

**School / Faculty:** Federation Business School

**Course Title:** DISPUTE RESOLUTION LAW

**Course ID:** BULAW3740

**Credit Points:** 15.00

**Prerequisite(s):** (BULAW2611)

**Co-requisite(s):** Nil

**Exclusion(s):** Nil

**ASCED Code:** 0909

**Grading Scheme:** Graded (HD, D, C, etc.)

**Program Level:**

AQF Level of Program						
	5	6	7	8	9	10
<b>Level</b>						
Introductory	■	■	■	■	■	■
Intermediate	■	■	■	■	■	■
Advanced	■	■	✓	■	■	■

**Learning Outcomes:**

**Knowledge:**

- K1.** Identify and understand the principles of dispute resolution
- K2.** Comprehend the adversary system and case management systems as well as a demonstrate knowledge of the court hierarchy in Victoria, jurisdictions of the courts, the relevant service rules and relevant forms in order to be able to initiate proceedings.
- K3.** Assess the strengths and weaknesses of dispute resolutions methods and be able to identify and select the most appropriate methods of dispute resolution in a given scenario, and knowledge of the relevant rules and processes to initiate proceedings to resolve the dispute.
- K4.** Critically evaluate the civil procedure system and identify areas for reform.

**Skills:**

- S1.** Analyse the legal problems emerging from a specific case scenarios, and provide advice as to the options of resolving the dispute.
- S2.** Conduct legal research and communicate legal reasoning in written and verbal form.
- S3.** Recognise and reflect on the professional responsibilities in promoting justice and ethical issues which may arise within a professional context.
- S4.** Critical thinking, problem solving and creative thinking skills.
- S5.** Verbal communication and team-working through dispute resolution simulations.

# Course Outline (Higher Education)

## BULAW3740 DISPUTE RESOLUTION LAW

- S6.** Analyse and evaluate civil dispute factual scenarios and provide advice (both written and verbal) as to the options of resolving the dispute.

### **Application of knowledge and skills:**

- A1.** Apply legal theory to a range of scenario analyses.
- A2.** Integrate social, environmental, sustainability, ethical and economic perspectives into a business context.
- A3.** Use initiative and judgment to research and analyse legal issues that involve specific and relevant types of law.

### **Course Content:**

Topics may include:

- Litigation Systems
- Introduction to court adjudication (litigation) and dispute resolution (purpose and processes)
- Jurisdiction and Instituting Proceedings
- Appearance, parties, joinder actions
- Pleadings and Summary Dispositions
- Discovery, Evidence and Affidavits
- Interlocutory Proceedings
- Disposition, Trial and Appeals
- Costs and Enforcement
- Negotiation process
- Mediation process
- Conciliation and Arbitration
- ADR strengths and weaknesses
- Lawyer Ethics

# Course Outline (Higher Education)

BULAW3740 DISPUTE RESOLUTION LAW

## Values and Graduate Attributes:

### Values:

- V1.** To appreciate that the law is influenced by social, economic, environmental, political and/or international considerations
- V2.** To appreciate that the law affects both business decision making and business practice
- V3.** Appreciate creative and innovative ways of thinking and working.
- V4.** To develop a desire to be an active learner, one who reads, reflects, is autonomous, is proactive, discusses, reflects, writes and makes linkages.
- V5.** To develop an understanding that learning is a continual life-long process.
- V6.** Develop a better understanding of individual strengths and weaknesses.

### Graduate Attributes:

FedUni graduate attributes statement. To have graduates with knowledge, skills and competence that enable them to stand out as critical, creative and enquiring learners who are capable, flexible and work ready, and responsible, ethical and engaged citizens.

Attribute	Brief Description	Focus
Knowledge, skills and competence	On-going assessment and application	High
Critical, creative and enquiring learners	Student-centred learning approach through independent research and writing	Medium
Capable, flexible and work ready	Students will be attuned to contemporary social and cultural issues	Medium
Responsible, ethical and engaged citizens	Students will learn ethical practices within dispute resolution processes	Medium

## Learning Task and Assessment:

Learning Outcomes Assessed	Assessment Task	Assessment Type	Weighting
K1, K2, K3, K4 S1, S2, S3, S4, S6 A1, A2, A3	Individual Written Assessment	Assignment	10-20%
K1, K2, K3 S1, S2, S4, S5, S6 A1, A2, A3	Group Presentation/Verbal Assessment	Moot	20-30%
K1, K2, K3, K4 S1, S2, S4, S3, S6 A1, A2	Supervised examination	Examination	50-70%

## Adopted Reference Style:

Other (Footnotes (AGLC))