



SCHOOL OF LAW
Year 2024/25 Term 1

LAW478 PROFESSIONAL MEDIATION SKILLS

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****Note the compulsory all day workshop on 7 September 2024 (11 am – 6 pm). See timetable below.***
*****Students enrolling for this course must register ASAP for SCM week (it's free). See details below.***

COURSE DESCRIPTION

This course provides students with a strong grounding in professional mediation, and the opportunity to develop practical skills as a mediator in domestic and cross-border settings. The stages of the mediation process and techniques for each stage are taught. Simulated role-play exercises are arranged to develop skills as mediators.

After successfully completing this course students will:

1. Understand various models of mediation internationally
2. Be able to explain the purpose of each stage in the facilitative mediation process
3. Be able to demonstrate knowledge, application of ethics and skills of mediation
4. Be able to demonstrate conduct of a mediation process
5. Research and critically discuss some current issues in conflict resolution and effectively present (orally and in writing) your findings.

This course is taught in **hybrid mode**. Online sessions will use the **INSENDI** platform.

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

Pre-Requisite: Either Business Law OR (Contract Law 1 AND Contract Law 2) OR students enrolled in an equivalent SMU LLB programme in another university

Mutual Exclusive: LAW403 Negotiation and Mediation for Lawyers

COURSE TEXT AND READINGS

Nadja Alexander, Lee, J and Lum, K, (2019) The Singapore Mediation Handbook, Lexis Nexis.

Supplemental readings, exercises and course assignments may be provided to the students through eLearn or as hand-outs from time to time.

ASSESSMENT METHOD

1. Class Participation: 10%
Participation in mediation simulations, class discussions and other interactive activities.
2. Group Mediation Project (1500 words): 30% due in week 14. The topic will be introduced in Week 1.
3. Individual Research Paper focussed on linking skills to theory (2500-3000 words excluding footnotes): 60% due in week 14. Topics to be provided in class.

Note: Students are also required to attend at least one event or session and Singapore Convention Week, a major international mediation event in Singapore during Week 2 of our course. These events may be F2F or online and most are free.

Singapore Convention (SC) Week 2024 registration is open. The registration link can be found on the website www.singaporeconventionweek.sg

- a. For matters related to UNCITRAL Academy Conference registration, due to limited vacancies at the event, the default option for law students' participation at the UNCITRAL Academy Conference will be online.
- b. For other SC Week partner events, the law students will need to register for each event on their own with the respective event organiser. Check out the above website for more details on various events as they become available.
- c. Video recordings will not be available to those who are unable to sign up for any SC Week event.

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

Detailed assessment criteria will be provided and explained in class.

There is no final examination for this course.

COURSE METHODS

This course will be based on a mixture of instructor-led discussion, interactive group activities and student practice of and participation in mediation simulations – in both face-to-face and online settings. For that reason, your attendance at class sessions and at all other agreed and scheduled times is required. If for some reason you are likely to be absent from any session, please notify me in advance. If your absence means that you will be unable to complete a scheduled practice session, please let us know by email or phone and try to notify the other participants in that session.

Either in class or ahead of time, you will receive separate and confidential instructions for each mediation – and as preparation is one of the essential skills of the mediator, you will need to be thoroughly prepared for each session. Please print any instructions you receive. The mediation simulations are based on real life cases, and a number of the mediations will be facilitated by our mediation industry partners such as IPOS and SMC. Further, the group mediation preparation analyses will be based on real disputes and the analyses will be presented to our industry partners.

In addition to these simulations, classes will involve a mix of discussion and review of the exercises and – in most classes – an overview of some aspect of mediation theory and practice.

There will be assigned readings but the class will not always involve a review of those readings. Rather, it will be assumed that you have done the reading and are familiar with the key elements of mediation theory and practice as we move through the course. Your familiarity with the readings will be exemplified by your participation in the discussions, by your demonstration of relevant knowledge or

skills in the practice sessions, and by your use of those resources in the written components of the course assessment.

Successful and complete participation in this course may contribute towards **professional mediator accreditation requirements** with the **Singapore International Mediation Institute (SIMI)**.

