



LAWS8019

Dispute Resolution Processes and Law

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Dr Susan Armstrong

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Lecturer

Dr Dalma Demeter

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Credit points

10

Prerequisites

(Admission to LLM or 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

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

*This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.***

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|--|-----------|--------|----------------|
| <u>Negotiation role play</u> | 40% | No | 23:55 2/10/22 |
| <u>Research essay</u> | 40% | No | 23:55 23/10/22 |
| <u>Online multiple choice test</u> | 20% | No | 22/11/22 |

Negotiation role play

Assessment Type ¹: Simulation/role play

Indicative Time on Task ²: 40 hours

Due: **23:55 2/10/22**

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

Research essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **23:55 23/10/22**

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

Online multiple choice test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 2 hours

Due: **22/11/22**

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

TEXT

David Spencer, Lise Barry, Lola Akin Ojelabi, Dispute Resolution in Australia: Cases Commentary and Materials (4th edition, 2018, Lawbook Co)

RECOMMENDED

Roger Fisher and William Ury, Getting To Yes: Negotiating An Agreement Without Giving In (2011, preferably the 3rd ed but any edition is fine, Penguin).

There is no better preparation for the online negotiation assessment task than getting to grips with this book.

Unit Schedule

1 Overview of DR processes and key issues

2 Negotiation part 1

3 Negotiation part 2

4 Mediation part 1

5 Mediation part 2

6 Arbitration part 1

7 Arbitration part 2

Recess 1 On campus / online sessions 13 & 14 September 2022

Recess 2

8 Advisory and Determinative DR processes

9 International DR processes

10 Legal Issues in ADR

11 Family Law and DR

12 Restorative Justice processes

13 Ethics, Standards & Future directions for DR

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>). 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.