <p>a good use of lawyer skills.</p>	<p>Pass</p> <p>The work meets the client's main needs, evidenced by –</p> <ul style="list-style-type: none"> • an adequate grasp of the issues and subject matter • an ability to develop solutions to the client's problems <p>a basic use of lawyer skills.</p>		<p>Fail</p> <p>The work does not meet the client's needs, evidenced by little or an insufficient –</p> <ul style="list-style-type: none"> • grasp of the issues and subject matter • critical and analytical ability <p>understanding of the applicable law and procedures.</p>

* Note: The University's grades C- and D are not used in the PCLL.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

(An indication of the key topics of the course.)

Arbitration, International arbitration.

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

International Arbitration

- *Lew, Mistelis and Kroell, Comparative International Arbitration (Kluwer, 2003, available on Kluwer law website via the library) but be aware that some of the material in the book – laws and rules have been superseded)*
- *Redfern and Hunter, The Law and Practice of International Arbitration (available on the Kluwer law website via the library or in paper copy, OUP 2015)*
- *Born, International Commercial Arbitration (2nd edition) (for reference). (Also available on the Kluwer Law website via the library)*
- *HK Arbitration Ordinance 2010 (Cap 609)–available via the library on Kluwer Arbitration database (legislation section)*
- *Arbitration in Hong Kong – A Practical Guide (by Sweet & Maxwell)*
- *Hong Kong Arbitration – A User’s Guide (by Dr. Michael Moser & Teresa Cheng, SC)*

Online Resources

- www.kluwarbitration.com (A comprehensive list of books and materials available via the library)
- *New York Convention -available at www.uncitral.org*
- *UNCITRAL Model Law on International Commercial Arbitration- available at www.uncitral.org*
- *ICCRules <http://www.iccwbo.org/products-and-services/arbitration-and-adr/arbitration/icc-rules-of-arbitration/>*
- *LCIA Rules http://www.lcia.org/Dispute_Resolution_Services/lcia-arbitration-rules-2014.aspx*
- *HKIAC Rules www.hkiac.org*
- *IBA Guidelines on Conflicts of Interest in International Arbitration 2014; IBA Rules of Ethics for International Arbitrators http://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx*