

## Module 30: Arbitration

<b>Stage</b>		3					
<b>Semester</b>		1 or 2					
<b>Module Title</b>		LLBH-ARB					
<b>Module Number</b>		28					
<b>Module Status</b>		Elective					
<b>Module ECTS Credits</b>		5					
<b>Module NFQ level</b>		8					
<b>Pre-Requisite Module Titles</b>		None					
<b>Co-Requisite Module Titles</b>		None					
<b>Capstone Module?</b>		No					
<b>List of Module Teaching Personnel</b>		Paul Pierse					
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
24				76			100
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
24						76	100
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>	100				100		

### Intended Module Learning Outcomes

On successful completion of this module, learners will be able to:

1. Apply theoretical knowledge and critical thinking to suggest credible and creative solutions to current legal issues within the field of arbitration.
2. Demonstrate a critical awareness of current legal problems pertaining to arbitration in Ireland and Internationally.
3. Critically analyse arbitration law and the philosophical, political and economic structures underpinning it.
4. Research and develop reasoned arguments to produce informed solutions to arbitration problems.
5. Exercise sophisticated skill and judgment in evaluating legal problems in arbitration.
6. Demonstrate autonomy, responsibility and team-working skills through cooperation on case studies.

7. Manage and participate constructively in complex team environments.

### **Module Objectives**

1. Provide a board overview of the legal and practical aspects underpinning arbitration.
2. Develop an understanding of the primary aim of arbitration being dispute resolution.
3. Inculcate within learners an ethos of facilitation of arbitration by encouraging the removal of obstacles.
4. Foster an understanding of the United National Commission on International Trade Law

### **Module Curriculum**

- Introduction to Arbitration
- Overview of the Arbitration Act 2010 and the UNCITRAL Model Law
- Jurisdiction
- Arbitrability
- The Agreement to Arbitrate
- Interim Measures and Preliminary Orders
- Discovery and Security for Costs
- The Process of an Arbitration
- Setting Aside an Award
- Enforcement of an Award
- Public Policy

### **Reading lists and other learning materials**

#### **Primary Reading:**

Mansfield, B. (2012) *Arbitration Act 2010 and Model Law: A Commentary*. Dublin: Clarus Press

Stewart, E. (2003) *Arbitration: Commentary and Sources*. Dublin: First Law

#### **Secondary Reading:**

Born, G. (2012) *International Arbitration: Law and Practice*. Alphen aan den Rijn: Kluwer Law

Buhler, M.W. & Webster, T.H. (2008) *Handbook of ICC Arbitration: Commentary, Precedents, Materials*. London: Sweet & Maxwell

Holtzmann, H.M. & Neuhaus, J.E. (1995) *A Guide to the Uncitral Model Law on International Commercial Arbitration: Legislative History and Commentary*. Alphen aan den Rijn: Kluwer Law

Hunter, M. & Redfern, A. (2009) *Redfern and Hunter on International Arbitration*. Oxford: OUP

## Module Learning Environment

### Accommodation

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

### Library

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

## Module Teaching and Learning Strategy

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. The tutorial-style discussions, group work and exercises focus on specific case law and problem based learning requiring the learner to analyse the law and apply it to practical land law disputes. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers papers, thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage in activities whereby they draft their own exam question in order to recap and reconsolidate a particular topic.

## Module Assessment Strategy

Element No.	Weighting	Type	Description	Module Learning outcomes
1	100%	Assignment	Mock Arbitration  Learners prepare written submissions which are presented on one side or the other in an informal context before an examiner acting as arbitrator.	1-7