

SKILL DEVELOPMENT COURSE

Course Code- NSLSDC-105

Course Title - COURSE FOR ALTERNATIVE DISPUTE RESOLUTION


Total Hours - 35

Having successfully completed this course, students will be able to:

- 1) Analyze the advantages and disadvantages of negotiation in a particular situation vis a vis taking the dispute to a court of law.
- 2) Assist in strategically determining a client's negotiation position; in terms of the strength and weaknesses of that client's case.
- 3) Explain how one can generally avoid dangers which arise during negotiation.
- 4) Analyze ethical issues which may arise in negotiation.
- 5) Analyze ethical issues which may arise in negotiation.
- 6) Explain what a mediator does and does not do.
- 7) Analyze the meaning, and effect, of mediation agreements and how they affect the parties' future rights.
- 8) Explain the advantages and disadvantages of arbitration and assist in making the determination of whether arbitration is appropriate in a particular case.
- 9) Research and apply the state and federal laws which govern arbitration.
- 10) Take the steps necessary to initiate an arbitration proceeding.
- 11) Explain the form and functions of high-low arbitration and how it operates differently from traditional arbitration.

Sr.No	Content	Duration (Hrs)
1	Introduction to Forms of Alternative Dispute Resolution Overview of Alternate Dispute Resolution , History of Alternate Dispute Resolution, Negotiation Overview, Mediation Overview, Arbitration Overview	5
2	Negotiation Positioning-Problem Solvers Cooperate Adversaries Compete Negotiation Generally , Adversarial Positioning & Distributive Bargaining	5


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3	The Legal Professional as a Negotiator- Ethical Considerations Model Rules of Professional Conduct , Negotiator's Duties to Client - Model Rule 1.4 , Negotiator's Duties to Client - Model Rule 2.1, Negotiator's Duties to Others – Model Rule 4.1, Negotiator's Duties to Others – Model Rule 4.2 , Negotiator's Duties to Others – Model Rule 4.3	5
4	Negotiating Deals Absent Disputes, Settlement Agreements & Special Settlements Making Deals Cooperatively and Competitively, Drafting a Valid Settlement Agreement , Special Settlement Agreements	5
5	Mediation: How It Works Mediation– What It Is and What It Is Not , Advantages and Disadvantages of Mediation, Mediation Structure,	5
6	Mediation: Case Studies Hypothetical Mediation Scenario, The Clergy Cases & Meddlesome Mediators The Foxgate Case – Good Faith & Confidentiality	5
7	Arbitration Arbitration's History Prior to the Twentieth Century, The Rise of Arbitration Legislation	5

References:-

- 1) "Alternative Dispute Resolution", 1st Edition, by Madabhushi Sridhar, LexisNexis India Publication.
- 2) "Alternative Dispute Resolution along with the Gram Nyayalayas Act", by Sukumar Ray, Eastern Law House Publication.
- 3) "Textbook on Arbitration & Conciliation with Alternative Dispute Resolution", by Saharay Madhusudan 2nd edition, UNIVERSAL LAW PUB Publication.


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