

UGRD_YPHSL_2610_LAW4018_MARK MCLAUGHLIN

COURSE INFORMATION

Course Code & Title LAW4018 - Dispute Resolution Advocacy	Effective Start Date 17/08/2026
Offering Unit / Department / School YPHSL	Course Career Undergraduate
Course Units CU: 1	Grading Basis GRD - Graded

Course Description
The proliferation of cross-border business activity has generated an increased demand for international commercial dispute resolution. As alternatives to litigation, arbitration and mediation have emerged as viable routes to the timely and cost-effective settlement of disputes, particularly in Singapore. This course will provide an overview of the role of the dispute resolution advocate within these processes, the legal framework governing their procedure and enforcement, and practical issues of cost and speed across different mechanisms. Participants will be divided into groups and presented with a simulated case to outline the role of an advocate at each stage of a dispute. Written submissions, oral presentations and groupwork will give participants a sound understanding of how an effective advocate must adopt a tailored approach to different processes of dispute resolution.

Standard Learning Outcomes (for SOA only)

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Course Learning Outcomes

- A comprehensive understanding of the stages, processes and advantages of different dispute resolution mechanisms
- The unique role of each participant in dispute resolution processes, with a focus on the advocate's role
- Knowledge of the models and theoretical approaches appropriate to settle disputes through negotiation and mediation
- Capacity to draft written submissions to clients, mediators, arbitrators and judges, and recognise the distinctive functions of these submissions
- Deliver persuasive and clear oral arguments in different dispute resolution fora

SMU Graduate Learning Outcomes

Interdisciplinary knowledge, Critical thinking & problem solving, Communication, Ethics and social responsibility

Discipline Specific Competencies

Conflict Resolution, Regulatory and Legal Advisory, Legal Drafting and Writing, Business Negotiation

Course Area(s)

AREA - Business Options, AREA - Business-Oriented Electives, AREA - Econ Major Rel/Econ Options, AREA - Law Capstone, AREA - Legal Studies Electives, AREA - Social Sciences/ PLE Major-related, ENRL - SS Enrolment: 6 ISEP; 1 SUSEP, TRCK - Law: Dispute Resolution Track

No Requirements

CLASS SECTION INFORMATION

Instructor(s) MARK MCLAUGHLIN - (mmclaughlin@smu.edu.sg)	Course Instructor(s) -	
Instruction Mode In Person	Consultations and Teaching Assistants -	Office Location -

Assessment Components (New)

Category* Class Participation	Weightage* 20	Assessment/Submission Period* (except for Class Part. Final Exam = choose Wk 15.) -	
Description -	Individual or Group?* -	With Writing Component?* No	With Oral Component?* No

Category* Projects/Assignments	Weightage* 30	Assessment/Submission Period* (except for Class Part. Final Exam = choose Wk 15.) -	
Description Individual Arbitration Assignment	Individual or Group?* -	With Writing Component?* No	With Oral Component?* No

Category* Projects/Assignments	Weightage* 50	Assessment/Submission Period* (except for Class Part. Final Exam = choose Wk 15.) -	
Description Mediation Group Project	Individual or Group?* -	With Writing Component?* No	With Oral Component?* No

Instructional Methods and Expectations
ASSESSMENT METHODS

- 20% Class Participation
- 50% Mediation Group Project
- 30% Individual Arbitration Assignment

