COURSE NAME: Cross-cultural Dispute Resolution

COURSE NUMBER: 8732 C

PROFESSOR: Ilhyung Lee

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: Any interest in culture or dispute resolution would be desirable.

COURSE BOOKS:

REQUIRED: There are two required texts –

(1) **CROSS-CULTURAL NEGOTIATIONS AND DISPUTE RESOLUTION** (Grant R. Ackerman ed.);

*Students will receive more information about ordering this text directly from the publisher.*


RECOMMENDED: None.

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:

The course grade will be determined by: a research paper (due by an assigned date after completion of the class sessions); a mid-course writing assignment; and timely class attendance and participation. There will be no exam.

SUMMARY DESCRIPTION OF COURSE:

This course examines the impact of culture on the dispute resolution process. Cultural differences are most pronounced in the international arena, but are also seen in the domestic setting, especially in the U.S. jurisdiction. Cross-cultural Dispute Resolution is a blend of both a “course” and a “seminar,” as it includes lecture, skills discussion, small-group exercises, independent research, and writing.
COURSE CONTENT:

The course begins with a brief review of the various methods of dispute resolution and the question of whether culture may play a role in the circumstances leading to dispute, as well as the resolution of dispute. A cross-cultural exercise will highlight the difficulties and realities of crossing cultural lines. Subsequent sessions will: remind students of culturally conditioned perceptions of themselves, their surroundings, and the world; attempt to define the elusive term, culture; acknowledge and address those who question the role of culture in dispute resolution; introduce differing methods of communication (high-v. low-context; mono-chronic v. poly-chronic); discuss selected values and norms that shape societal culture; explain the impact of attribution theory; and introduce “cultural dimensions” and “value dimensions,” which offer concrete examples of how different cultures are indeed different, supported by empirical data.

Students will have opportunities for two in-class mediation simulations, which will include a cultural component. Through role plays and simulations, students will be able to observe firsthand the presence of culture, and gain experience in addressing this dynamic.

A discussion of Anne Fadiman’s The Spirit Catches You and You Fall Down will provide a further interdisciplinary opportunity to discuss the clash and conflict of cultures. Some discussion will be devoted to specific examples of the intersection of (i) culture and (ii) law or legal institutions, and how dispute resolution methods must address this reality.

COURSE OUTCOMES:

The course is designed to assist students to develop a “cultural fluency” in their practice, either as counsel or dispute resolution professionals, and to think critically about the impact of culture on dispute settlement, and the intersection of culture and law.

RELEVANCY OF COURSE FOR CAREER PURPOSES:

The course will be especially useful for those students with interest in international practice, or who will interact with professionals, clients, and counsel from other cultures, whether international or domestic.

RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION: