City University of Hong Kong
Course Syllabus

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

Part I   Course Overview

Course Title:	Online Dispute Resolution
Course Code:	LW6418
Course Duration:	One semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: *(Course Code and Title)*	Nil
Precursors: *(Course Code and Title)*	Nil
Equivalent Courses: *(Course Code and Title)*	Nil
Exclusive Courses: *(Course Code and Title)*	Nil

Part II   Course Details

1.   **Abstract**

This course aims to provide students with the knowledge of, and curiosity about, online dispute resolution principles, resources, mechanisms and skills. Students will deal with particular issues and questions set out in the syllabus below.

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 (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	*A2*	*A3*
1.	apply in a real life situation the knowledge of ODR principles, theory and values	20	✓	✓	✓
2.	apply in a real life situation the skills and ethics related to resolving disputes using electronic and online technology	10	✓	✓	✓
3.	apply a working knowledge of legal and non-legal application of ODR	30	✓	✓	✓
4.	appreciate and be able to analyse the implications of selected emerging issues in contemporary online dispute resolution research	10	✓	✓	✓
5.	apply the new ODR knowledge and skills in the context of complex on- and offline disputes encountered in realistic situations	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 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.

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: 100 %							
Class presentation	✓	✓	✓	✓	✓	20%	See below The use of Generative AI tools is not allowed.
Research paper	✓	✓	✓	✓	✓	80%	See below The use of Generative AI tools is not allowed.
Examination: 0 % (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 (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (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 (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (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**

ODR. Online mediation. Online conflict transformation. Advanced skills. Alternative Dispute Resolution. Conflict resolution and technology. Emerging issues in ADR.

1.1 **Detailed Syllabus**

The following themes will be addressed in class:

1. From ADR to ODR. Is ODR just online ADR?
2. ODR technologies
3. Forms of ODR
4. Characteristics and Dynamics of ODR
5. ODR Standards and Regulations
6. Online Communication
7. Transnational and other applications of ODR
8. ODR design, practice, and ethical considerations
9. Domain name principles and their resolutions

In light of these themes, students will discuss and debate the following questions:

1. What are the design and implementation issues in ODR?
2. If we view government as a "platform," what does that mean for new interfaces? If not, what are the implications for interaction design?
3. Is there any way to avoid bias in application design? How do we accommodate for those with whom we do not agree?
4. How should transparency and security issues be properly balanced when these issues are translated in applications?
5. What are the real tools that have been used or are being used right now to rectify injustice and bring positive legal, political and social reform in relation to conflict? What have been their advantages and disadvantages, and how has the legal/ political context defined their use?
6. How does the digital divide modify the outcome?
7. How does one handle a domain name dispute to the drafting of a domain name decision?

Together in this class students will look at live global case studies to answer these questions, from the viewpoints of the individual user, the legal profession, governments and technology itself. Students will review underlying design issues around freedom of information and privacy, structured change vs. creative chaos, crisis-driven vs. long-term change, and strength in numbers vs. the value of dissent, all with an eye towards producing good new ideas for positive reforms in managing conflict.

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.)

Text(s)
Relevant journal articles will be provided in class.

Julia Hoernle, 'Cross-Border Internet Dispute Resolution (Cambridge 2009)

Ethan Katsh and Janet Rifkin, Online Dispute Resolution: Resolving Conflicts in Cyberspace. (San Francisco: Jossey-Bass, 2001).

Colin Rule, Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts (Jossey Bass: San Francisco 2002).

Y Zhao, Dispute Resolution in Electronic Commerce (Martinus Nijhoff, 2005)

Journals

Asian Dispute Review

Australasian Dispute Resolution Journal

Negotiation Journal

Mediation Quarterly

Ohio State Journal on Dispute Resolution

Missouri Journal of Dispute Resolution

The Arbitration and Dispute Resolution Law Journal

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

Nil

Online Resources
- www.adndrc.org
- www.icann.org
- www.odr.info
- ict4peace.wordpress.com
- http://sites.google.com/site/sanjanah/thoughtsonictandpeacebuilding
- www.ict4peace.org
- www.legislation.gov.hk
- www.mediate.com
- www.beyondintractability.org
- www.judiciary.gov.hk
- www.hkiac.org
- www.adr.org
- www.cedr.co.uk
- www.jamsadr.com
- www.arbitrators.org
- www.hklawsoc.org.hk

- www.hkba.org
- www.adrr.com
- www.spidr.org