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

Weekly Lesson Plan
CLASS SCHEDULE

Week		Learning Outcomes
<u>1.</u>	<u>Seminar 1</u> Dispute Prevention and Management Negotiation	- Stages of a dispute – prevention, management, facilitated resolution, binding resolution - Prevention - identifying potential disputes, risk allocation, incentives for cooperation - Negotiation - Approaches: adversarial, distributive, integrative, principled (interest-based) - Knowing how and why to use each approach - Contract-based settlement
<u>2.</u>	<u>Seminar 2</u> - Facilitated Resolution I Mediation (Role, Styles and Skills)	- Advocacy Roles – spectrum of involvement: advisor to spokesperson - Models of Mediation – Facilitative, evaluative, wise counsel etc - Skills = questioning, summarising, (active/effective) listening, framing and reframing, reflecting and paraphrasing - Constructive, persuasive oral and written communications - Client – establish needs, preparation, understanding, culture documentation and authority to settle
<u>3.</u>	<u>Seminar 3</u> Facilitated Resolution II Mediation (Pre-Mediation Prep)	- Written preparation - case summary, issues paper, mediation memo, chronology, constellation - Process/Mediator Selection – model, hybrid etc - Oral Preparation – clarifying, evaluating and building client confidence in process, - Risk Analysis tools – compare settlement offer to life goals, eg. Health and well-being, financial situation
<u>4.</u>	<u>Seminar 4</u> Facilitated Resolution III Mediation (Phases of Mediation)	- General Skills – setting the agenda, effective communication, client coaching, collaboration with mediator - (1) Information and theme gathering – creating constructive conditions, agenda-setting, summarizing facts and interests - (2) Exploration – identify and prioritise interests and motivations - (3) Problem Solving – encourage constructive engagement, manage setback - Post-Settlement Monitoring and enforcement - Advocate Accreditation and Duties
<u>5.</u>	<u>Seminar 5</u> Facilitated Resolution III	-
<u>6</u>	<u>Seminar 5</u> Binding Resolution I Arbitration (Initiation and Preparation)	- Drafting agreements to arbitrate/ requests to arbitrate - Issuing notice pursuant to agreement - Institutional Rules - Devising case strategy - Procedural Options – scope of discovery, objecting to witnesses or expert testimony
<u>7</u>	<u>Seminar 6</u> Binding Resolution II Arbitration (The Hearing)	- Written Advocacy – the 10 Commandments of Written Advocacy - Oral Advocacy – persuasive advocacy techniques, do no read, simple language, verbal pacing
<u>8</u>	<u>Mid Term Recess Week</u>	
<u>9</u>	<u>Seminar 7</u> Binding Resolution III Arbitration/Litigation (Witness Testimony)	- Preparing witness statements - Cross-examination, witness conferencing, witness confrontation
<u>10</u>	<u>Consultation on Written Assignment</u>	- Students work on written assignment on Arbitration
<u>11</u>	<u>Seminar 8</u> Binding Resolution IV Litigation	- Jurisdiction - Advocacy Accreditation - Rules of Evidence - Witness Examination/Presentation
<u>12</u>	<u>Consultation on Group Projects</u>	- Students work on group projects (this may include mock mediations)
<u>13</u>	<u>Seminar 9</u> <u>Group Project Presentation</u>	

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.

Recommended Textbooks and Readings
RECOMMENDED TEXTS AND READING

- Roger Fisher, William Ury and Bruce Patton, Getting to Yes: Negotiating Agreement without Giving in
- Nadja Alexander, Joel Lee Kit-Wye Lum, Singapore Mediation Handbook
- Stephen Jagusch, Philippe Pinsolle, and Timothy Foden, The Guide to Advocacy, Global Arbitration Review

Other Information

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UNIVERSITY POLICIES

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx>.

Responsible Use of AI

The University recognises the importance of equipping students with the skills to navigate an AI-driven world. While AI tools may support learning, they must be used judiciously and responsibly. Students must not present AI-generated output as their own work.

Each course may set specific guidelines on the use of AI in assessments. Students are required to follow these guidelines carefully and should seek clarification from the instructors if uncertain.

Misuse of AI constitutes a breach of academic integrity and will be subject to the same penalties as other acts of academic dishonesty.

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Accessibility

SMU strives to make learning experiences accessible for all. Students who anticipate or experience physical or academic barriers due to disability are encouraged to inform the course instructor as soon as possible. Students may also contact the university's disability services team if they have questions or concerns about academic provisions: accessibility@smu.edu.sg. Please be aware that the accessible tables in our seminar room should remain available for students who require them.

Digital Readiness for Teaching and Learning (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.