



LAWS8019

Dispute Resolution Processes and Law

Session 2, Special circumstance, Other 2020

Macquarie Law School

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Convenor

Lise Barry

Contact via via iLearn

6 First Walk Rom 527

Monday 3pm-4pm by phone or in person. Other times by appointment

Credit points

10

Prerequisites

Admission to JD and 160cp in LAW or LAWS units at 6000 level or above

Corequisites

Co-badged status

Unit description

This final year unit draws together doctrinal, theoretical and practical knowledge and experience in the study of law through a focus on the use of alternative dispute resolution (ADR) in the Australian and international context. Students are encouraged to think critically about the ways that legal disputes are typically resolved and the extent to which developments in the ADR field have been integrated into legal practice and regulation. This unit consolidates student learning on the range of legal remedies available through a comparison of ADR processes including negotiation, mediation, arbitration and restorative justice. This unit also provides students with an opportunity to consolidate high level communication skills by providing simulated opportunities for legal negotiations and to further develop the discipline specific communication skills required in conflict resolution processes.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Analyse and critique models of dispute resolution in the Australian and International legal context

ULO2: Identify and critique the key theoretical and doctrinal differences in the application

of dispute resolution frameworks

ULO3: Apply high level communication skills to dispute resolution processes and distinguish the skills required for different models of dispute resolution

ULO4: Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

General Assessment Information

Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation (4th ed)

Marking of all assessments is moderated through the use of detailed marking rubrics. All Fail papers will be double marked.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due time – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|--|-----------|--------|------------------------------------|
| <u>Research essay</u> | 40% | No | Fri 30th October 11.59pm |
| <u>Negotiation role play</u> | 40% | No | Fri 9th Oct 11.59pm |
| <u>Online multiple choice test</u> | 20% | No | Wed 18th Nov 2pm - 10pm (2hr quiz) |

Research essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **Fri 30th October 11.59pm**

Weighting: **40%**

Students are required to prepare a research paper examining an aspect of the application of ADR law and theory in Australia

On successful completion you will be able to:

- Analyse and critique models of dispute resolution in the Australian and International legal context
- Identify and critique the key theoretical and doctrinal differences in the application of dispute resolution frameworks

Negotiation role play

Assessment Type ¹: Simulation/role play

Indicative Time on Task ²: 40 hours

Due: **Fri 9th Oct 11.59pm**

Weighting: **40%**

A negotiation role play in pairs or small groups. Full instructions and fact patterns are available on iLearn

On successful completion you will be able to:

- Apply high level communication skills to dispute resolution processes and distinguish the skills required for different models of dispute resolution
- Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

Online multiple choice test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 2 hours

Due: **Wed 18th Nov 2pm - 10pm (2hr quiz)**

Weighting: **20%**

A multiple choice test examining the course content

On successful completion you will be able to:

- Identify and critique the key theoretical and doctrinal differences in the application of dispute resolution frameworks
- Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Required Textbook: David Spencer, Lise Barry and Lola Akin Ojelabi, *Dispute Resolution in Australia: Cases, Commentary and Materials* (4th ed, 2019) Thomson Reuters.

Students are also advised to obtain a copy of: Roger Fisher, William Ury and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In*. (Any edition)

Lectures and seminars will be delivered online in 2020. Please check iLearn for the full schedule.

Weekly readings and other learning resources are available online and via the University Library Unit Readings portal.

Unit Schedule

Unit Schedule

Week 1: An overview of dispute resolution processes and key issues

Week 2: Negotiation part 1 and dispute resolution critiques

Week 3: Negotiation part 2

Week 4: Mediation

Week 5: Mediation

Week 6: Advisory and Determinative dispute resolution processes

Week 7: Court based ADR and online dispute resolution

Week 8: Legal Issues in ADR

Week 9: Culture and Values in ADR

Week 10: Family Law and dispute resolution

Week 11: Restorative Justice processes

Week 12: Ethics and standards in dispute resolution

Week 13: Future directions for dispute resolution in Australia

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Changes from Previous Offering

Due to the impact of COVID-19, all lectures and classes in this unit will be delivered online