

**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:	Advanced Award Writing
Course Code:	LW6409B
Course Duration:	One semester
Credit Units:	6
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: (Course Code and Title)	Subject to the approval of the Programme Director/Associate Programme Director, students are required to pass the following core courses <u>AND</u> obtain a minimum <u>60% (B-)</u> in <u>LW6407</u> before taking LW6409B Advanced Award Writing: 1) LW5400 Legal Concepts (except for students who have been granted exemption) 2) LW6402 Procedure and Proof (except for students who have been granted credit transfer for this course) 3) LW6405 Arbitration Law 4) LW6407 Arbitration Practice and Award Writing 5) LW6408 International Arbitration
Precursors: (Course Code and Title)	Nil
Equivalent Courses: (Course Code and Title)	Nil
Exclusive Courses: (Course Code and Title)	LW6409A Dissertation (Students are required to take either LW6409A Dissertation or LW6409B Advanced Award Writing, subject to fulfillment of the respective prerequisites.)

Part II Course Details

1. Abstract

This course aims to provide students with the requisite knowledge of and practice in all the requirements for the writing of a final, reasoned and enforceable arbitration award in a commercial dispute. It will also enhance the student's ability to carry out independent research and acquire knowledge through self-study.

LW6409B Advanced Award Writing is a Chartered Institute of Arbitrators (CIArb) recognized course. In order to meet the requirements of the CIArb, students must obtain a minimum mark of 70% in the assessment (the final exam), which will be by a written report (i.e. a Final Arbitral Award).

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.	separating issues from submissions and prioritising them for the purpose of drafting an arbitration award;	20	✓	✓	✓
2.	dealing with all the matters of claim and deciding all matters in dispute fairly;	20	✓	✓	✓
3.	allocating costs appropriately;	10	✓	✓	✓
4.	demonstrating an intelligent and intelligible use of language, grammatically correct and correctly spelt; and	20	✓	✓	✓
5.	completing all the legal and other requirements for enforceability.	30	✓	✓	✓
		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	
Self-study	See remarks	✓	✓	✓	✓	✓	See remarks
Face-to-face tutorials	Tutorials provide a forum for discussion and allow students to deepen their understanding of the concepts of drafting an enforceable arbitration award. (see remarks)	✓	✓	✓	✓	✓	See remarks

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>20</u> %							
Written Assignment	✓	✓	✓	✓	✓	20%	The writing assignment is designed to test the students' ability to apply the basic concepts and rules into practice by analysing a sample arbitration award with the goal of improving its form and format.
Examination: <u>80</u> % (duration: 4 hours)							
Examination	✓	✓	✓	✓	✓	80%	The examination is designed to test the students' abilities of applying the theories and law they have learned to realistic factual situations involving different commercial relationships and disputes with the ultimate goal of drafting an enforceable arbitration award.
						100%	

Remarks:

* Notes:

In order to pass this course, students must:

1. gain 100% attendance.
2. obtain minimum mark of 40% in the written assessment and a minimum mark of 40% in the examination.
3. Students should ensure that they have access in class to a laptop computer so that they can complete the various in-class exercises and assessments.

Students will be sent a reading list as well as a set of reading materials focusing on arbitration awards, their characteristics, functions and drafting. Students are required to write a reflective journal recording their learning experiences in the first eight weeks, and to submit a coursework assignment. Towards the end of the semester, there are face-to-face tutorials which help students develop their legal analysis and drafting skills.

At the face-to-face tutorial students will be given the first set of materials relating to an arbitration case; these will normally cover all information but the hearing. Students will be required to start working on the awards by drafting summary of facts, summary of parties' positions, claims, etc. After the face-to-face tutorials students will sit in a four hour open book examination (the final exam). In the final exam, students will be given a second set of materials (typically the information relating to the hearing) and they will have four hours to complete their awards. Awards should be presented in a format that it is suitable for international arbitration award under Hong Kong Arbitration Ordinance. Relevant instructions will be conveyed by the way of self-study, reading and face-to-face tutorial seminar.

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. Coursework	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.
2. Examination	Application of knowledge learnt to specific problems and issues.	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

Award writing; Arbitration award

1.1 Detailed Syllabus

- Purpose of an Award
- Differences between Orders and Awards and between Awards and Judgments
- Legal and Substantive Requirements (Form of Award, Seat of Arbitration)
- Legal Framework for the Dispute (Arbitration Agreement, Law of the Contract, Law of the Arbitration)
- Procedural Matters
- Writing in Plain English
- The Reasoning Process (Reasons, Telling the Story, Understanding Evidence, Deciding the dispute)
- Structure of an Award
- Writing an Award (Particular Requirements, Applicable Laws, Procedural Compliance, Reasoning)
- Formalities
- Costs and Interest
- Notification of an Award
- Enforcement

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.	David St. John Sutton, Judith Gill, Matthew Gearing, <i>Russell on arbitration</i> Russell, Francis, 1816-1891. London: Sweet & Maxwell, 2015.25th edition.
2.	Justice Geoffrey Ma; general editor, Denis Brock and a team of expert contributors, <i>Arbitration in Hong Kong: a practical guide</i> , Hong Kong: Sweet & Maxwell 2017.4th edition.
3.	Choong and Weeramantry (eds), <i>The Hong Kong Arbitration Ordinance: commentary and annotations</i> , Hong Kong: Sweet & Maxwell/Thomson Reuters, 2015.
4.	Turner, Ray (W. Ray), <i>Arbitration awards: a practical approach</i> ; foreword by the Lord Bingham of Cornhill. Oxford, UK; Malden, MA: Blackwell Pub., 2005.
5.	Christopher To and Damon So; Butterworths Hong Kong Arbitration Law Handbook 2018.
6.	Born, <i>International Commercial Arbitration</i> , (2014).
7.	Redfern, Hunter, et al., <i>Redfern and Hunter on International Arbitration</i> , (2015).
8.	Lew, Mistelis, et al., <i>Comparative International Commercial Arbitration</i> , (2007)

2.2 Additional Readings

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

Nil