

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2024 / 2025**

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**Part I Course Overview**

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| <b>Course Title:</b>   | <u>Negotiation and Mediation Advocacy</u> |
| <b>Course Code:</b>  | <u>LW6415</u>                             |
| <b>Course Duration:</b>                                      | <u>One semester</u>                       |
| <b>Credit Units:</b>   | <u>3</u>                                  |
| <b>Level:</b>  | <u>P6</u>                                 |
| <b>Medium of Instruction:</b>                                | <u>English</u>                            |
| <b>Medium of Assessment:</b>                                 | <u>English</u>                            |
| <b>Prerequisites:</b><br><i>(Course Code and Title)</i>      | <u>Nil</u>                                |
| <b>Precursors:</b><br><i>(Course Code and Title)</i>         | <u>Nil</u>                                |
| <b>Equivalent Courses:</b><br><i>(Course Code and Title)</i> | <u>Nil</u>                                |
| <b>Exclusive Courses:</b><br><i>(Course Code and Title)</i>  | <u>Nil</u>                                |

## Part II Course Details

### 1. 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.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

| No. | CILOs  | Weighting<br>(if applicable) | Discovery-enriched curriculum related learning outcomes (please tick where appropriate) |    |    |
|-----|--|------------------------------|---|----|----|
|     |  |                              | A1  | A2 | A3 |
| 1.  | Describe the constructive negotiation model and explain the purpose of each stage in the process.  | 10                           | ✓   | ✓  |    |
| 2.  | Explain the different approaches to negotiation and when each might be appropriate.  | 10                           | ✓   | ✓  |    |
| 3.  | Demonstrate a range of skills and techniques in communication and negotiation.   | 20                           | ✓   | ✓  | ✓  |
| 4.  | Reflect meaningfully on, and demonstrate, the negotiating role of mediation advocates.   | 30                           | ✓   | ✓  | ✓  |
| 5.  | Research and critically discuss some current issues in negotiation and effectively present (orally and in writing) your research findings. | 30                           | ✓   | ✓  | ✓  |
|     |  | 100%                         |   |    |    |

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.*

### 3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

| LTA      | Brief Description | CILO No. |   |   |   |   | Hours/week (if applicable) |
|----------|-------------------|----------|---|---|---|---|----------------------------|
|          |                   | 1        | 2 | 3 | 4 | 5 |                            |
| Seminars | See remarks       | ✓        | ✓ | ✓ | ✓ | ✓ | 3 hours                    |

#### 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 1<sup>st</sup> and 3<sup>rd</sup> stages, with smaller groups working on simulations and observed by the instructor during the 2<sup>nd</sup> stage. Several 2<sup>nd</sup> stage simulations may be performed in one evening's instruction. As the training progresses, the simulation exercises will become more complex.

### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

| Assessment Tasks/Activities                | CILO No. |   |   |   |   | Weighting | Remarks   |
|--|----------|---|---|---|---|-----------|---|
|  | 1        | 2 | 3 | 4 | 5 |           |   |
| Continuous Assessment: <u>100</u> %        |          |   |   |   |   |           |   |
| Class presentation                         | ✓        | ✓ | ✓ | ✓ | ✓ | 20%       | See below<br><br>The use of Generative AI tools is not allowed. |
| Research paper                             | ✓        | ✓ | ✓ | ✓ | ✓ | 80%       | See below<br><br>The use of Generative AI tools is not allowed. |
| Examination: <u>0</u> % (duration: 0 hour) |          |   |   |   |   | 100%      |   |

#### 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.

## 5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

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

| Assessment Task          | Criterion  | Excellent<br>(A+, A, A-)   | Good<br>(B+, B, B-)   | Fair<br>(C+, C, C-)   | Marginal<br>(D)  | Failure<br>(F)  |
|--------------------------|--|--|---|---|--|---|
| 1. Continuous Assessment | Demonstration of ability to identify issues, current trends and practices. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |

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

| Assessment Task          | Criterion  | Excellent<br>(A+, A, A-) | Good<br>(B+, B) | Marginal<br>(B-, C+, C) | Failure<br>(F) |
|--------------------------|--|--------------------------|-----------------|-------------------------|----------------|
| 1. Continuous Assessment | Demonstration of ability to identify issues, current trends and practices. | High                     | Significant     | Moderate                | Inadequate     |

## Part III Other Information (more details can be provided separately in the teaching plan)

### 1. 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

### 2. Reading List

#### 2.1 Compulsory Readings

*(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)*

Relevant journal articles will be provided in class.

