

City University of Hong Kong

Course Syllabus

**offered by School of Law
with effect from Semester A 2022/23**

Part I Course Overview

Course Title: Mediation Practice

Course Code: LW6135E

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) LW6406

Part II Course Details

1. Abstract

- i. This course aims to provide students with the skills of mediating and the knowledge of the principles and values of mediation.
- ii. This course will further develop a student's ability to grasp the fundamental concepts with the ultimate goal of discovering how mediation functions from a practical stand point.

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 mediation principles, theory and values. Acquire familiarity through discovery/innovation/creativity about the theory of mediation and apply such features into practice	Nil	√		
2.	apply in a real life situation the mediation skills and ethics related to resolving disputes across cultural barriers	Nil	√	√	√
3.	apply working knowledge of several models of mediation	Nil	√	√	√
4.	appreciate the implications of selected emerging issues in contemporary dispute resolution research and apply relevant practical skills in dispute resolution	Nil	√	√	√
5.	apply the improved mediation skills in the context of complex disputes encountered in realistic situations	Nil	√	√	√
		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 self-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. Teaching and Learning Activities (TLAs)
(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
Lectures and Seminars	Lecture will be given on theoretical issues; Case studies will be used; Comparison with other legal systems will be made; Students will be engaged in both case analysis and comparative study discussion.	√	√	√	3 hours/week or a total of 39 hours of block teaching

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		
Continuous Assessment: 100%					
Written Assignment	√	√	√	70%	
Class Participation	√	√	√	30%	
				100%	

Applicable to students admitted in Semester A 2022/23 and thereafter

Students must obtain a minimum mark of 50% in both written assignment and class participation, and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23

Students must obtain a minimum mark of 40% in both written assignment and class participation, and an overall mark of 40% 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 in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Written Assignment	Demonstration of ability to identify issues, current trends and practices.	High	Significant	Moderate	Inadequate
Class Participation	Demonstration of ability to identify issues, current trends and practices.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Written Assignment	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.
Class Participation	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.

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

1. Syllabus

1.1 Keyword Syllabus

Advanced skills. Alternative dispute resolution. Mediation. Accreditation. Principles and values of mediation. Emerging issues. Negotiation. Civil procedure practice of Hong Kong.

1.2 Detailed Syllabus

1. What is mediation? (textbook definition, Hong Kong definition, Singapore definition, international definition under the Singapore Convention on Mediation)
2. How mediation is different from negotiation, arbitration and litigation?
3. What makes mediation popular?
4. Confidentiality in Mediation (Confidentiality vs Without prejudice, the concept of mediation communication in Hong Kong and Singapore)
5. Style of mediation (facilitative, evaluative and other styles)
6. Mediation process (how the court could work with mediators in the court process)
7. Settlement agreement vs settlement court order
8. Relationship between court process and mediation (Civil Justice Reform, Practice Directions, court-led mediation)
9. Mediation Ethics
10. Role of judges in mediation vis-a-vis mediators
11. Apology Ordinance (the first piece of apology legislation in Asia)
12. The United Nations Convention on International Settlement Agreements Resulting from Mediation (the "Singapore Convention on Mediation")
13. CEPA's Dispute Resolution Mechanism (Close Economic Partnership Arrangement) between Hong Kong and the Mainland
14. Online mediation

2. Reading List

1. <https://www.singaporeconvention.org/convention-text.html>
2. The Singapore Convention on Mediation – A Commentary by Nadja Alexander & Shouyu Chong (Wolters Kluwer) 2019
3. <http://mediationblog.kluwerarbitration.com/2018/07/24/singapore-convention-mediation/>
4. <http://www.hk-lawyer.org/content/new-un-convention-mediation-aka-‘singapore-convention’---why-it’s-important-hong-kong>
5. <https://www.chinajusticeobserver.com/a/the-future-of-mediation-in-china-synergy-between-litigation-and-mediation>
6. <https://www.chinajusticeobserver.com/a/mediation-in-china-past-and-present>
7. <https://www.elegislation.gov.hk/hk/cap631>

8. <https://www.doj.gov.hk/eng/public/apology.html>
9. <https://hbr.org/2015/09/the-organizational-apology>
10. https://hbr.org/2013/03/how-to-give-a-meaningful-apology?referral=03759&cm_vc=rr_item_page.bottom
11. <https://hbr.org/2016/11/the-4-types-of-ineffective-apologies>
12. <https://www.elegislation.gov.hk/hk/cap620>
13. <https://sso.agc.gov.sg/Act/MA2017>
14. <https://www.bloomsburyprofessional.com/uk/mediator-skills-and-techniques-triangle-of-influence-9781847661449/>
15. http://www.cityu.edu.hk/slw/ADR_Moot/doc/Notes_on_the_Facilitative_Model_of_Mediation.pdf
16. <https://www.civiljustice.hk/eng/home.html>
17. https://mediation.judiciary.hk/en/doc/GeneralGuide_PD31-Eng.pdf
18. <https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PD31.htm&lang=EN>
19. https://www.doj.gov.hk/eng/public/pdf/2010/med20100208e_annex7.pdf
20. https://www.tid.gov.hk/sc_chi/cepa/investment/files/HKMediationRule_sc.pdf
21. <https://www.tid.gov.hk/english/cepa/investment/files/HKMediationRule.pdf>
22. <http://mediationblog.kluwerarbitration.com/2019/10/16/is-investor-state-mediation-an-emerging-practice-a-practitioners-perspective/>
23. Chapter 11, Singapore Mediation Handbook by Nadja Alexander, Joel Lee, Lum Kit-Wye