# **Cross-Cultural Dispute Resolution**

Sukhsimranjit Singh, Adv., LL.M

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July 31-August 6, 2013 July 31 and August 1, 5, 6 (4:30 pm – 9:15 pm) August 3 (9:00 am – 5:00 pm) singhs@willamette.edu

**Course Syllabus** 2 law school credits

Room: East Hall 106

### **Course Description**

The course examines how the obvious and not-so-obvious cultural differences impact resolution of inter-personal and inter-state (international) disputes. Specifically, 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 decision-making, 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. This course will help students be 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**

 Supplemental Course Reader (available only through the Hamline Law Bookstore)

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

**Before July 31, read** as many of the readings as you can.

#### **GRADING:**

Grades will be based on two factors:

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

Final paper: 80%

The final paper should be 12-15 typewritten (12-point font), double spaced pages. Final paper is due no later than 4:30 p.m., August 20. 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:**

**Prior to July 31 class**, read Bee Chen Goh, et. al., *As We See It*, *in* Educating Negotiators for a Connected World: Volume 4 in the Rethinking Teaching Series (DRI Press 2012).

### Wednesday, July 31, 2013

4:30 pm - 9:15 pm

Overview and goals of the course Culture: definitions and perspectives

Different kinds of Cultures

Maps, our world-view, interaction of cultures & subcultures

Context, time and attribution theory

**Prior to August 1 class**, read 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), and David M. Tressler, *The Soldier and the Sheik: Lessons from Negotiating in Iraq*, 13 Harv. Negot. L. Rev 67 (2008)

# Thursday, August 1, 2013 4:30 pm - 9:15 pm

Culture, religion and values

Belief systems: Traditions and Customs An example of Arranged Marriages

Cultural dimensions: universalism and individualism

High context and low context Polychromatic and monochromatic Language and cultural metaphors

**Prior to August 3 class**, read Michal Alberstein and Nadav Davidovitch, *Apologies in the Healthcare System: From Clinical Medicine to Public Health*, 74 Law & Contemp. Probs. 151 (Summer 2011), 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 Chu, <i>The Art of War and East Asian Negotiation Styles*, 10 Willamette J. Int'l L. & Disp. Resol. 161(2002)

### Saturday, August 3, 2013 9:00 am – 5:00 pm

Introducing the three – step approach Culture, emotions & apology

The Psychology of Intuitive Judgment

Stereotypes and Biases

Effects and Application on mediation

Discretionary power to judge in dispute resolution

Negotiation exercise: importance of our culture

Multiculturalism and Neuroscience

Understanding our brains

Effects and Application

Cross-Cultural Role Play

**Prior to August 5 class**, read: Lela Love & Sukhsimranjit Singh, *Following the Golden Rule and Finding Gold: Generosity and Success in Negotiation*, *in* Educating Negotiators for a Connected World: Volume 4 in the Rethinking Teaching Series (DRI Press 2012), Phyllis E. Bernard, Finding Common Ground in the Soil of Culture, in Rethinking Negotiation Teaching: Innovations for Context and Culture (DRI Press 2009), and, Ayelet Shachar, *Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law*, 9 Theoretical Inquiries L. 573, 583 (2008).

### Monday, August 5, 2013 4:30 pm - 9:15 pm

Spirituality, Mindfulness and Dispute Resolution
Effects and Application
Generosity and Dispute Resolution: A new way of
approaching the practice and teaching
Parties Goal from Dispute Resolution Processes
An example of Religious Arbitration

**Prior to August 6 class,** Read: Sukhsimranjit Singh, Beyond Foreign Policy: A Fresh Look at Cross-Cultural Negotiations and Dispute Resolution Based on the India-United States Nuclear Test Ban Negotiations, 14 Cardozo J. Conflict Resol. 105 (2012) and Giyang An, Enhancing the Effectiveness of Mediation in Korean-American Family Disputes: Cultural Sensitivity Training for Mediators and Co-Mediation Teams, 11 Cardozo J. Conflict Resol. 557 (Spring 2010)

### Tuesday, August 6, 2013 4:30 pm - 9:15 pm

The Three Step Approach
Discussions and Analysis
Interstate v. Local Negotiations
Final Role Play
Summary & Conclusions
Final Paper and Future Readings
Different kinds of Cultures
Maps, our world-view, interaction of cultures & subcultures
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