

**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: Mediation and Negotiation

Course Code: PLE5051

Course Duration: Semester A (One-week intensive)

Credit Units: 2

Level: P

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 encourage students to discover the meaning and purpose of alternate dispute resolution and also to discover a range of performance skills, in particular preparation for and the conduct of a basic mediation (as advocate) and negotiation so that they will be able to carry out tasks which are fundamental to mediation and/or a negotiation on an international standard.

The aim of the course is NOT to train students to be accredited mediators.

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.	Analytically and critically describe and explain the place of mediation in Hong Kong with some comparisons with parts of the global legal community		✓	✓	
2.	Analytically and critically describe and explain the place of negotiation in the global legal community		✓	✓	
3.	Analytically and critically describe and explain the ethical and professional responsibilities of a mediator in Hong Kong and various other jurisdictions in the global legal community		✓	✓	
4.	Analytically and critically describe and explain the ethical and professional responsibilities of a negotiator in Hong Kong and various other jurisdictions in the global legal community		✓	✓	
5.	Analyse and identify the skills and processes needed for effective mediation		✓	✓	✓
6.	Analyse and identify the skills and processes needed for effective negotiation		✓	✓	✓
7.	Analyse and identify the essential stages of effective mediation		✓	✓	✓
8.	Analyse and identify the essential stages of effective negotiation		✓	✓	✓
9.	represent a client, and participate in, mediation in Hong Kong			✓	✓
10.	represent a client, and participate in, negotiation in Hong Kong.			✓	✓
		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	6	7	8	9	10	
1	Teaching and learning will be primarily based on discussion in large and small groups, problem solving and drafting exercises and participation in mock mediations and negotiations.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

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	6	7	8	9	10			
Continuous Assessment: 100%													
Assessment will be a mock negotiation where students will act as lawyers acting for clients in a negotiation.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%	The use of Generative AI tools is not allowed.
Examination: 0% (duration: , if applicable)											100%		

5. Assessment Rubrics

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-*)	Marginal (D*)	Failure (F)
Oral assessment at end of semester	To pass this course students must obtain a mark of 50%.	<p>The work meets the client's needs in all respects, evidenced by –</p> <ul style="list-style-type: none"> • a superior grasp of the issues and subject matter • good organization • a capacity to analyze and synthesize • possession of an extensive knowledge base • a superior use of lawyer skills 	<p>The work meets the client's needs in most respects, evidenced by –</p> <ul style="list-style-type: none"> • a strong grasp of the issues and subject matter • some critical and analytical ability • an understanding of the applicable law and procedures • a good use of lawyer skills 	<p>The work meets the client's main needs, evidenced by –</p> <ul style="list-style-type: none"> • an adequate grasp of the issues and subject matter • an ability to develop solutions to the client's problems • a basic use of lawyer skills 		<p>The work does not meet the client's needs, evidenced by little or an insufficient –</p> <ul style="list-style-type: none"> • grasp of the issues and subject matter • critical and analytical ability • understanding of the applicable law

* Note: The University's grades C- and D are not used in the PCLL.

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

1. Keyword Syllabus

(An indication of the key topics of the course.)

Mediation

- Global view of mediation
- Hong Kong mediation situation and statistics
- Privilege and confidentiality and relevant case law
- Structure of a mediation
- Pre-mediation planning
- Role of mediator
- Role of lawyer
- Techniques of a mediator
- Evaluative mediation
- Facilitative mediation
- Effective listening skills and mediation techniques
- Creative thinking techniques used to create options for parties to a dispute

Negotiation

- Identifying the Dispute Resolution Continuum
- Styles of negotiation
- Strategies used in negotiation
- Process steps in a negotiation
- Making offers and concessions
- How to assess a ‘good deal’
- How to close a negotiation

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.)

Deskbook

2.2 Additional Readings

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

Harold I. Abramson, *Mediation Representation*, 2nd Edition, Oxford University Press (2011)

Michael P. Silver, *Mediation and Negotiation: Representing Your Clients*, Butterworths (2001)