



UNSW Course Outline

JURD7271 Resolving Civil Disputes - 2024

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General Course Information

Course Code : JURD7271

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

The resolution of civil disputes requires legal practitioners to be equally competent in invoking the court system or employing negotiation, mediation or arbitration. The course addresses civil procedure which governs the steps involved in initiating, conducting, managing, terminating,

enforcing or appealing the outcome of, legal proceedings in a Court. Specific attention is paid to jurisdiction, case management, pleadings, discovery, preparing evidence and costs. The course provides an introduction to Alternative Dispute Resolution, in particular, negotiation, mediation and arbitration. The course examines the advantages and disadvantages of each dispute resolution procedure and the factors that influence when they should be utilised from both policy and practice perspectives. The course also explores the ethical issues that the resolution of disputes creates for lawyers.

Main Topics

The aims of the course are to ensure that you are familiar with the central principles of:

Civil Procedure:

- Jurisdiction
- Case management
- Initiating proceedings and pleadings
- Causes of action and parties
- Service
- Discovery
- Preparing evidence
- Enforcement
- Appeal
- Costs

Alternative Dispute Resolution:

- Negotiation
- Mediation
- Arbitration

Course Aims

This course aims are:

- knowledge of the types of procedures available for the resolution of civil disputes such as negotiation, mediation and litigation
- understand and advise on the factors which impact on the choice of a procedure
- understand, apply and critique procedural law, including legislation, court rules, practice notes and case law that has interpreted the aforementioned
- understand, apply and critique client legal privilege
- awareness of ethical constraints and dilemmas associated with the resolution of civil disputes
- communicate effectively, in speaking and in writing

- creative problem solving that allows the student to make the connection between substantive law which provides the course of action and the remedy that their client seeks to obtain by choosing a particular procedure or method of resolution.

Course Learning Outcomes

| Course Learning Outcomes |
|---|
| CLO1 : Demonstrate awareness of principles of resolving civil disputes and their relationship to the broader context (PLOs 1, 2, 3, 7) |
| CLO2 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 8, 9, 11) |
| CLO3 : Apply cumulative knowledge and skills to engage in critical analysis of the policy issues underlying case determinations and choice of dispute resolution options (PLOs 1, 3, 8, 9, 11) |
| CLO4 : Recognise and explain appropriate responses to ethical constraints and dilemmas associated with the resolution of civil disputes (PLOs 3, 7, 8, 9, 10, 11, 12) |
| CLO5 : Show a practical, client-centred approach to creative problem solving by advising on options for dispute resolution and evaluating possible client choices (PLOs 1, 5, 8, 9, 10, 11, 12) |
| CLO6 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately for diverse audiences (PLOs 1, 2, 3, 5, 6, 9, 10, 12) |
| CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 5, 7, 8, 9, 10, 11) |

| Course Learning Outcomes | Assessment Item |
|---|---|
| CLO1 : Demonstrate awareness of principles of resolving civil disputes and their relationship to the broader context (PLOs 1, 2, 3, 7) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO2 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 8, 9, 11) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO3 : Apply cumulative knowledge and skills to engage in critical analysis of the policy issues underlying case determinations and choice of dispute resolution options (PLOs 1, 3, 8, 9, 11) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO4 : Recognise and explain appropriate responses to ethical constraints and dilemmas associated with the resolution of civil disputes (PLOs 3, 7, 8, 9, 10, 11, 12) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO5 : Show a practical, client-centred approach to creative problem solving by advising on options for dispute resolution and evaluating possible client choices (PLOs 1, 5, 8, 9, 10, 11, 12) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO6 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately for diverse audiences (PLOs 1, 2, 3, 5, 6, 9, 10, 12) | <ul style="list-style-type: none"> • Class Participation • Position/Interest Statement • Final Invigilated Examination |
| CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 5, 7, 8, 9, 10, 11) | <ul style="list-style-type: none"> • Class Participation |

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

The course will run as 2 x 2 hour seminars per week. Students will be expected to have completed required readings and have done required online activities prior to class. Please see course specific information on Moodle for the detailed reading guide and schedule of online activities.

