

PLE5051: MEDIATION AND NEGOTIATION

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Mediation and Negotiation

Subject Code

PLE - Professional Legal Education

Course Number

5051

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

Non-standard Duration

Other Course Duration

Semester A (One-week intensive)

Credit Units

2

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to encourage students to discover the meaning and purpose of alternate dispute resolution and also to discover a range of performance skills, in particular preparation for and the conduct of a basic mediation (as advocate) and negotiation so that they will be able to carry out tasks which are fundamental to mediation and/or a negotiation on an international standard.

The aim of the course is NOT to train students to be accredited mediators.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analytically and critically describe and explain the place of mediation in Hong Kong with some comparisons with parts of the global legal community		x	x	
2	Analytically and critically describe and explain the place of negotiation in the global legal community		x	x	
3	Analytically and critically describe and explain the ethical and professional responsibilities of a mediator in Hong Kong and various other jurisdictions in the global legal community		x	x	
4	Analytically and critically describe and explain the ethical and professional responsibilities of a negotiator in Hong Kong and various other jurisdictions in the global legal community		x	x	
5	Analyse and identify the skills and processes needed for effective mediation		x	x	x
6	Analyse and identify the skills and processes needed for effective negotiation		x	x	x
7	Analyse and identify the essential stages of effective mediation		x	x	x
8	Analyse and identify the essential stages of effective negotiation		x	x	x
9	represent a client, and participate in, mediation in Hong Kong			x	x
10	represent a client, and participate in, negotiation in Hong Kong.			x	x

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 real-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.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	1	Teaching and learning will be primarily based on discussion in large and small groups, problem solving and drafting exercises and participation in mock mediations and negotiations.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks ("- for nil entry)	Allow Use of GenAI?	
1	Assessment will be a mock negotiation where students will act as lawyers acting for clients in a negotiation.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	100	The use of Generative AI tools is not allowed.	No

Continuous Assessment (%)

100

Minimum Continuous Assessment Passing Requirement (%)

50

Assessment Rubrics (AR)

Assessment Task

Oral assessment at end of semester

Criterion

To pass this course students must obtain a mark of 50%.

Excellent

(A+, A, A-) The work meets the client's needs in all respects, evidenced by –

- a superior grasp of the issues and subject matter
- good organization
- a capacity to analyze and synthesize
- possession of an extensive knowledge base
- a superior use of lawyer skills

Good

(B+, B, B-) The work meets the client's needs in most respects, evidenced by –

- a strong grasp of the issues and subject matter
- some critical and analytical ability
- an understanding of the applicable law and procedures
- a good use of lawyer skills

Fair

- (C+, C, C-*) The work meets the client's main needs, evidenced by –
- an adequate grasp of the issues and subject matter
 - an ability to develop solutions to the client’ s problems
 - a basic use of lawyer skills

Marginal

(D*)

Failure

- (F) The work does not meet the client's needs, evidenced by little or an insufficient –
- grasp of the issues and subject matter
 - critical and analytical ability
 - understanding of the applicable law

Additional Information for AR

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

Part III Other Information

Keyword Syllabus

Mediation

- Global view of mediation
- Hong Kong mediation situation and statistics
- Privilege and confidentiality and relevant case law
- Structure of a mediation
- Pre-mediation planning
- Role of mediator
- Role of lawyer
- Techniques of a mediator
- Evaluative mediation
- Facilitative mediation
- Effective listening skills and mediation techniques
- Creative thinking techniques used to create options for parties to a dispute

Negotiation

- Identifying the Dispute Resolution Continuum
- Styles of negotiation
- Strategies used in negotiation
- Process steps in a negotiation
- Making offers and concessions
- How to assess a ‘good deal’
- How to close a negotiation

Reading List

Compulsory Readings

Title	
1	Deskbook

Additional Readings

Title	
1	Harold I. Abramson, Mediation Representation, 2nd Edition, Oxford University Press (2011)
2	Michael P. Silver, Mediation and Negotiation: Representing Your Clients, Butterworths (2001)