

LWB498 - DISPUTE RESOLUTION PRACTICE

SEMESTER 1, 2011

Post Skills Workshop Reflective Activity

RELEASED: 17 April 2011

DUE: Tuesday 3 May 2011 by 9.45 pm

ASSESSMENT VALUE: 20%

QUESTIONS TO COMPLETE: This assessment is made up of 2 parts, Part 1 (a reflection on the workshop negotiation activity) and Part 2 (a reflection on the workshop mediation activity). Each Part contains a number of questions to provide a framework and structure to your reflections. You must answer ALL parts of the paper. Each part of the paper is worth 10%.

WORD LIMIT: The word limit for the words you write for this paper is 2 000 words. Words in excess of the word limit cannot be included in the material that is assessed. You are encouraged to use this question paper as a template for inserting your answers. If you use this complete paper as a template your total word count will be the word count of your work plus the word count of the template which is 1071 words. Please provide the total word count. Footnotes are not included in the word count and should not contain substantive content.

SUBMISSION: Internal students are to submit via assignment minder and also upload a copy of the assessment to the LWB498 Blackboard site. External students submit via the Blackboard site only.

INFORMATION ABOUT THIS ASSESSMENT: This component of your skills workshop assessment involves demonstrating your understanding of dispute resolution knowledge and

skills through reflection on the connections between the theory and practice negotiation and mediation.

This assessment relates to unit objectives 1, 3, 4 and 5.

This is a scholarly academic piece of work and you should demonstrate authority for views expressed by reference to scholarly authority, the text book readings and also the workbook and lectorials. Any authority you rely upon should be cited and footnotes should follow the QUT Law School Legal Referencing Style Guidelines or the Australian Guide to Legal Citation available at <http://www.elsie.qut.edu.au/>.

Note, however, the assessment is not a research assessment piece so you are not required to research further than the materials already provided as part of the unit.

Note also that although lectorials and the study guide are not usually accepted as authority for scholarly academic work, they are accepted as authority in this instance for your reflections.

This is because citing the lectorials or study guide will demonstrate connections between what you have learned in theory and your reflections on your experience of the practice of that theory. If you want to cite a lectorial or the study guide you can do so as follows:

For a lectorial, for example: R Field, "LWB498 Lectorial 3: Negotiation" 2011.

For the Study Guide: *LWB498 Workbook*, Semester 1, 2011 at (page number).

Please use 12 point black font and 1.5 spacing.

Please also refer to the criteria sheet on the Blackboard site for the criteria against which your answers will be assessed.

PRELIMINARY EXERCISE TO ASSIST WITH COMPLETION OF THIS PAPER

This paper requires you to engage in reflective practice. You will be assisted in answering questions in both Parts 1 and 2 if you take some time to think about reflective practice and what it involves.

Reflective Practice

Reflection is helpful to your learning. Reflection is a circular process involving first the application of practical legal skills and knowledge, then critical reflection upon your experience, the relating of your experience to the legal theory and finally, the application of what you have learnt to future experiences.

In this unit, and in this assessment, engaging in reflective practice helps you to integrate your practical skills and knowledge with “know-how” (i.e. the skills and strategies that you develop in practice) and apply what you are learning and what you have already learned in this unit to future negotiations and mediations you may be involved in.

Reflective writing involves demonstrating how you are constructing your knowledge (i.e. your learning). You do this through evidencing your own experience and your reflection upon that experience. Therefore, you should write in the first person (“I”) to indicate that the question concerns you. This is unusual for law assessment, but it is appropriate for reflective practice.

You can find further guidance in relation to reflective writing from Jenny Moon. Some of Jenny’s materials to assist with knowing how to engage in reflective practice have been added to the BB site in the section for this assessment item.

See also <http://www.services.ex.ac.uk/cas/employability/students/reflective.htm>

PART 1: REFLECTION ON NEGOTIATION ACTIVITY: (10 marks)

Reflect on the following questions in the context of your negotiation experience at the skills workshop and the unit material covered so far. Although this is not a research question, you are required to provide authority for your analysis and reflections where appropriate using footnoting (as per the instructions above).

1. What particular aspects of negotiation theory did you apply in the approach you took to the negotiation? (3 marks)
2. Reflect on your performance in the negotiation activity at the workshop. Identify aspects of the process that well and explain why they worked. Identify aspects of the process that didn't go so well from your perspective. What would you do differently if you were in a similar negotiation situation in the future? (7 marks)

PART 2: REFLECTION ON MEDIATION ACTIVITY: (10 marks)

Reflect on the following questions in the context of your mediation experience at the skills workshop and the unit material covered so far. Although this is not a research question, you are required to provide authority for your analysis and reflections where appropriate using footnoting (as per the instructions above).

1. Reflect on your experience of the mediation role-play. If you were a mediator, identify the aspects of the process that you were able to implement well and discuss why you felt those elements of the process went well; also identify the aspects of the process that were more difficult than you expected. If you were a party, identify the aspects of the process that the mediators were able to implement well and discuss why you felt those elements of the process went well; also identify aspects of the process that you would have managed differently. (5 marks)

2. Do you think your mediation would have proceeded differently if a lawyer for each party was present? Consider the positive and negative contributions that lawyers could have made to the process. (5 marks)

END OF PAPER