Mediation of Commercial Disputes
6, 8-9 & 15-16 May 2009
Alan Limbury, Strategic Resolution + Mary Walker, Selborne Chambers, Sydney
+ Robert Angyal SC, St James Hall Chambers, Sydney

Objectives:
- Identify where mediation sits amongst available dispute resolution processes, its distinguishing characteristics and advantages and the legal environment in which it is used in resolving commercial disputes.
- Learn to apply mediation principles and techniques in the resolution of commercial disputes.
- Explore topical issues in commercial mediation.

Content:
- Elements of principled negotiation techniques in commercial mediation – the seven elements of a good outcome - hard and soft positional bargaining – their advantages and disadvantages – the superiority of principled negotiation – rules of thumb for more effective negotiation – the currently perceived choice tool.
- Mediation in particular types of commercial dispute, eg. – debt – franchising – intellectual property – IT - defamation - professional negligence – health care – farm debt – retail tenancy - where there are insurers – class actions – civil penalty cases eg. trade practices and securities regulation – where government is a party – where the real decision-maker cannot attend.
- Cases and materials.

Assessment:
Class participation 20% + reflective journal 10% + group project 20% + 1 x 5,000 word essay on practical issues in commercial mediation 50%.

Applicable degrees:
• Master of Laws (LLM)
• Master of Business Law (MBL)
• Graduate Diploma in Law (GradDipLaw)
• Graduate Diploma in Commercial Law (GradDipCommLaw)

Legal Professional Development (LPD)
You can enrol in this unit on an LPD basis. Seminars, courses and units of study offered under Sydney Law School’s LPD Program meet the necessary requirements of both the Law Society of New South Wales and the New South Wales Bar Association in relation to their individual members.

Single Unit Enrolment
You can enrol in this subject on a single unit or non-award basis if you do not wish to commit to a Masters or Graduate Diploma. You can continue to add units via this method, and provided you meet the relevant requirements, you can also qualify for a Graduate Diploma or Masters if you so wish.

Cross-Institutional Study
Subject to approval from the Associate Dean (Postgraduate Coursework), candidates in other Faculties at the University of Sydney or from other universities may be able to enrol in this unit.

Fee
$2,310 - $2,550*

*Dependent upon enrolment category

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