



**UNSW**

## UNSW Course Outline

# LAWS8534 Online Dispute Resolution - 2024

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## General Course Information

**Course Code :** LAWS8534

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**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

Information technology plays an increasingly important role in the legal field and transforms how disputes are resolved. Online dispute resolution (ODR), which is used to describe dispute resolution that is facilitated or assisted by information and communication technology, has

spawned a new culture of dispute resolution. It has become and will soon replace many traditional dispute resolution platforms like physical courtrooms, tribunals, etc. For example, disputes pertaining to domain names that are resolved online are on the rise, the blockchain has provided means by which disputes can be resolved privately and several jurisdictions have made some forms of ODR the exclusive means of resolving certain disputes. With this evolution comes a demand for online dispute resolution research, training and preparation. This course gives a detailed overview of online dispute resolution.

This course will allow students to gain core skills toward being “tomorrow’s lawyer.” Students will have opportunities to acquire and use ODR skills through class discussions, case studies, and role-play exercises. The course gives an overview of ODR, including the types of ODR, advantages and disadvantages, main players, and the role of artificial intelligence in ODR. It discusses e-negotiation, e-mediation, e-arbitration, smart contract and blockchain arbitration, and mechanisms for domain name dispute resolution, focusing on Uniform Domain-Name Dispute Resolution Policy (UDRP), one of the most well-known ODR systems and one that has experienced considerable success in resolving disputes in cyberspace.

## Main Topics

- Overview of Online Dispute Resolution
- Understanding e-Negotiation
- Understanding e-Mediation
- Understanding e-Arbitration
- Smart Contract and Blockchain Arbitration
- The Role of AI in ODR
- Online courts and compulsory ODR
- Introduction to different types of Domain Names and Domain Name Dispute Resolution (DNDR) Procedure
- The Legal framework of the Uniform Domain-Name Dispute Resolution (UDRP) and Uniform Rapid Suspension System (URS)
- Procedural and Substantive Issues in DNDR Proceedings.

## Course Aims

This course aims to equip students with core skills for becoming “tomorrow’s lawyer” and focuses on skills training through class discussions, case studies, role-play exercises, and drafting exercises. Students will learn about ODR, including the types of ODR, advantages and disadvantages, main players, and the role of artificial intelligence in ODR. Students will also learn core skills in domain names dispute resolution, including filing a complaint and response under UDRP and drafting a decision by the Panel.

# **Relationship to Other Courses**

This course will build on some of the concepts introduced in Resolving Civil Disputes, though it is not necessary to have completed that course before enrolling in this one.

## **Course Learning Outcomes**

<b>Course Learning Outcomes</b>
CLO1 : Demonstrate high-level knowledge and integrated understanding of the core principles and process of online dispute resolution (PLOs 1a, 1b, 2a, 2b, 3a, 4)
CLO2 : Apply the knowledge of the legal framework in specific contexts to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 4)
CLO3 : Demonstrate effective oral communication skills and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter (PLOs 3a, 3b, 4)
CLO4 : Demonstrate effective written communication skills evidenced by a concise writing style and well-structured arguments using proper legal citation (PLOs 1a, 1b, 2a, 2b, 3a, 4).

<b>Course Learning Outcomes</b>	<b>Assessment Item</b>
CLO1 : Demonstrate high-level knowledge and integrated understanding of the core principles and process of online dispute resolution (PLOs 1a, 1b, 2a, 2b, 3a, 4)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Project</li><li>• Final Summative Assessment</li></ul>
CLO2 : Apply the knowledge of the legal framework in specific contexts to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 4)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Project</li><li>• Final Summative Assessment</li></ul>
CLO3 : Demonstrate effective oral communication skills and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter (PLOs 3a, 3b, 4)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Project</li></ul>
CLO4 : Demonstrate effective written communication skills evidenced by a concise writing style and well-structured arguments using proper legal citation (PLOs 1a, 1b, 2a, 2b, 3a, 4).	<ul style="list-style-type: none"><li>• Final Summative Assessment</li></ul>

## **Learning and Teaching Technologies**

Moodle - Learning Management System

# Learning and Teaching in this course

The course is intended to be interactive and to allow for student consideration and discussion of the topics covered. Students should therefore come to class prepared and ready to engage with the course materials and class presentations.