- N. Alexander and J. Howieson, Negotiation: Strategy Style Skills, Lexis Nexis 2010
- Mediation Representation: Advocating in a Problem-Solving Process (NITA 2007)
- R. Fisher & W. Ury, Getting to Yes: Negotiating Agreements Without Giving In (2nd ed, 1999) Random House Business Books
- Jay Folberg, Dwight Golann, Lisa Kloppenberg & Thomas Stipanowich, Resolving Disputes: Theory, Practice and Law (Aspen 2005)
- K. Arrow, R.H. Mnookin, L. Ross, A. Tversky & R. Wilson, Barriers to Conflict Resolution (1955) Norton
- W. Ury, Getting Past No: Negotiating Your Way From Confrontation to Cooperation (1993) Bantam Books
- R. Fisher, E. Kopelman, A.K. Schneider, Beyond Machiavelli: Tools for Coping With Conflict (1996) Penguin Books
- G.O. Faure & J.Z. Rubin eds, Culture and Negotiation (1993) Sage Publications
- J Graham & Y. Sano, Smart Bargaining: Doing Business with the Japanese (rev ed. 1989)
- Goodpaster, G. A Guide to Negotiation and Mediation (New York: Transnational, 1997)

- Kolb, DM and Williams, J. *Everyday Negotiation* (San Francisco: Jossey-Bass, 2003).
- Lewicki, RJ, Barry, B and Saunders, DM. *Essentials of Negotiation* (Boston: McGraw Hill, 2007, 4th Ed).
- Pruitt, DG and Kim, SH. *Social Conflict: Escalation, Stalemate, and Settlement* (Boston: McGraw Hill, 2004, 3<sup>rd</sup> Ed).
- A Kupfer Schneider and C Honeyman, *The Negotiator's Fieldbook*, (2006) ABA.
- R. Cohen, *Negotiating Across Cultures* (1991) United States Institute of Peace
- R. March, *The Japanese Negotiator: Subtlety and Strategy Beyond Western Logic* (1988)
- J.S. Murray, A.S. Rau & E.F. Sherman, *Process of Dispute Resolution, The Role of Lawyers* (1996) Foundation Press
- R. Sunshine, *Negotiating for International Development: A Practitioner's Handbook* (1990) Martinus Nijhoff
- A. Halpern, *Negotiating Kills* (1991) Blackstone
- H. Raiffa, *The Art and Science of Negotiation* (1982) Harvard University Press
- L. Susskind & J. Cruikshank, *Breaking the Impasse* (1987) Basic Books
- D.A. Lax & J.K. Sebenius, *The Manager as Negotiator* (1998) Macmillan
- D.G. Gifford: *Legal Negotiation: Theory and Application* (1989) West
- P.H. Gulliver, *Disputes and Negotiations: A Cross-cultural Perspective* (1981) Academic Press
- V. A. Kremenyuk, *International Negotiation: Analysis, Approaches, Issues* (1991) Jossey Bass
- J.W. Salacuse, *Making Global Deals: Negotiating in the International Market Place* (1991) Houghton Mifflin

### Journals

- Asian Dispute Review
- Australasian Dispute Resolution Journal
- Negotiation Journal
- Mediation Quarterly
- Ohio State Journal on Dispute Resolution
- Missouri Journal of Dispute Resolution

## 2.2 Additional Readings

*(Additional references for students to learn to expand their knowledge about the subject.)*

Nil

### **Online Resources**

- [www.legislation.gov.hk](http://www.legislation.gov.hk)
- [www.mediate.com](http://www.mediate.com)
- [www.beyondintractability.org](http://www.beyondintractability.org)
- [www.judiciary.gov.hk](http://www.judiciary.gov.hk)
- [www.hkiac.org](http://www.hkiac.org)
- [www.adr.org](http://www.adr.org)
- [www.cedr.co.uk](http://www.cedr.co.uk)
- [www.jamsadr.com](http://www.jamsadr.com)
- [www.arbitrators.org](http://www.arbitrators.org)
- [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)
- [www.hkba.org](http://www.hkba.org)
- [www.adr.com](http://www.adr.com)
- [www.spidr.org](http://www.spidr.org)