

LW6415: NEGOTIATION AND MEDIATION ADVOCACY

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Negotiation and Mediation Advocacy

Subject Code

LW - Law

Course Number

6415

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

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 provides students with an introduction to various models of negotiation and mediation advocacy. The course focuses on the constructive negotiation model, planning for negotiation, dealing with difficult behaviour in negotiation and negotiating as a mediation advocate. Students will engage in a number of practical activities to develop their negotiation skills.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe the constructive negotiation model and explain the purpose of each stage in the process.	10	x	x	
2	Explain the different approaches to negotiation and when each might be appropriate.	10	x	x	
3	Demonstrate a range of skills and techniques in communication and negotiation.	20	x	x	x
4	Reflect meaningfully on, and demonstrate, the negotiating role of mediation advocates.	30	x	x	x
5	Research and critically discuss some current issues in negotiation and effectively present (orally and in writing) your research findings.	30	x	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	Seminars	See remarks	1, 2, 3, 4, 5
			3 hours

Additional Information for LTAs

Remarks:

Active learning techniques, primarily in the form of simulations, will be used to deliver the practical training segment of the course. This methodology embraces a three stage process:

- (i) the presentation of information and/or a demonstration;
- (ii) practice by the students; and
- (iii) the "debriefing" feedback stage.

In order to accommodate this strategy, this segment of the course will be taught in intensive mode in weekday evenings and/or weekend afternoons. The methodology will usually involve the entire class in the 1st and 3rd stages, with smaller groups working on simulations and observed by the instructor during the 2nd stage. Several 2nd stage simulations may be performed in one evening's instruction. As the training progresses, the simulation exercises will become more complex.

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class presentation	1, 2, 3, 4, 5	20	The use of Generative AI tools is not allowed. See below
2	Research paper	1, 2, 3, 4, 5	80	The use of Generative AI tools is not allowed. See below

Continuous Assessment (%)

100

Additional Information for ATs

Remarks:

Applicable to students admitted before Semester A 2022/23 or in Semester A 2024/25 & thereafter

(i) A student must obtain a minimum mark of 40% in order to pass the course.

Applicable to students admitted in Semester A 2022/23 to Summer Term 2024

(i) A student must obtain a minimum mark of 50% in order to pass the course.

Assessment Rubrics (AR)**Assessment Task**

Continuous Assessment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of ability to identify issues, current trends and practices.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Continuous Assessment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of ability to identify issues, current trends and practices.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Negotiation. Mediation Advocacy. ADR. Alternative Dispute Resolution. Advanced professional skills. The law of negotiation.

1.1 Detailed Syllabus

The following themes will be examined in the course

- + Negotiation: definitions, terms and approaches
- + Positional negotiation
 - Positions
 - Distributive and adversarial negotiation
 - Setting the parameters: positions, goals, bottom lines,
 - Zones of agreement
 - Concession-making
- Interest-based negotiation
 - Interests,
 - Options,
 - Alternatives
 - Independent criteria
- Ten-step guide to constructive negotiation
- Negotiation as mediation advocacy
- Preparing for negotiation
- Negotiation: larger-than-life communication
- Interpersonal Skills for Negotiators
- Negotiation and neuroscience
- How to handle hardball negotiation tactics
- Overcoming impasses
- Multiparty and team negotiations

Reading List

Compulsory Readings

Title	
1	Relevant journal articles will be provided in class.
2	N. Alexander and J. Howieson, Negotiation: Strategy Style Skills, Lexis Nexis 2010
3	Mediation Representation: Advocating in a Problem-Solving Process (NITA 2007)
4	R. Fisher & W. Ury, Getting to Yes: Negotiating Agreements Without Giving In (2nd ed, 1999) Random House Business Books

5	Jay Folberg, Dwight Golann, Lisa Kloppenberg & Thomas Stipanowich, Resolving Disputes: Theory, Practice and Law (Aspen 2005)
6	K. Arrow, R.H. Mnookin, L. Ross, A. Tversky & R. Wilson, Barriers to Conflict Resolution (1955) Norton
7	W. Ury, Getting Past No: Negotiating Your Way From Confrontation to Cooperation (1993) Bantam Books
8	R. Fisher, E. Kopelman, A.K. Schneider, Beyond Machiavelli: Tools for Coping With Conflict (1996) Penguin Books
9	G.O. Faure & J.Z. Rubin eds, Culture and Negotiation (1993) Sage Publications
10	J Graham & Y. Sano, Smart Bargaining: Doing Business with the Japanese (rev ed. 1989)
11	Goodpaster, G. A Guide to Negotiation and Mediation (New York: Transnational, 1997)
12	Kolb, DM and Williams, J. Everyday Negotiation (San Francisco: Jossey-Bass, 2003).
13	Lewicki, RJ, Barry, B and Saunders, DM. Essentials of Negotiation (Boston: McGraw Hill, 2007, 4th Ed).
14	Pruitt, DG and Kim, SH. Social Conflict: Escalation, Stalemate, and Settlement (Boston: McGraw Hill, 2004, 3rd Ed).
15	A Kupfer Schneider and C Honeyman, The Negotiator's Fieldbook, (2006) ABA.
16	R. Cohen, Negotiating Across Cultures (1991) United States Institute of Peace
17	R. March, The Japanese Negotiator: Subtlety and Strategy Beyond Western Logic (1988)
18	J.S. Murray, A.S. Rau & E.F. Sherman, Process of Dispute Resolution, The Role of Lawyers (1996) Foundation Press
19	R. Sunshine, Negotiating for International Development: A Practitioner's Handbook (1990) Martinus Nijhoff
20	A. Halpern, Negotiating Kills (1991) Blackstone
21	H. Raiffa, The Art and Science of Negotiation (1982) Harvard University Press
22	L. Susskind & J. Cruikshank, Breaking the Impasse (1987) Basic Books
23	D.A. Lax & J.K. Sebenius, The Manager as Negotiator (1998) Macmillan
24	D.G. Gifford: Legal Negotiation: Theory and Application (1989) West
25	P.H. Gulliver, Disputes and Negotiations: A Cross-cultural Perspective (1981) Academic Press
26	V. A. Kremenyuk, International Negotiation: Analysis, Approaches, Issues (1991) Jossey Bass
27	J.W. Salacuse, Making Global Deals: Negotiating in the International Market Place (1991) Houghton Mifflin
28	Journals
29	Asian Dispute Review
30	Australasian Dispute Resolution Journal
31	Negotiation Journal
32	Mediation Quarterly
33	Ohio State Journal on Dispute Resolution
34	Missouri Journal of Dispute Resolution

Additional Readings

	Title
1	Online Resources
2	www.legislation.gov.hk
3	www.mediate.com
4	www.beyondintractability.org
5	www.judiciary.gov.hk
6	www.hkiac.org
7	www.adr.org
8	www.cedr.co.uk

9	www.jamsadr.com
10	www.arbitrators.org
11	www.hklawsoc.org.hk
12	www.hkba.org
13	www.adrr.com
14	www.spidr.org