COURSE DESCRIPTION

This course will examine the history, growth, theory and practice of Alternative Dispute Resolution (ADR) processes in British Columbia. Processes studied will include negotiation, mediation, collaborative practice and med-arb, and their application in a variety of practice areas. As well, students will learn and practice negotiation, mediation advocacy and mediation skills in both face-to-face and online exercises.

OBJECTIVES

By the end of the course students will:

- understand basic negotiation and conflict theory and be familiar with fundamental dispute resolution terms and concepts
- understand the mechanics and comparative advantages and disadvantages of the most common ADR processes
- know when and why specific processes might best support a client’s interests and needs
- understand the skills needed to participate effectively as counsel in ADR processes
- recognize the professional and ethical considerations applicable to ADR

SUMMARY OF SUBJECT MATTER

This course will provide students with opportunities to examine and learn about:

- the history and current status of ADR in British Columbia
- key concepts and principles of conflict theory and of dispute resolution practice
- negotiation theory, strategies, and skills
- effective mediation advocacy
- 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.).

METHODOLOGY

The subject matter in the course will be taught through lectures, class discussion, experiential exercises and guest speakers.

EXPECTED EVALUATION METHODOLOGY (SUBJECT TO CHANGE)

The evaluation components to assess student learning in the course will be

- Three assignments, group and individual, focused on ADR theory and practice: 95%
- Attendance and participation: 5%

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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).
COURSE INSTRUCTOR

Colleen Cattell, Q.C., C. Med. practised in Vancouver with a focus on commercial and construction litigation and professional negligence claims, including three years as in house Claims Counsel with the Lawyers Insurance Fund. She started mediating in 1998 and was appointed Queens Counsel in 2006. Colleen has worked exclusively as a mediator, arbitrator and trainer since 2011.

She has served as President of Mediate B.C., taught Mediation Advocacy at the UBC Faculty of Law, and is on both the mediation and arbitration panels of the B.C. International Commercial Arbitration Centre.

A frequent presenter, Colleen has written and spoken extensively on litigation and alternate dispute resolution, and teaches the annual *Fundamentals of Mediation* course for the Continuing Legal Education Society of B.C. Since 2003 she has provided negotiation consulting and training to clients around the world with ENS International based in Sydney, Australia, a global consulting network.

*July 2019*