Alternative Dispute Resolution in Practice

LAWS3314

6 Units of Credit

Most legal education in common law systems scrutinises the interpretation and development of the law via decisions made by courts in the process of litigation. This fosters the assumption that litigation, or legal advice predicting the outcome of litigation, is the normal method of resolving disputes. In fact only a small proportion of disputes are resolved by litigation and there is a growing dissatisfaction with the cost, speed and adversarial character of litigation, and a corresponding interest in alternative forms of non-adjudicative dispute resolution.

This course follows on from Resolving Civil Disputes, investigating and giving practical experience in a range of alternative forms of dispute resolution including negotiation, facilitation, mediation and group process. It requires students to identify and analyse examples of the interface between the outcomes of non-adjudicative dispute resolution processes and what might be termed 'black-letter law' such as contract and revenue law.

Dispute Resolution is delivered as a skills course. Whilst there will be some formal tuition, the focus of the course is on experiential learning. Skill training depends on a building block approach to learning whereby basic ideas are built upon through group discussion, preparation, performance and review.

Because group dynamics and interaction play such an important part in the process, skills training works most effectively when it occurs in concentrated bursts of a day or more. For this reason, the course is delivered in full day sessions with an introductory lecture at the beginning.

Main Topics

- The taxonomy of ADR and introduction to the most commonly encountered processes
• The influence of group dynamics on ADR processes
• Tools from the Harvard Negotiation Program
• Development of some 'rules of thumb' which enhance the application of ADR principles in a group setting
• Other influences on the ADR process such as behavioural preferences and communication styles
• Communication in dispute resolution and developing a communication strategy
• Various mediation role plays and debrief of case studies
Faculty
Faculty of Law

Study Level
Undergraduate

Offering Terms
Term 1, Term 2

Campus
Kensington

Indicative contact hours
3

Timetable
Visit timetable website for details
Conditions for Enrolment

Prerequisite: Completion of 78 UOC in LAWS courses including Resolving Civil Disputes (LAWS2371).
Exclusion Courses

JURD7314  |  6 UOC
Dispute Resolution: Principles, Processes and Practices

LAWS8314  |  6 UOC
Dispute Resolution: Principles, Processes and Practices
Course Outline

To access course outline, please visit:

LAWS3314 Course Outline
### Fees

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**DISCLAIMER**

Please note that the University reserves the right to vary student fees in line with relevant legislation. This fee information is provided as a guide and more specific information about fees, including fee policy, can be found on the [fee website](#).

For advice about fees for courses with a fee displayed as "Not Applicable", including some Work Experience and UNSW Canberra at ADFA courses, please contact the relevant Faculty. Fees for courses delivered through [UNSW Global](#) are published and charged by UNSW Global and thus appear as "Not Applicable" on this site.

Where a Commonwealth Supported Students fee is displayed, it does not guarantee such places are available.
Pre-2019 Handbook Editions

Access past handbook editions (2018 and prior)

Pre-2019 Handbook Editions
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Authorised by Deputy Vice-Chancellor (Academic)
CRICOS Provider Code 00098G
ABN: 57 195 873 179