Assessments

Assessment Structure

| Assessment Item | Weight | Relevant Dates |
|--|--------|--|
| Class Participation Assessment Format: Individual | 25% | Start Date: Not Applicable Due Date: Not Applicable |
| Position/Interest Statement Assessment Format: Group | 25% | Start Date: Not Applicable Due Date: 17/03/2024 11:59 PM |
| Final Invigilated Examination Assessment Format: Individual | 50% | Start Date: Not Applicable Due Date: As determined by central Exams |

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities including an online negotiation and reflection.

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- CLO3 : Apply cumulative knowledge and skills to engage in critical analysis of the policy issues underlying case determinations and choice of dispute resolution options (PLOs 1, 3, 8, 9, 11)
- CLO4 : Recognise and explain appropriate responses to ethical constraints and dilemmas associated with the resolution of civil disputes (PLOs 3, 7, 8, 9, 10, 11, 12)
- CLO5 : Show a practical, client-centred approach to creative problem solving by advising on options for dispute resolution and evaluating possible client choices (PLOs 1, 5, 8, 9, 10, 11, 12)
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- CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 5, 7, 8, 9, 10, 11)

Detailed Assessment Description

Please see Course Information Guide posted to Moodle for more detailed information and instructions regarding assessment.

Position/Interest Statement

Assessment Overview

This assessment requires you to complete a written mediation position/interest statement.

Course Learning Outcomes

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- CLO6 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately for diverse audiences (PLOs 1, 2, 3, 5, 6, 9, 10, 12)

Detailed Assessment Description

Please see Course Information Guide posted to Moodle for more detailed information and instructions regarding assessment.

Assessment Length

2500 Words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Final Invigilated Examination

Assessment Overview

This assessment requires you to complete an invigilated written examination within the University examination period.

Course Learning Outcomes

- CLO1 : Demonstrate awareness of principles of resolving civil disputes and their relationship to the broader context (PLOs 1, 2, 3, 7)
- CLO2 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 8, 9, 11)
- CLO3 : Apply cumulative knowledge and skills to engage in critical analysis of the policy

issues underlying case determinations and choice of dispute resolution options (PLOs 1, 3, 8, 9, 11)

- CLO4 : Recognise and explain appropriate responses to ethical constraints and dilemmas associated with the resolution of civil disputes (PLOs 3, 7, 8, 9, 10, 11, 12)
- CLO5 : Show a practical, client-centred approach to creative problem solving by advising on options for dispute resolution and evaluating possible client choices (PLOs 1, 5, 8, 9, 10, 11, 12)
- CLO6 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately for diverse audiences (PLOs 1, 2, 3, 5, 6, 9, 10, 12)

Detailed Assessment Description

Please see Course Information Guide posted to Moodle for more detailed information and instructions regarding assessment.

Assignment submission Turnitin type

Not Applicable

Hurdle rules

Minimum 40% needed to pass course

General Assessment Information

Please see the Course Information posted to Moodle for more detailed information and instructions regarding assessment.

Grading Basis

Standard

Requirements to pass course

Minimum 40% needed on final exam to pass course.

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

General Schedule Information

Please consult the course Moodle page and the UNSW timetable for class schedule information.

Course Resources

Prescribed Resources

- M. Kumar, M. Legg , I Vickovich & J Metzger, Civil Procedure in New South Wales (Thomson Reuters, 4th ed 2020). <https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780455243467&20433709> <https://unswbookshop.vitalsource.com/products/v9780455243863> (e-book)
- [M Legg \(ed\), Resolving Civil Disputes \(LexisNexis, 2nd ed](https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780409358292&13005367) <https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780409358292&13005367>

The texts can be purchased through UNSW Bookshop from the links above or from the publisher through their internet sites. Electronic versions of the texts are available.

Recommended Resources

See the Course Information Guide posted to Moodle for a list of additional resources. No resources beyond the prescribed texts are necessary for the course and the recommended resources have been provided only for additional information.

Course Evaluation and Development

Feedback is gathered through informal conversations with teachers and the course convenor and through the MyExperience surveys at the end of Term. The assessment structure has been revised several times in response to student feedback.

Staff Details

| Position | Name | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|---------------|-------|----------------------|-------|----------------|-------------------------------------|-----------------|
| Convenor | James Metzger | | Law & Justice 240 | | By appointment | Yes | Yes |

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>

- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.