

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2020 / 2021**

Part I Course Overview

Course Title:	Mediation Practice
Course Code:	LW6406
Course Duration:	One Semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	Nil
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	Nil
Exclusive Courses: <i>(Course Code and Title)</i>	LW6135E Mediation Practice

Part II Course Details

1. Abstract

- i. This course aims to provide students with the skills of mediating and the knowledge of the principles and values of mediation.
- ii. This course will further innovate a student's ability to grasp the fundamental concepts with the ultimate goal of discovering how mediation functions from a practical stand point.

LW6406 Mediation Practice is a CI Arb recognised course. Students who have successfully completed this course achieving at least 55% of the marks can be exempted from the CI Arb Module.

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.	apply in a real life situation the knowledge of mediation principles, theory and values. Acquire familiarity through discovery/innovation/creativity about the theory of mediation and apply such features into practice.	Nil	✓		
2.	apply in a real life situation the mediation skills and ethics related to resolving disputes across cultural barriers	Nil	✓	✓	✓
3.	apply working knowledge of several models of mediation	Nil	✓	✓	✓
4.	appreciate the implications of selected emerging issues in contemporary dispute resolution research and apply relevant practical skills in dispute resolution	Nil	✓	✓	✓
5.	apply the improved mediation skills in the context of complex disputes encountered in realistic situations	Nil	✓	✓	✓
		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	
See remarks	See remarks	✓	✓	✓	✓	✓	See remarks

Remarks:

Active learning techniques, primarily in the form of simulations, will be used to deliver the practical training segment of the course. This methodology embraces a three stage process:-

- (i) the presentation of information and/or a demonstration;
- (ii) practice by the students; and
- (iii) the “debriefing” feedback stage.

In order to accommodate this strategy, this segment of the course will be taught in intensive mode in weekday evenings and/or weekends. The methodology will usually involve the entire class in the 1st and 3rd stages, with smaller groups working on simulations and observed by the instructor during the 2nd stage. Several 2nd stage simulations may be performed in one evening's and/or weekend instruction. As the training progresses, the simulation exercises will become more complex. There are 40 contact hours for the course.

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	5		
Continuous Assessment: <u>100</u> %							
Class Assessment	✓	✓	✓	✓	✓	100%	
Examination: <u>0</u> %							
						100%	

* Note: 100% attendance is required for students to pass this course.

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 Assessment	Demonstration of ability to identify issues, current trends and practices.	Strong evidence of original thinking; good organization, 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 analytic 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 analytic skills; limited, or irrelevant use of literature.

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

1. Keyword Syllabus

Advanced skills. Alternative dispute resolution. Mediation. Accreditation. Principles and values of mediation. Emerging issues. Negotiation. Civil procedure practice of Hong Kong.

1.1 Detailed Syllabus

1. Practical training – advanced training in the knowledge, ethics and skills of mediation in a variety of contexts. Topics addressed include conflict, communication, process facilitation and management, negotiation, cross cultural issues, the law of mediation, mediator interventions.
2. Mediation training – a review of the basic principles and practices of mediation; advanced training in the skills necessary to become accredited as a mediator in Hong Kong.
3. Mediation essentials, core skills, the mediation process, pre-mediation stages, role of the mediator; parties; legal representatives, stages of mediation, drafting skills – agreement to mediate and settlement agreements, establishing your practice, enforcement of settlement agreements under the Singapore Mediation Convention.

