1. **Title of the module**

LAWS6260 (LW626): Appropriate Dispute Resolution: Theory and Practice

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or Spring

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

All undergraduate law programmes

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a detailed understanding of the legal and regulatory issues surrounding dispute resolution processes, including arbitration, mediation and conciliation.
   2. Apply their knowledge to the analysis and evaluation of a complex dispute scenario, identify relevant strategies, principles, and case law, and participate in critical debate on the issues raised.
   3. Demonstrate a detailed understanding of the concepts and principles that govern the choice of the most common dispute resolution processes, and of less usual options, including early neutral evaluation and online dispute resolution.
   4. Critically evaluate the role of the lawyer in the area of civil disputing.
   5. Critically analyse and evaluate the relationship between conventional forms of adjudication and engagement with ADR processes, and how this impacts on the legal system.
   6. Demonstrate a detailed understanding of the skills and attributes necessary to effectively advise and represent clients in the ADR process.
   7. Identify broader social, economic and political issues underlying the developments taking place in the context of conflict resolution.
   8. Identify and justify the use of different methods of conflict resolution in a variety of situations.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Undertake appropriate independent research and retrieve up to date information, using both paper and electronic sources.
   2. Present a complex argument.
   3. Use relevant and appropriate terminology with care, accuracy and confidence.
   4. Summarise, develop and sustain an argument through the analysis of a factual scenario.
3. **A synopsis of the curriculum**

In recent times, ‘alternative’ forms of dispute resolution (ADR) have been widely recognised as possessing the potential to limit some of the damage caused by civil disputes. Therefore, a lawyer’s skill-set ideally should include a well-developed ability to analyse, manage and resolve disputes both within **and** outside the usual setting of the courtroom. Thus, the module’s primary aim is to introduce students to the legal and regulatory issues surrounding methods of dispute resolution aside from litigation. Specifically, the module focuses on the practical factors relevant to selecting appropriate dispute resolution in distinct circumstances, including, for example, the employment and family law arenas.

Students will be provided with the resources to acquire a detailed theoretical and practical understanding of the contextual constraints associated with the use of different forms of dispute resolution and will be encouraged to develop their ability to evaluate the effectiveness of particular interventions, especially when used as an adjunct to court proceedings. The module tracks historic and current developments in relation to the use of ADR, highlighting how government policy and courts appear, increasingly, to sanction failure to use ADR. This may well enhance students’ opportunities to hone career-advancing expertise in the field.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* A Practical Approach to Alternative Dispute Resolution: Susan Blake, Julie Browne & Stuart Sime, 4th ed. (Oxford University Press: 2016)
* The Jackson ADR Handbook: Susan Blake, Julie Browne & Stuart Sime (OUP, 2016)
* Dispute Processes: ADR and the Primary Forms of Decision-Making: Simon Roberts & Michael Palmer (Cambridge Online Books, <http://dx.doi.org/10.1017/CBO9780511805295>).
* ADR, Arbitration and Mediation: A Collection of Essays: ed. Julio Cesar Betancourt, Jason A. Crook (Chartered Institute of Arbitrators, 2014).
* Regulating Dispute Resolution: ADR and Access to Justice at the Crossroads: Felix Steffek (Editor), Hannes Unberath (Editor), Hazel Genn (Editor) (Hart Publishing, 2013)

1. **Learning and teaching methods**

Total study hours: 150

Contact hours: 20

Private study hours: 130

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 100%, comprising two essays:

Essay 1, 2,000 words (50%)

Essay 2, 2,000 words (50%)

13.2 Reassessment methods

The module will be reassessed by a reassessment instrument (i.e. 100% coursework). The reassessment will re-test all of the module learning outcomes.

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 8.8 | 9.1 | 9.2 | 9.3 | 9.4 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Lectures | X | X | X | X | X | X | X | X | X | X | X | X |
| Seminars | X | X | X | X | X | X | X | X | X | X | X | X |
| Private Study | X | X | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay (50%) | X | X | X | X | X | X | X | X | X | X | X | X |
| Essay (50%) | X | X | X | X | X | X | X | X | X | X | X | X |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will be recorded to assist notetaking unless one or more of the lectures contains sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

Comparative exploration of aspects of civil dispute processing is certainly a feature of the module, and its flexible, responsive nature. As examples, this exploration can include examination of the development of ‘Online Courts’ such as the online tribunal service currently embedding in British Columbia, which is the model upon which the Online Court (recommended by the Briggs review) is being based. Additionally, since the US, Canada and Australia are much more advanced in their application of alternative dispute processing in their respective civil justice systems, comparative exploration is often with reference to notable authors from overseas and inclusion their work in the module's materials pack (see, for example, Reading 1, 2018: 'Living the dream of ADR: reflections on four decades of the quiet revolution in dispute resolution', Thomas Stipanowich, discussing the administration of American justice since the 1976 Pound Conference).

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 25/01/2018 | Major | September 2018 | 8-15, 17 | No |
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