

Module Title Practical Dispute Resolution	Reference BSM817 SCQF SCQF Level 11 SCQF Points 15 ECTS Points 7.5 Created April 2010 Approved August 2016 Amended July 2016 Version No. 1
Keywords Disputes, choice of resolution, negotiation theory, mediation techniques, arbitration in the UK, international considerations, dispute resolution clauses	

This Version is No Longer Current

The latest version of this module is available [here](#)

Prerequisites for Module

None in addition to SCQF 11 entry requirement or equivalent.

Indicative Student Workload

Corequisite Modules	<i>Contact Hours</i>	Full Time	Part Time
None.	Assessment	12	12
	Seminars	60	60

Precluded Modules

None.	<i>Directed Study</i>		
	Directed Study	40	40

Aims of Module

To enable students to understand the main methods of dispute resolution available. To provide students with an understanding of the principal factors relevant to making a choice of dispute resolution method. To impart an understanding of the importance of negotiation as a key non-formal method of dispute

	<i>Private Study</i>		
	Private Study	38	38

Mode of Delivery

Seminars, problem solving, case studies, presentations and role play

Assessment Plan

Learning Outcomes Assessed

non-formal method of dispute resolution. To allow students to understand the essentials of more formal methods of dispute resolution in the UK, such as mediation and arbitration, and to contrast these with litigation. To describe some of the main pitfalls in the resolution of a dispute with an international dimension and to develop an understanding of the essentials of drafting an effective dispute resolution clause in a contract.

Learning Outcomes for Module

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

1. Understand and the range of dispute resolution techniques and the importance of the proper choice of dispute resolution method
2. Demonstrate a detailed knowledge of the main negotiation techniques applicable to the resolution of disputes
3. Display a good understanding of mediation techniques, procedure and the law
4. Analyse the law and procedure of arbitration as it applies in the UK

Component 1	1,2,3,4,5,6
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practical exercise/role play

Indicative Bibliography

1. BROWN H. and MARRIOT A., 2012. *ADR Principles and Practice*. 3rd ed. London: Sweet and Maxwell.
2. DAVIDON, F., 2012. *Arbitration*. 2nd ed. Edinburgh: W. Green.
3. FISHER R. and URY W., 2012. *Getting to yes: negotiating agreement without giving in*. 2nd Ed. London: Penguin.
4. FISHER R. and BROWN S., 1989. *Getting together: building a relationship that gets to yes*. New York: Penguin.
5. URY W., 1991. *Getting past no: negotiating with difficult people*. New York: Random House.

Additional Notes

In addition to the texts in the indicative bibliography, the student will be required to purchase the course materials.

5. Discuss the essentials of an effective dispute resolution clause in a contract
6. Understand the main cross-border issues involved in the main methods of dispute resolution

Indicative Module Content

Types of dispute; choice of resolution method; importance of negotiation; theories and approaches to negotiation; practical negotiation tips; forms of mediation; the procedure in a typical mediation; legal issues in mediation; advantages and disadvantages of mediation over arbitration and litigation; the statutory framework for arbitration in the UK; issues of jurisdiction and basic arbitral procedure; advantages and disadvantages of arbitration over mediation and litigation; basic cross-border dispute resolution issues such as choice of law and jurisdiction; drafting a good dispute resolution clause.