



MODULE SPECIFICATION

Part 1: Information			
Module Title	Resolution of Disputes out of Court (BPTC)		
Module Code	UJXUSC-5-M	Level	Level 7
For implementation from	2020-21		
UWE Credit Rating	5	ECTS Credit Rating	2.5
Faculty	Faculty of Business & Law	Field	Law - non modular
Department	FBL Dept of Law		
Module type:	Professional Practice		
Pre-requisites	None		
Excluded Combinations	None		
Co- requisites	None		
Module Entry requirements	None		

Part 2: Description
<p>Educational Aims: See learning outcomes.</p> <p>Outline Syllabus: General dispute resolution skills</p> <p>the importance of mediation, arbitration and negotiation as means of settling a case; the importance of planning alternative ways of resolving a case. the importance of giving clear, accurate, advice to a client about the potential advantages and disadvantages of ADR processes such as mediation; selecting strategies and methods for involvement in mediation or conducting a negotiation that furthers the client's best interests; the observation of professional ethics when involved in these processes</p> <p>Planning</p> <p>identifying factual and legal issues and how they relate to each other; identifying the objectives of the client and of the other side; identifying any conflict in the objectives of both sides and identify means of resolving such conflicts; prioritising objectives and controlling clients' expectations; identifying the strengths and weaknesses of each side; counteracting the perceived weakness of his/her own case, undermining the strengths of the other side's case,</p>

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and exploiting weaknesses of the other side's case;
identifying the best alternative to a negotiated settlement ('BATNA') and bottom line as appropriate
identifying and dealing with practical issues such as choice of appropriate mediator, venue, documentation, and parties attending and authority to settle
identifying the requisite contents of the pre-mediation agreement

Conducting

choosing and implementing a strategy or strategies for achieving the realistic objectives of the client;
modifying and/or changing the chosen strategy or strategies as appropriate;
constructing and working within a structure that allows the negotiation, mediation or other dispute resolution process, to proceed in a clear, logical and coherent fashion;
creating an environment that is 'safe' and conducive to settlement
presenting arguments clearly and in a confident and persuasive manner;
where appropriate presenting the case in a favourable light by
emphasising its strengths and mitigating its weaknesses and in a way that is likely to achieve its desired ends;
picking up points made by the opponent and replying in a way that progresses the client's case;
advising upon offers and concessions where it is in the client's best interests to do so;
seeking to protect the client's position against the arguments of the opponent and responding in a way that is likely to achieve the desired ends;
demonstrating an understanding of the need throughout to observe professional ethics;
ensuring that the written heads of agreement or settlement agreement is clear, unambiguous and enforceable, and fully complies with the wishes and intent of the parties.

Compromise

principles and procedures governing consent and Tomlin Orders.

Teaching and Learning Methods: Teaching Methods will include :

DVD presentations

Small group discussions and presentations by students

Role plays of short mediations and one more lengthy mediation

A mock mediation demonstration: an inter-active session, with pauses to allow for moderated question and answer sessions

Drafting exercises

Practical / role-playing exercises

Where appropriate (and particularly in relation to the part time course) material will be made available to students via online Study Units which may be remotely accessed

Part 3: Assessment

The learning activities are specifically geared towards preparing the students for the assessment by requiring them to prepare and participate in role play activities, any part of which can be assessed. It is learning by doing. In addition, students are required to prepare answers to previous assessment MCQs and SAQs which are then discussed in class. A large part of ReDOC involves oral skills which are assessed by way of a knowledge assessment. Students prepare for this by a combination of role play exercises, directed reading and answering MCQs and SAQs. Students also engage in drafting as they are required to prepare written negotiation plans, opening statements for mediations and settlement agreements.

Students take a practice assessment which replicates the final assessment. They mark this assessment in an LGS and so review the mark scheme for themselves.

Assessment criteria are given to the students in the Introductory materials together with an outline of the syllabus

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and the main topics covered. It is made clear to the students that they can be assessed on every aspect of the syllabus as covered in class and as included in the directed reading.

The Assessment:

Summative assessment will take the form of one online examination, 3.5 hours long, comprising Part B open book MCQs and open book SAQs, set and marked locally. There must be a pass in this component.

Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication will be given to students as to which parts of the syllabus will or will not be assessed

First Sit Components	Final Assessment	Element weighting	Description
Examination (Online) - Component A	✓		Online Examination (3.5 hours - PSRB requirement)
Resit Components	Final Assessment	Element weighting	Description
Examination (Online) - Component A	✓		Online Examination (3.5 hours - PSRB requirement)

Part 4: Teaching and Learning Methods

Learning Outcomes	On successful completion of this module students will achieve the following learning outcomes:	
	Module Learning Outcomes	Reference
	Demonstrate an understanding of the importance of the range of methods of dispute resolution outside process in court, and an ability to select cases appropriate for each process together with an understanding of the appropriate stage at which to engage in each process	MO1
	Demonstrate an awareness and basic knowledge of the process and practice of mediation, including some of the techniques adopted by mediators, so as to be able effectively to advise professional and lay clients about, prepare them for, and represent them at mediation	MO2
	Have a working knowledge of the law and practice of arbitration and expert determination, and other methods of dispute resolution	MO3
	Be able to select strategies and methods for conducting a negotiation or representing the client at a mediation that will further the client's best interests including giving advice as to the steps that need to be taken and the preparations in terms of documents, evidence and where necessary invoking the aid of the court to assist the process	MO4
	Understand and demonstrate the skills needed in order to conduct a negotiation in their client's best interests	MO5
	Apply factual and legal issues in a case that is otherwise being resolved, in an effective way	MO6
	Demonstrate an understanding of the need to observe professional ethics when conducting and concluding alternative methods of dispute resolution	MO7
	Demonstrate a basic level of mediation advocacy skills	MO8
Contact Hours	Independent Study Hours:	
	Independent study/self-guided study	38

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	Total Independent Study Hours:	38
	Scheduled Learning and Teaching Hours:	
	Face-to-face learning	12
	Total Scheduled Learning and Teaching Hours:	12
	Hours to be allocated	50
	Allocated Hours	50
Reading List	<p><i>The reading list for this module can be accessed via the following link:</i></p> <p>https://uwe.rl.talis.com/modules/ujxusc-5-m.html</p>	

Part 5: Contributes Towards

This module contributes towards the following programmes of study:

Bar Professional Training Studies [Sep][FT][Frenchay][1yr] PGDip 2020-21

Bar Professional Training Studies [Sep][FT][Frenchay][2yrs] LLM 2020-21

Bar Professional Training Studies [Sep][PT][Frenchay][3yrs] LLM 2019-20