ACADEMIC INTEGRITY

As always, plagiarism is strictly forbidden and all materials and ideas gleaned from other sources should be appropriately attributed.

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student’s own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

As a reminder on how to avoid plagiarism, students are encouraged to refer to this Library guide at: <https://library.smu.edu.sg/elearn>.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx> or *OASIS -> CAMPUS LIFE & EXCHANGE -> CONDUCT & DISCIPLINE -> UNIVERSITY COUNCIL OF STUDENT DISCIPLINE -> SMU CODES OF CONDUCT*.

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ACCESSIBILITY

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let the instructor know immediately. You are also welcome to contact the university’s disability services team if you have questions or concerns about academic provisions: dss@smu.edu.sg. Please be aware that the accessible tables in our seminar rooms should remain available for students who require them.

CLASS SCHEDULE

Note the following **change** to the standard weekly schedule:

In addition to the scheduled weekly meetings, there will be a compulsory 7-hour (2 session) skills workshop on **Saturday 7 September 2024 (11 am to 6.00 pm including breaks)**. **There will be no class in weeks 12 and 13. The course will finish in week 11.**

Sessions: 3-hours	Topic	Mode
Week 1	<ul style="list-style-type: none"> The main elements of mediation 	Online (self-paced)

	<ul style="list-style-type: none"> • Mediation and other DR procedures • What is international mediation? • International Mediation Practice 	Insendi platform
Week 2 Various times throughout the week	<ul style="list-style-type: none"> • Singapore Convention Week activities. 	F2F and online: Students will participate in one of the biggest international mediation events in the world during this week.
Week 3	<ul style="list-style-type: none"> • The nature of conflict? • Negotiation • Positions and Interests <p><u>Mediation process:</u></p> <ul style="list-style-type: none"> • Mediator's opening statement 	F2F
<u>Compulsory Saturday Workshop, 7 September</u> This is in ADDITION to the regular weekly session	<p><u>Mediation process:</u></p> <ul style="list-style-type: none"> • Parties' Opening Statements • Mediator Summary • Agenda Setting • Exploration and Dialogue • Option Generation • Negotiation • Practice sessions and skills drills 	F2F 11 am – 6 pm with 30 min break for lunch and an afternoon tea break.
Week 4	<p><u>Mediation process:</u></p> <ul style="list-style-type: none"> • Private Sessions • Joint Negotiation • Finalizing 	F2F
Week 5	<ul style="list-style-type: none"> • Review of mediation process and mediation video, structured discussion • Pre-mediation • Group project 	F2F
Week 6	<ul style="list-style-type: none"> • Project / research work 	F2F/online
Week 7	<ul style="list-style-type: none"> • Moving mediation online • Mediation roleplays: focus ODR 	Online: video of expert panel on topic, online

		roleplays using zoom (Zoom mediation) as is increasingly done in practice; record Zoom mediation and upload
Week 8	<ul style="list-style-type: none"> • Mid term break in Week 8 	
Week 9	<ul style="list-style-type: none"> • Ethical dilemmas • Mediation law • Introduction to mediation advocacy: working with lawyers in mediation 	<p>Online</p> <p>Ethical dilemmas online activities with video scenarios</p> <p>Lecture on mediation law</p> <p>Expert panel on mediation advocacy</p>
Week 10	<ul style="list-style-type: none"> • The Mediation Meta Model and cultural issues • Reflection on personal mediation style 	F2F
Week 11	<ul style="list-style-type: none"> • Mediation practitioner panel • Wrap up 	

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.. **The Saturday workshop on 7 September 2024 comprises two 3-hour sessions.**

DROPPING A COURSE

Students are reminded to follow the dates and procedures of add/drop modules found in <https://smu.sharepoint.com/sites/oasis/SitePages/RO/All-About-BOSS.aspx#parentHorizontalTab5> UG and JD students need to drop the electives via BOSS unless otherwise instructed by the School for specific electives (e.g. Moots).

Students who fail to follow the correct procedures and stipulated timelines for dropping their modules will obtain a “W” or “F” grades as indicated on OASIS.

Do note that a “W” and ‘F’ grade is reflected **permanently** on a student’s transcript.

DIGITAL READINESS FOR TEACHING AND LEARNING (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.