Foundations of Dispute Resolution
Monday 9:30-12:30 | Room 122

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Course Overview:
This course examines some of the legal, practical, and policy issues in dispute resolution. It explores theories of disputing and exposes students to the broad spectrum of dispute resolution processes used within and outside of the legal system. The course covers a range of topics in the area of dispute resolution including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; mediation and negotiation theories and strategies; and critical perspectives on ADR and "private dispute processing". The course also considers select topics in the law of dispute resolution, including settlement confidentiality and privacy; public policy exceptions in international commercial arbitration; mandatory mediation and case management in civil litigation; and the resolution of disputes with indigenous peoples in Canada.

Goals:
Upon completing this course, you should be able to:
• Identify and understand the basic approaches to the resolving disputes within the legal system;
• Recognize legal and procedural issues that arise for lawyers engaged in dispute resolution;
• Critically evaluate the relationship between dispute resolution and vulnerable populations in different political contexts;
• Analyze dispute resolution methods in different legal contexts as preparation for future study, specialized coursework, or internships/work in the area.

Required Readings:
2. Weekly readings posted on Connect.

In order to reduce the amount of reading, the chapters, cases, and articles have been excerpted. As a result, you may want to follow the syllabus closely and download readings directly from Connect. Readings will be uploaded to Connect one week before the material will be covered in class.

The readings for this course are intended to introduce you to the major topics and debates in Dispute Resolution. Each topic on its own could form the basis for an entire class. The class can therefore only introduce you to the foundational ideas and debates. Under “Resources,” I have listed optional readings. I can also make suggestions for additional readings if you are interested.
Expectations:
The course is designed as a combination of interactive exercises, simulations, lectures, and class discussion. Careful reading before lectures and active participation in class are both crucial. Students are expected to arrive on time, attend every class, and participate in a manner that is thoughtful and respectful of students. Please communicate with the professor in advance of class if you are going to be absent. Note that additional materials and instructions may be distributed in class and that if you miss more than one class, you may be asked to provide additional work to make up for the absences. For other academic concessions and accommodations, please see the student services page on Academic Concessions & Accommodations at http://www.allard.ubc.ca/academic-concessions-accommodations.

Cell phones must be turned off in class!

Evaluation:
Evaluation for this class consists of class participation (15%), a small group project on a substantive legal area or set of legal cases (25% H/S/U), and a research paper of approximately 4000-5000 words due Friday, December 15 by 4PM (60%).

Each of you will work with two other students in a small group to develop a wiki page on a particular settlement, piece of legislation, or set of cases that will inform the class on the use of dispute resolution in a particular area of law. You will have an opportunity to present your group project wiki page to the class toward the end of the semester. Students will also write a research paper of approximately 16-20 pages double-spaced (4000-5000 words). The paper can draw on the work done in the group project or cover another subtopic of dispute resolution. The paper may take the form of a law review article, a case commentary, or a mock discussion section of an appellate brief. All topics and other choices regarding the paper must be approved by me at the earliest instance and no later than October 9.

Rules for submitting the final paper:
2. Double-spaced, 12-point Times New Roman font, with a one-inch margin.
3. You may not exceed that page limit in any way, e.g., by altering your font size, the number of lines per page, the margins, or the number of total pages.
4. Number your pages on the bottom center of the page.
5. Edit, proofread, and use “spell check” and “grammar check” for all of your work.
6. Use the Canadian Legal Citation or other standard format such as Chicago style

Statement on Academic Integrity:
All UBC law students are subject to the University's rules on Academic Misconduct and are expected to act with academic integrity at all times. Students should be especially aware of the University's rules in relation to plagiarism. Plagiarism includes: copying the work of another student; copying or paraphrasing from a textbook or reference book, journal article, case or electronic source without proper footnoting; copying your own work that has already been submitted for another course in this degree or another degree, passing off the ideas of another person as your own. If you plagiarize, you will be subject to penalties set out in the UBC calendar: http://www.calendar.ubc.ca/Vancouver/index.cfm?tree=3,54,111,959

If you would like to learn more about academic misconduct, visit the UBC Library's website on academic integrity: http://learningcommons.ubc.ca/academic-integrity/. Examples of academic misconduct can also be found in the UBC Annual Report on Student Discipline http://universitycounsel.ubc.ca/discipline/
Resources:

1. Please make sure you have access to the course website on Connect.

2. Additional Readings


3. Useful Websites

   About B.C.'s Justice System - Province of British Columbia: http://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/mediation

   Alternatives to Court | Provincial Court of British Columbia: http://www.provincialcourt.bc.ca/about-the-court/alternatives-to-court


   Centre for Restorative Justice - Simon Fraser University: http://www.sfu.ca/crj.html

   Civil Resolution Tribunal (Online Dispute Resolution): https://civilresolutionbc.ca/

   Collaborative Divorce | Collaborative Divorce Vancouver Society: http://www.collaborativedivorcebc.com/


# Course Schedule - Overview

<table>
<thead>
<tr>
<th>Week/Date</th>
<th>Topic</th>
<th>Reading</th>
<th>Exercises &amp; Simulations</th>
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<tbody>
<tr>
<td>1 Sep11</td>
<td><strong>Lawyer as Problem Solver</strong></td>
<td>DR Textbook bottom of 111-114, &amp; Readings on Connect</td>
<td>Connect Three</td>
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<tr>
<td>2 Sep18</td>
<td><strong>Conflict and DR Theory</strong></td>
<td>DR Textbook 7-26, 28-33, and bottom of 39-66; p. 5-6 notes 1 &amp; 6, p. 13 note 2.</td>
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<tr>
<td>3 Sep25</td>
<td><strong>Introduction to Negotiation</strong></td>
<td>DR Textbook 127-128, 132-143, 146-156, 162-167, bottom 169-175, 178-190; p. 157 note 2; &amp; Readings on Connect</td>
<td>“Come from Away” Contract Dispute</td>
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<tr>
<td>5 Oct16</td>
<td><strong>Critical Perspectives on DR</strong></td>
<td>Readings on Connect</td>
<td>Frozen Embryo Mediation</td>
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<tr>
<td>6 Oct23</td>
<td><strong>Introduction to Arbitration</strong></td>
<td>Dispute Resolution 495-543 &amp; Readings on Connect</td>
<td>Legends of Heroes Arbitration Prep</td>
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<td>7 Oct30</td>
<td><strong>DR &amp; Indigenous Peoples in Canada</strong></td>
<td>Readings on Connect</td>
<td>Legends of Heroes Mini-Arbitration</td>
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<td>8 Nov6</td>
<td><strong>Group Project meetings</strong></td>
<td>No readings. See Group Project instructions.</td>
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<tr>
<td>9 Nov13</td>
<td><strong>DR &amp; Civil Litigation Reform</strong></td>
<td>Dispute Resolution 767-782 &amp; Readings on Connect</td>
<td>Group Presentations</td>
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<tr>
<td>10 Nov20</td>
<td><strong>DR &amp; Criminal Law</strong></td>
<td>Readings on Connect</td>
<td>Group Presentations</td>
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<tr>
<td>11 Nov27</td>
<td><strong>Final Class Wrap Up</strong></td>
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<td>Group Presentations</td>
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