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Group Project Assessment Format: Group	30%	Start Date: Not Applicable Due Date: Week 5: 24 June - 30 June, Week 7: 08 July - 14 July
Final Summative Assessment Assessment Format: Individual	50%	Start Date: Not Applicable Due Date: Week 10: 29 July - 04 August

## Assessment Details

### Class Participation

#### Assessment Overview

Completion of weekly activities and online modules, including blogs (demonstrating analytical skills), demonstrated preparation for seminars, and participation in seminars.

Feedback includes formative feedback, peer feedback in class, online and the use of rubric

#### Course Learning Outcomes

- CLO1 : Demonstrate high-level knowledge and integrated understanding of the core principles and process of online dispute resolution (PLOs 1a, 1b, 2a, 2b, 3a, 4)
- CLO2 : Apply the knowledge of the legal framework in specific contexts to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 4)
- CLO3 : Demonstrate effective oral communication skills and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter (PLOs 3a, 3b, 4)

#### Detailed Assessment Description

Students are expected to be prepared for classes and to engage in small group and whole class discussions throughout the Term, including by asking questions following the group presentations. Class Participation will be assessed each class.

## Assessment information

Further information about Class Participation will be provided in the first class.

## Assignment submission Turnitin type

Not Applicable

## **Group Project**

### Assessment Overview

Students are required to form a group to make a presentation on some controversial and trending topics related to ODR. Subjects of class presentation will be released on Moodle and will be assigned to the students on a first-come-first-serve basis. Students will be assessed on the basis of their group work, including the quality of research and the quality of presentation.

### Course Learning Outcomes

- CLO1 : Demonstrate high-level knowledge and integrated understanding of the core principles and process of online dispute resolution (PLOs 1a, 1b, 2a, 2b, 3a, 4)
- CLO2 : Apply the knowledge of the legal framework in specific contexts to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 4)
- CLO3 : Demonstrate effective oral communication skills and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter (PLOs 3a, 3b, 4)

### Detailed Assessment Description

Students will prepare a 15-20 minute presentation in groups of 5, with a question period to follow the presentations.

More detailed information about the Group Project assessment will be made available on Moodle

### Assessment Length

15-20 minute presentation, followed by questions from students or instructor

## Assignment submission Turnitin type

This is not a Turnitin assignment

## **Final Summative Assessment**

### Assessment Overview

The final assessment may take the form of a research essay or other summative task that critically applies and/or assesses the principles and use of ODR. Further specific information

about the final assessment will be posted to Moodle each Term the course is offered.

#### **Course Learning Outcomes**

- CLO1 : Demonstrate high-level knowledge and integrated understanding of the core principles and process of online dispute resolution (PLOs 1a, 1b, 2a, 2b, 3a, 4)
- CLO2 : Apply the knowledge of the legal framework in specific contexts to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 4)
- CLO4 : Demonstrate effective written communication skills evidenced by a concise writing style and well-structured arguments using proper legal citation (PLOs 1a, 1b, 2a, 2b, 3a, 4).

#### **Detailed Assessment Description**

More detailed information about the final assessment will be posted to Moodle.

#### **Assessment Length**

4000 Words

#### **Assignment submission Turnitin type**

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

## **General Assessment Information**

#### **Grading Basis**

Standard

## **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**

The class will run in an intensive format (4 hours a week for 6 weeks), as provided in the UNSW timetable.

# Course Resources

## Prescribed Resources

Ethan Katsch and Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (Oxford University Press, 2017)

- Available as a digital resource from the UNSW Library with license from Oxford University Press - no purchase required

Amy J. Schmitz and Colin Rule, *The New Handshake: Online Dispute Resolution and the Future of Consumer Protection* (American Bar Association, 2017)

- Available from the American Bar Association Website at <https://www.americanbar.org/products/inv/book/276154716/>. E-book available and recommended

Note: assessments in this course will not be given through Inspera so there will be no restrictions on the use of e-books when completing assessment.

## Course Evaluation and Development

Student feedback will be taken into account in future offerings of this course.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	James Metzger		Room 240, Law & Justice Building		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.