

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2020 / 21**

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**Part I Course Overview**

**Course Title:** Mediation

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**Course Code:** LW5666

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**Course Duration:** 1 Semester

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**Credit Units:** 3

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**Level:** P5

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**Medium of Instruction:** English

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**Medium of Assessment:** English

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**Prerequisites:**  
(Course Code and Title) Nil

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**Precursors:**  
(Course Code and Title) Nil

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**Equivalent Courses:**  
(Course Code and Title) LW4668 Mediation

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**Exclusive Courses:**  
(Course Code and Title) Nil

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## Part II Course Details

### 1. Abstract

This course aims to provide students with an understanding of how and why disputes arise. It will then examine the main dispute resolution methods found in the Alternate Dispute Resolution (ADR) continuum followed by specific examination of the negotiation process and the mediation process. The aim of this course is NOT to train students to be accredited mediators but to equip students with the necessary skills and knowledge about the concepts of negotiation and mediation as adopted in the business and legal communities at large.

### 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	Weigh ting	Number(s) of PILOs contributed to:-	DEC related learning outcomes		
				A1	A2	A3
1.	explain how and why disputes arise		5,6	✓		
2.	explain the main dispute resolution methods		1,5,6	✓	✓	
3.	explain the essential stages of the negotiation process		1,4,5	✓	✓	✓
4.	explain the essential stages of the mediation process		1,4,5,6	✓	✓	✓
5.	explain the ethical and professional responsibilities related to mediation in Hong Kong		1,5,6	✓	✓	
6.	explain the role of mediation in Hong Kong in comparison to Europe, the USA and the Asia-Pacific Region		1	✓		
		100%				

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	5	6	
CILO 1-6	Teaching and learning will be primarily based on discussion in large and small groups, problem solving exercises, participation in mock mediations case scenarios, drafting of settlement agreements and lectures on various topical issues associated with negotiation and mediation.							

### 4. Assessment Tasks/Activities (ATs)

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

Assessment Tasks/Activities	CILO No.						Weigh ting	Remark s
	1	2	3	4	5	6		
Continuous Assessment: _100%								
AT1: Class Assignment – In-Class Test	✓	✓	✓	✓	✓	✓	30%	
AT2: In allocated groups, students are to produce a soft copy of a mock mediation on their iPads. 50% mark will be awarded for group presentation and 20% will be awarded for individual performance. Total of 70%.	✓	✓	✓	✓			70%	
							100%	

**Grading of Student Achievement:** Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities.

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

## 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)
1. Class Assignment – In-Class Test	<ul style="list-style-type: none"> <li>- Be familiar with the concepts and the theories behind negotiation and mediation.</li> <li>- Be able to apply the various theories into actual practice under scenario problems.</li> <li>- Have a solid understanding of the mediation landscape within the jurisdiction of Hong Kong.</li> <li>- Have the fundamental knowledge to advise clients about the concept of mediation, what to expect, what to observe and the risk factors associated with adopting such alternative dispute resolution method.</li> </ul>	Strong evidence of original thinking; good organisation, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytical ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytical skills; limited or irrelevant use of literature.
2. Mock mediation	<ul style="list-style-type: none"> <li>- Develop the skills needed to work in a group setting environment– team work.</li> <li>- Effectively and efficiently manage a mock mediation from start to finish including the opening session to the drafting of the settlement agreement.</li> <li>- Apply the skills learnt into actual practice i.e. doubt creation, reality testing, option generating and managing client’s expectations, reframing, summarising and identifying clients’ needs versus wants.</li> <li>- Develop one’s soft skills to cope with various unexpected situations as they develop such as dealing with emotions and attempting to extract one bottom line from the case scenario.</li> <li>- Be familiar with the legal concepts and rules associated with the case scenario and apply such concepts and rules accordingly throughout the mock mediation.</li> </ul>	Strong evidence of original thinking; good organisation, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytical ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytical skills; limited or irrelevant use of literature.

### 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.)*

- Alternate Dispute Resolution (ADR) continuum
- Negotiation process
- Mediation process
- Mediation in Hong Kong
- Civil Justice Reform and Practice Direction 31
- Comparative jurisdictions using mediation

#### Detailed Syllabus

Students will be provided with an overview of the course as well as resources in support of the study of the subject and also a comparative aspect between the laws and practice of Hong Kong and other jurisdictions.

Therefore, the course will deal with the following:

- A summary of disputes and why they happen
- The theory and practice associated with the principal methods of resolving disputes
- A summary of the historical origins of mediation
- Identifying the essential stages of an effective facilitative mediation process as compared with an evaluative process
- The ethical and professional responsibilities related to mediation in Hong Kong and various other jurisdictions
- On-line dispute resolution
- The suitability of disputes for mediation

#### 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.)*

1.	Mediation in Hong Kong – Law and Practice, Sala Sihombing, Christopher To and James Chiu, Wolters Kluwer, 2014.
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##### 2.2 Additional Readings

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

1.	Hong Kong Mediation Handbook, second edition, Raymond Leung, Sweet and Maxwell, 2014.
2.	Mediation for Lawyers, Samantha Hardy and Olivia Rundle, Wolters Kluwer, 2010.
3.	Mediation Theory and Practice in Hong Kong, Sarah Hilmer, Lexis Nexis, 2010.
4.	ADR in Hong Kong, Christopher To and Simon So, Sweet and Maxwell, 2018.
5.	The Essentials of Negotiation, Harvard Business School Press, 2005.