

Cross-Cultural Dispute Resolution

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January 16 & 17, 9:00 a.m. - 4:30 p.m.
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Course Syllabus **1 law school credit**

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. 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

Oscar Chase & Jerome Bruner, Law, Culture, and Ritual: Disputing Systems in Cross-Cultural Context (2007)

Reading B on TWEN

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. (all, 2008)

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 16, 2010

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 (With Japan and the United States in Mind)* and *What's a Cross-Cultural Mediator to do? A Low-Context Solution for a High Context Problem*

Sunday, January 17, 2010

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

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:

Choose a Cross-cultural dispute that you observed or participated in and identify at-least three of the cultural differences that affected the dispute handling by the participants.

Your paper should address the following:

1. Give specific examples and demonstrate an ability to effectively apply the theory learned in the class in your paper.
2. Discuss how the class readings and exercises informs your practice as a mediator or negotiator.

Final paper is due no later than 4:30 p.m., Monday, February 1, 2010. Grading is anonymous and consequently students should only include their exam number on their final paper. Your final paper should be submitted by uploading it to the TWEN "Assignment Drop-box". You do not need to deliver a physical copy to the Office of the Registrar.

You will need to know your 5 digit final exam number before you can upload the document.

If you do not know your final exam number:

- Go to Piperline (http://www.hamline.edu/homepage_items/home/piperline.html)
- Login to Secure Area
- Choose Student Services
- Click on Registration
- Click on Student Detail Schedule
- Select term January 2010
- Your final exam number is listed below total credit hours at the top of the page.

If you have questions regarding TWEN access, contact Debra Berghoff at 651.523.2946 or dberghoff@hamline.edu

Attendance at ALL class sessions is required.