COURSE DESCRIPTION

This course will introduce and examine the history, theory and practice of dispute resolution with an emphasis on the growth of collaborative decision-making processes in British Columbia. Processes studied will include negotiation, mediation, collaborative practice and circle processes. Students will be encouraged to reflect on process choice and its impact on both client voice and substantive outcomes. As well, students will learn and practice negotiation, mediation advocacy and mediation skills.

OBJECTIVES

By the end of the course students will:
- understand basic conflict theory and be familiar with fundamental dispute resolution terms and concepts,
- understand the mechanics and comparative advantages and disadvantages of the most common collaborative decision making processes,
- know when and why specific processes might best support a client’s interests and needs,
- be familiar with the roles played by lawyers in collaborative decision-making processes,
- understand the skills needed to participate effectively as counsel in dispute resolution processes,
- recognize ethical considerations arising in the practice of dispute resolution and be able to resolve them appropriately,
- clarify and assess their beliefs and values as they apply to dispute resolution.

SUMMARY OF SUBJECT MATTER

This course will provide students with opportunities to examine and learn about:
- the history, modern development, and current status of collaborative decision-making in British Columbia,
- key concepts and principles of conflict theory and of dispute resolution practice,
- theory, strategies, applications and skills for negotiation, mediation, collaborative practice and circle processes,
- professional and ethical rules applicable to dispute resolution practice,
- special considerations in dispute resolution such as culture, power, safety, and formalization and enforcement of agreements,
- variations in dispute resolution practices across varied areas of law (civil, commercial, family, child protection, strata, estates, etc.),
- impacts of legal culture on dispute resolution practice, and
- future developments in and outside law.

METHODOLOGY

The subject matter in the course will be taught through lectures, class discussion, experiential exercises and guest speakers (including livestreams of speaker events outside of Victoria).

EXPECTED EVALUATION METHODOLOGY (SUBJECT TO CHANGE)

Students will complete a reflective portfolio to be made up of components selected by the student to best demonstrate their learning and skills development.

June 2018

---

1 The information in this document is provided for course registration purposes only and is subject to change. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).