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## MODULE DESCRIPTOR

### Module Title

Dispute Resolution

|           |               |             |         |
|-----------|---------------|-------------|---------|
| Reference | BS4296        | Version     | 4       |
| Created   | February 2017 | SCQF Level  | SCQF 10 |
| Approved  | June 2017     | SCQF Points | 15      |
| Amended   | June 2017     | ECTS Points | 7.5     |

### Aims of Module

To provide the student with an appreciation of the different vehicles and techniques available for resolving commercial and non-commercial disputes in the UK and abroad. To enable students to understand the factors that apply in choosing the most appropriate method in practice.

### Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Understand and evaluate the main formal dispute resolution processes used in the UK and elsewhere.
- 2 Consider and understand the specific issues arising in cross-border disputes.
- 3 Apply dispute resolution knowledge and understanding in practical situations.

### Indicative Module Content

This module will deal with the main methods of dispute resolution available in the UK and elsewhere, in particular negotiation techniques, mediation, conciliation, arbitration, litigation, adjudication, expert determination and mini-trial; dispute avoidance tactics such as good contract drafting; anatomy of a good dispute resolution clause; standard form dispute resolution clauses; cross border dispute resolution and international private law.

### Module Delivery

This is a lecture and seminar based module. Lectures provide core module content. Seminars develop associated higher level skills through student centred learning.

### Indicative Student Workload

|  | Full Time | Part Time |
|--|-----------|-----------|
| Contact Hours  | 36        | 36        |
| Non-Contact Hours  | 114       | 114       |
| Placement/Work-Based Learning Experience [Notional] Hours                    | N/A       | N/A       |
| TOTAL  | 150       | 150       |
| <i>Actual Placement hours for professional, statutory or regulatory body</i> |           |           |

**ASSESSMENT PLAN**

If a major/minor model is used and box is ticked, % weightings below are indicative only.

**Component 1**

Type: Coursework Weighting: 30% Outcomes Assessed: 3  
 Description: Oral assessment

**Component 2**

Type: Examination Weighting: 70% Outcomes Assessed: 1, 2  
 Description: Written examination

**MODULE PERFORMANCE DESCRIPTOR****Explanatory Text**

The Module is assessed by two components: C1 - Oral assessment - 30% weighting. C2 - Examination - 70% weighting. Module Pass Mark = Grade D (40%)

| Module Grade | Minimum Requirements to achieve Module Grade:                                  |
|--------------|--|
| <b>A</b>     | At least 70% on weighted aggregate and at least 35% in each component          |
| <b>B</b>     | At least 60% on weighted aggregate and at least 35% in each component          |
| <b>C</b>     | At least 50% on weighted aggregate and at least 35% in each component          |
| <b>D</b>     | At least 40% on weighted aggregate and at least 35% in each component          |
| <b>E</b>     | At least 35% on weighted aggregate   |
| <b>F</b>     | Less than 35% on weighted aggregate  |
| <b>NS</b>    | Non-submission of work by published deadline or non-attendance for examination |

**Module Requirements**

|                          |       |
|--------------------------|-------|
| Prerequisites for Module | None. |
| Corequisites for module  | None. |
| Precluded Modules        | None. |

**INDICATIVE BIBLIOGRAPHY**

- 1 BORN, G.B., 2010. *International arbitration and forum selection agreements: drafting and enforcing*. 3rd ed. Netherlands: Kluwer Law International.
- 2 BROWN, H. and MARRIOT, A. 2012. *ADR: principles and practice*. 3rd ed. London: Sweet and Maxwell.
- 3 DAVIDSON, F., 2012. *Arbitration*. 2nd ed. Edinburgh: W. Green.
- 4 LEWICKI, R. et al., 2011. *Essentials of negotiation*. 5th ed. New York: McGraw-Hill/Irwin.
- 5 REDFERN, A. et al., 2015. *Redfern & Hunter on international arbitration*. 6th ed. Oxford: Oxford University Press.
- 6 ROBERTS, S. and PALMER, M., 2005. *Dispute processes: ADR and the primary forms of dispute resolution*. 2nd ed. Cambridge: Cambridge University Press.