

Module 18: Mediation

Stage		2					
Semester		1 or 2					
Module Title		LLBH-MDN					
Module Number		18					
Module Status		Elective					
Module ECTS Credits		5					
Module NFQ level		7					
Pre-Requisite Module Titles		None					
Co-Requisite Module Titles		None					
Capstone Module?		No					
List of Module Teaching Personnel		Paul Pierse					
Contact Hours				Non-contact Hours			Total Effort (hours)
24				76			100
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
24						76	100
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination	Total		
Percentage Contribution	100				100		

Intended Module Learning Outcomes

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

1. Demonstrate knowledge of the principles governing mediation and the impact principles of mediation and the mediation process can have in resolving conflict;
2. Describe different models and styles of mediation that exist;
3. Explain how proposed legislative changes may affect the mediation landscape in Ireland, an individual mediator in their daily work and the principles of mediation;
4. Analyse the veracity of Agreements to Mediate and Mediated Agreements in the context of the principles of the law of contract;
5. Demonstrate familiarity with the various professional codes of ethics present in mediation in Ireland and explain these, the process and principles of mediation to potential parties in a mediation;

6. Identify the differences between the various forms of dispute resolution available to disputing parties and demonstrate an ability to exercise appropriate judgement as to when mediation may or may not be more suitable.
7. Employ research skills and communicate effectively.

Module Objectives

- To familiarise the learner with the fundamentals of mediation and where it sits in the dispute resolution spectrum.
- To provide the learner with knowledge of the principles of mediation and the mediation process.
- To enable the learner to acquire knowledge of the principles of mediation as well as absorbing learners into the comparatively narrow legislative scheme within which the individual mediator and the mediation industry operates.
- To develop the learner's understanding of ethical considerations in the field of mediation and their ability to discerningly evaluate the ethical code of practice of one organisation of mediators vis-à-vis another and thus exercise judgement in identifying an appropriate forum for disputing parties.

Module Curriculum

- Definition of Mediation
- The mediation process
- Dispute resolution models compared and analysed / Mediation in Context (on the ADR Spectrum)
- Criteria for assessing the suitability of mediation
- An introduction to interests-based mediation: Positions versus underlying interests
- Mediation Principles
- The Irish legislative system and how it relates to the legislative environment in which Mediation now finds itself.
- The interplay between principles of mediation and law.
- Mediators' Codes of ethics and ethical considerations in implementing the core principles
- Mediators privilege
- Status of Agreements (binding or non-binding) & the Law of Contract

Reading lists and other learning materials

Primary Reading:

Beer, J.E., Packard, C.C. & Stief, E. (2012) *The Mediator's Handbook*. Gabriola: New Society Law Reform Commission, (2010) *Report on Alternative Dispute Resolution: Mediation and Conciliation*. [LRC 98-2010] Dublin: Law Reform Commission

Mackie, Miles, March, Allen (2000) *The ADR Practice Guide – commercial Dispute Resolution*. London: Tottel Publishing

Moore, C. (2003) *The Mediation Process*. San Francisco: Jossey-Bass Publishers

Secondary Reading:

Textbooks

- Fisher, R., Ury, W. & Patton, B. (2011) *Getting to Yes: Negotiating Agreements without Giving In*. Boston: Houghton Mifflin Company
- Bush, R.A.B. & Folger, J. P. (2004) *The Promise of Mediation*. San Francisco: Jossey-Bass Publishers
- Kolb, D. M. & Bartunek, J. M. (1992) *Hidden Conflict in Organizations*. Newbury Park: Sage
- Barrett, J. & O'Dowd, J. (2005) *Interest-Based Bargaining*. Manchester: Trafford Publishing

Module Learning Environment

Accommodation

Learners are exposed to recorded mediation role-play demonstrating the principles and effect of mediation as pre-course work to allow for immersion into the subject matter before various lectures and workshops which 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 through a series of tutor-led discussions, group-work sessions, online lectures and related exercises, and is supplemented by appropriate structured web-based resources and reading materials. The module makes extensive use of enquiry based learning and; problem based learning and suggests solutions for critical incidents experienced by participants. Formative assessment and feedback underpins all elements of the teaching and learning strategy in this module.

The tutor is available for Q&A via an interactive discussion board on Moodle throughout the module.

The teaching and learning strategies are chosen for their ability to instil high levels of participant engagement and development. Collaboration underpins all learning strategies adopted. Participants debate and critique many legal concepts during each session. Each teaching session has a highly participative and practical element.

Pre-readings are forwarded to all participants prior to commencement of this module. An example of how pre-reading forms part of the teaching and learning strategy includes for

example an activity whereby different groups of participants pre-read different codes of ethics and become experts with the others in their own group on that code of ethics before sharing this with others in the class and thereafter debating the merits of various codes of ethics as against each other.

Module Assessment Strategy

Element No.	Weighting	Type	Description	Module Learning outcomes
1	100%	Assignment	<p>The module is assessed by way of a 2000 - 2500 word essay/discussion paper to include in-depth research. This is deemed the most appropriate assessment method for this module as the depth of research required lends itself best to an academic paper of this nature.</p> <p>In a written discussion paper this assignment assesses the learner on:</p> <ol style="list-style-type: none"> 1. His understanding of the impact of legislation on the principles of mediation; and 2. His ability to critically dissect multiple codes of ethics and evidence deep understanding of ethical considerations in mediation. The scope of the assessment covers both legislation and a dissection of codes of ethics in order that a learner be given the opportunity to demonstrate knowledge of both the legislative environment in which the mediation industry exists, as well as a depth of understanding of the ethical considerations impacting upon an individual mediator. 	1-7

Sample Assessment with Rubrics - see Annex 2

