

LW6418: ONLINE DISPUTE RESOLUTION

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Online Dispute Resolution

Subject Code

LW - Law

Course Number

6418

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to provide students with the knowledge of, and curiosity about, online dispute resolution principles, resources, mechanisms and skills. Students will deal with particular issues and questions set out in the syllabus below.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	apply in a real life situation the knowledge of ODR principles, theory and values	20	x	x	x
2	apply in a real life situation the skills and ethics related to resolving disputes using electronic and online technology	10	x	x	x
3	apply a working knowledge of legal and non-legal application of ODR	30	x	x	x
4	appreciate and be able to analyse the implications of selected emerging issues in contemporary online dispute resolution research	10	x	x	x
5	apply the new ODR knowledge and skills in the context of complex on- and offline disputes encountered in realistic situations	30	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Seminars	See remarks	1, 2, 3, 4, 5
			3 hours

Additional Information for LTAs

Remarks:

Active learning techniques, primarily in the form of simulations, will be used to deliver the practical training segment of the course. This methodology embraces a three stage process:-

- (i) the presentation of information and/or a demonstration;
- (ii) practice by the students; and
- (iii) the "debriefing" feedback stage.

In order to accommodate this strategy, this segment of the course will be taught in intensive mode in weekday evenings and/or weekend afternoons. The methodology will usually involve the entire class in the 1st and 3rd stages, with smaller groups working on simulations and observed by the instructor during the 2nd stage. Several 2nd stage simulations may be performed in one evening's instruction. As the training progresses, the simulation exercises will become more complex.

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class presentation	1, 2, 3, 4, 5	20	The use of Generative AI tools is not allowed. See below
2	Research paper	1, 2, 3, 4, 5	80	The use of Generative AI tools is not allowed. See below

Continuous Assessment (%)

100

Additional Information for ATs**Remarks:**Applicable to students admitted before Semester A 2022/23 or in Semester A 2024/25 & thereafter

(i) A student must obtain a minimum mark of 40% in order to pass the course.

Applicable to students admitted in Semester A 2022/23 to Summer Term 2024

(i) A student must obtain a minimum mark of 50% in order to pass the course.

Assessment Rubrics (AR)**Assessment Task**

Continuous Assessment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of ability to identify issues, current trends and practices.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Continuous Assessment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of ability to identify issues, current trends and practices.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

ODR. Online mediation. Online conflict transformation. Advanced skills. Alternative Dispute Resolution. Conflict resolution and technology. Emerging issues in ADR.

1.1 Detailed Syllabus

The following themes will be addressed in class:

1. From ADR to ODR. Is ODR just online ADR?
2. ODR technologies
3. Forms of ODR
4. Characteristics and Dynamics of ODR
5. ODR Standards and Regulations
6. Online Communication
7. Transnational and other applications of ODR
8. ODR design, practice, and ethical considerations
9. Domain name principles and their resolutions

In light of these themes, students will discuss and debate the following questions:

1. What are the design and implementation issues in ODR?
2. If we view government as a "platform", what does that mean for new interfaces? If not, what are the implications for interaction design?
3. Is there any way to avoid bias in application design? How do we accommodate for those with whom we do not agree?
4. How should transparency and security issues be properly balanced when these issues are translated in applications?
5. What are the real tools that have been used or are being used right now to rectify injustice and bring positive legal, political and social reform in relation to conflict? What have been their advantages and disadvantages, and how has the legal/ political context defined their use?
6. How does the digital divide modify the outcome?
7. How does one handle a domain name dispute to the drafting of a domain name decision?

Together in this class students will look at live global case studies to answer these questions, from the viewpoints of the individual user, the legal profession, governments and technology itself. Students will review underlying design issues around freedom of information and privacy, structured change vs. creative chaos, crisis-driven vs. long-term change, and strength in numbers vs. the value of dissent, all with an eye towards producing good new ideas for positive reforms in managing conflict.

Reading List

Compulsory Readings

Title	
1	Text(s) Relevant journal articles will be provided in class. Julia Hoernle, 'Cross-Border Internet Dispute Resolution (Cambridge 2009) Ethan Katsh and Janet Rifkin, Online Dispute Resolution: Resolving Conflicts in Cyberspace. (San Francisco: Jossey-Bass, 2001). Colin Rule, Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts (Jossey Bass: San Francisco 2002). Y Zhao, Dispute Resolution in Electronic Commerce (Martinus Nijhoff, 2005) Journals Asian Dispute Review Australasian Dispute Resolution Journal Negotiation Journal Mediation Quarterly Ohio State Journal on Dispute Resolution Missouri Journal of Dispute Resolution The Arbitration and Dispute Resolution Law Journal
2	Julia Hoernle, 'Cross-Border Internet Dispute Resolution (Cambridge 2009)
3	Ethan Katsh and Janet Rifkin, Online Dispute Resolution: Resolving Conflicts in Cyberspace. (San Francisco: Jossey-Bass, 2001).
4	Colin Rule, Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts (Jossey Bass: San Francisco 2002).
5	Y Zhao, Dispute Resolution in Electronic Commerce (Martinus Nijhoff, 2005)
6	Journals
7	Asian Dispute Review
8	Australasian Dispute Resolution Journal
9	Negotiation Journal
10	Mediation Quarterly
11	Ohio State Journal on Dispute Resolution
12	Missouri Journal of Dispute Resolution
13	The Arbitration and Dispute Resolution Law Journal

Additional Readings

Title	
1	Online Resources
2	www.adndrc.org
3	www.icann.org
4	www.odr.info
5	ict4peace.wordpress.com
6	http://sites.google.com/site/sanjanah/thoughtsonictandpeacebuilding
7	www.ict4peace.org
8	www.legislation.gov.hk
9	www.mediate.com
10	www.beyondintractability.org
11	www.judiciary.gov.hk
12	www.hkiac.org
13	www.adr.org
14	www.cedr.co.uk
15	www.jamsadr.com
16	www.arbitrators.org
17	www.hklawsoc.org.hk
18	www.hkba.org

19	www.adrr.com
20	www.spidr.org