

Course title	ADR in Asia and the Rest of the World				
Teacher(s)	Danny McFadden, SAITO Akira			開講区分	単位数
				2nd semester	1.0
Numbering Code		Day・Period	Other	Timetable Slot Code	3J380

Lesson topic

To learn the skills of International Commercial Mediation

Lesson target

By the end of this course, participants will be able to:

- have had fun learning about a fascinating topic which at its heart is simply about helping people resolve their differences
- appreciate the background of modern mediation practice drawing on the rich historical tradition of mediation as practiced globally
- confidently practice the skills and process through role play and exercises
- develop an understanding of nature of conflicts - causes and effects
- identify in practice and discussion the process and principles underpinning the different models of mediation
- develop an understanding of negotiation styles and how it impacts mediation
- appreciate and discuss how culture may impact on international mediation practice
- relate their acquired knowledge to the experiential
- use their acquired mediation and communication skills in real world situations
- develop an awareness of the underlying issues in mediating in different scenarios; ethical issues; power issues; safety issues; professional relationships
- appreciate and discuss how emotions interact on parties in dispute and learn some of the skills required to listen to and handle emotion in conflict situations
- consider and discuss the "Western mediation model" and its appropriateness in other cultures, in particular Asian countries

Syllabus and plan

Session 1: Origins of traditional and modern mediation

Mediation Models

Comparison of civil and common law mediation practice

Session 2: International mediation landscape:

Comparative Case studies; Western and Asian perspectives

Session 3: Negotiation Positional and Principled - Conflict styles

Session 4: Communication skills, Listening and Questioning - Handling emotion

Session 5: Phases of Mediation - Using facilitative mediation model

Mediator and Lawyers Roles in the process

Session 6: Opening Phase - Role Play

Session 7: Exploration Phase - Role Play

Concluding, Overcoming Deadlock and Ethics

Session 8: Cross cultural issues in Mediation

Evaluation method

Journal: 20%

Class Participation: 35%

Class Oral Presentation: 15%

Group & collective project: 30%

There is no final examination for this course.

Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the objectives.

Notice (include info. on related class)

This course will be highly interactive and it will be expected that all students participate in practicing the skills and process through role play and exercises.
For that reason, if you are likely to be absent from any class session, please notify Mr. McFadden and try to notify other participants in the session in advance.

Review and preparation

- You will be expected to have read and prepared for the scenario or role play for each mediation session.
- Please print any instructions you receive and do not rely on having soft copy on your laptop screen.
- There will be assigned readings but the class will not always involve a review of those readings.

Office hour · Contact information

Contact details will be announced during lectures.

Message for student

N/A

Improvements in Teaching

N/A

Text

Additional readings other than those mentioned below will be assigned and hand-outs, which will be a common feature of this course.

Mediation in Greater China, the New Frontier for Mediation / McFadden, Danny : Kluwer Law Book Company ,2013 , ISBN:9789881221537

Getting to Yes / Fisher, R & Ury, W : Arrow ,1997 , ISBN:0099248425

Mediation in Singapore Edition 1 / McFadden, Danny & Lim, George : Sweet & Maxwell ,2015 , ISBN:9789810786571

Reference Material

There are more commended texts and readings by Mr. McFadden. Please refer to the further information which will be provided later.

The Mediation Dilemma / Beardsley, K : Cornell University Press , , ISBN:978080145037

The ADR Practice Guide: Commercial Dispute Resolution / Mackie, K, Miles, D, Marsh, W & Allen, T : Butterworths , , ISBN:9781845923143

International Mediation - the art of business diplomacy / Carroll, Eileen & Mackie, Kari : Tottel Publishing and Kluwer Law International , , ISBN:1-84592-346-4

Classroom Language

English

Keywords

N/A