

Cross-Cultural Dispute Resolution

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January 7 & 8, 9:00 a.m. - 4:30 p.m.

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Course Syllabus

1 law school credit

Course Description

The course examines how the obvious and not-so-obvious cultural differences impact resolution of inter-personal and inter-state (international) disputes. The course will bring an international perspective to understanding the impact of culture in the most commonly used international and domestic dispute resolution practices (negotiation, mediation, and arbitration).

It will follow a three-step approach to know and understand the influence of culture on our decision-making power including awareness and knowledge of one's own culture, knowledge and understanding of another party's culture, and knowledge of the impact of either on the desired goal/outcome of the dispute. The goal of the course is to help make you more culturally aware and better equipped for effective participation in dispute resolution processes that increasingly involve different languages, customs, values, nationalities and states of origin.

Course Reading Materials:

Reading A

Grant R. Ackerman, (Ed.)

Cross-Cultural Negotiations and Dispute Resolution: Readings and Cases

Reading B – Course Reader

Lela Love & Sukhsimranjit Singh, On Generosity (and Other Religion-Based and Life-Tested Theories) (Forthcoming, 2012)

David M. Tressler, *The Soldier and the Sheik: Lessons from Negotiating in Iraq*, 13 Harv. Negot. L. Rev 67 (2008)

Ilhyung Lee, *The Law and Culture of the Apology in Korean Dispute Resolution Dispute Settlement (With Japan and the United States in Mind)* 27 Mich. J. Int'l L. 1. (Fall, 2005)

John Barkai, *What's a Cross-Cultural Mediator to do? A Low-Context Solution for a High Context Problem*, 10 Cardozo J. Conflict Resol. 43. (Fall 2008)

Preparation, attendance and participation are key to learning in any context. **Attendance is required at all class meetings.**

Before Jan 7th read as many of the readings as you can. Before class begins, at a minimum, read pages 1 – 93 in Cross Cultural Negotiations and Dispute Resolution: Readings and Cases and *The Soldier and the Sheik: Lessons from Negotiating in Iraq*

GRADING:

Grades will be based on two factors:

Class participation: 20% (includes participation in the discussions; role plays and exercises)

Final paper: 80%

The final paper should be 10-12 typewritten (12-point font), double spaced pages. Final paper is due no later than 4:30 p.m., Monday, January 23, 2012. Grading is anonymous and consequently students should only include their exam number on their final paper. Instructions for submission will be provided during class.

Students should be aware of the following Hamline University School of Law Academic Rule:

AR-105(B)(8): A student who does not take a scheduled examination will receive a grade of "F" for that examination, unless properly excused. **In addition, any student who does not turn in a required paper on the scheduled date will receive a grade of "F" for that paper, unless properly excused. Failure to meet any course requirement can be the basis for a final grade of "F" in the class, unless properly excused.**

Class Contents and Schedule:

Required Reading Assignments: Prior to Saturday class,

Reading A: review pages 1-93

Reading B: read *The Soldier and the Sheik: Lessons from Negotiating in Iraq*

Saturday, January 7, 2012

9:00 a.m. - 4.30 p.m.

MORNING SESSION:

Overview and goals of the course

Culture: definitions and perspectives

World-view, interaction of cultures & subcultures

Context, time and attribution theory

Discretionary power to judge

Negotiation exercise: importance of our culture

AFTERNOON SESSION:

Culture, religion and values

Cultural dimensions; universalism and individualism

Perceptions and actions; high context and low context

Culture, emotions and Iraq example

The two-way process; cross-cultural rapport

Required Reading Assignments: Prior to Sunday class,

Reading A: review pages 94-138

Reading B: read *The Law and Culture of the Apology in Korean Dispute Resolution Dispute Settlement, What's a Cross-Cultural Mediator to do? A Low-Context Solution for a High Context Problem & Lela Love & Sukhsimranjit Singh, On Generosity (and Other Religion-Based and Life-Tested Theories) (Forthcoming, 2012)*

Sunday, January 8, 2012

9:00 a.m. - 4.30 p.m.

MORNING SESSION:

Cultural dimensions: culture and apology

Culture; tradition and dispute resolution

Preparation (stereotyping v. awareness)

Process (mindfulness; polychromic and monochromic)

Outcome (linear; circular)

Cross-cultural exercise

AFTERNOON SESSION:

Cross cultural mediation

Different segments of Law (Family, Commercial & Employment)

International negotiations (inter-Government)

Communication techniques & writing

Acquiring skills and training

Cultural goal/outcome of a dispute and role play