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.	• S. Sihombing, C.To and J. Chiu, <u>Mediation in Hong Kong – Law and Practice</u> , Wolters Kluwer Law and Business 2014
2.	• <u>N. Alexander, International and Comparative Mediation, Kluwer Law International 2009</u>
3.	• <u>N Alexander (ed), Global Trends in Mediation, Kluwer Law International 2006</u>
4.	• <u>R. Leung (ed), Hong Kong Mediation Handbook, (Sweet & Maxwell 2009).</u>
5.	• Jay Folberg, Dwight Golann, Lisa Kloppenberg & Thomas Stipanowich, <u>Resolving Disputes: Theory, Practice and Law</u> (Aspen 2005)
6.	• K. Arrow, R.H. Mnookin, L. Ross, A. Tversky & R. Wilson, <u>Barriers to Conflict Resolution</u> (1955) Norton
7.	• L. Singer, <u>Settling Disputes: Conflict Resolution in Business, Families, and the Legal System</u> (2 nd ed, 1994) Westview Press
8.	• M. Palmer, “The Revival of Mediation in the People’s Republic of China: (2) Judicial Mediation” in W.E. Butler(ed), <u>Yearbook on Socialist Legal Systems 1989</u> (1989) Transnational Books
9.	• J.S. Murray, A.S. Rau & E.F. Sherman, <u>Process of Dispute Resolution, The Role of Lawyers</u> (1996) Foundation Press
10.	• W. Ury, J. Brett & S. Goldberg, <u>Getting Disputes Resolved: Designing System to Cut the Costs of Conflict</u> (1988) Jossey-Bass

11.	<ul style="list-style-type: none"> • K.J. Mackie (ed), <u>A Handbook of Dispute Resolution ADR in Action</u> (1991) Routledge and Sweet & Maxwell
12.	<ul style="list-style-type: none"> • N. Rogers & R. Salem, <u>A Student's Guide to Mediation and the Law</u> (1987) Mathew Bender
13.	<ul style="list-style-type: none"> • M.J. Fulton, <u>Commercial Alternative Dispute Resolution</u> (1989) The Law Book Company
14.	<ul style="list-style-type: none"> • A. Bevan, <u>Alternative Dispute Resolution</u> (1992) Sweet & Maxwell
15.	<ul style="list-style-type: none"> • L. Susskind & J. Cruikshank, <u>Breaking the Impasse</u> (1987) Basic Books
16.	<ul style="list-style-type: none"> • N. Rogers & C. McEwen, <u>Mediation: Law, Policy, Practice</u> (1989, 1991 Supp.) Lawyers Co-operative & Clark Boardman Callaghan
17.	<ul style="list-style-type: none"> • J.A. McInnis, "Alternative Dispute Resolution", in <u>The Future of the Law in Hong Kong</u> (1989; ed R. Wacks)
18.	<ul style="list-style-type: none"> • D. Lewis, <u>Dispute Resolution in the PRC Hong Kong</u>, Longman, expected in 1933)
19.	<ul style="list-style-type: none"> • E. Lee, <u>Commercial Disputes Settlement in China</u> (London, Lloyd's, 1985)
20.	<ul style="list-style-type: none"> • L. Kanowitz, <u>Cases and Materials on Alternative Dispute Resolution</u> (St Paul, West, 1985)
21.	<ul style="list-style-type: none"> • Roderick Macneill, "Contract in China: Law, Practice and Dispute Resolution" (1986) 38 <u>Stanford Law Review</u> 305-397, at 325-33
22.	<ul style="list-style-type: none"> • John N. Spanogle & T.M. Baranski: "Chinese Commercial Dispute Resolution Methods: The State Commercial and Industrial Administration Bureau" (1987) 35 <u>American Journal of Comparative Law</u> 761
23.	<ul style="list-style-type: none"> • Wang Zhengming, "Mediation and Arbitration of Contract Disputes" in (1985) 18 <u>Chinese Law and Government</u> 90
24.	<ul style="list-style-type: none"> • Victor H. Umbricht, <u>Multilateral Mediation (Practical Experiences and Lessons)</u> (1989) Martinus Nijhoff Publishers

2.2 Additional Readings

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

Journals

1.	Asian Dispute Review
2.	Australasian Dispute Resolution Journal
3.	Negotiation Journal
4.	Mediation Quarterly
5.	Ohio State Journal on Dispute Resolution
6.	Missouri Journal of Dispute Resolution
7.	The Arbitration and Dispute Resolution Law Journal