

Education Syllabus for Associateship

A) Basic Understanding of the Following

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| 1 | The New Zealand Legal System | 5 | The law of persons, including corporate bodies |
| 2 | The law of torts | 6 | The law of property |
| 3 | The law of contract and agency | 7 | Consumer legislation |
| 4 | The law relating to sale of goods and services | | |

B) Introduction to Dispute Resolution

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| 8 | Dispute management and options | | |
| | (a) | | Choosing a dispute resolution process |
| | (b) | | Managing a dispute |
| 9 | Negotiation | | |
| | (a) | | Elements of negotiation |
| | (b) | | Introduction of styles and techniques, eg: positional, co-operative and interest based |
| 10 | Mediation | | |
| | (a) | | Pre mediation procedure |
| | (b) | | Agreement to mediate |
| | (c) | | The role of the mediator |
| | (d) | | The mediation |
| | (e) | | The agreement |
| 11 | Arbitration | | |
| | (a) | | Agreement to arbitrate |
| | (b) | | Appointment of arbitrators |
| | (c) | | The role of the arbitrator |
| | (d) | | The parties' obligations |
| | (e) | | The preliminary meeting |
| | (f) | | The hearing |
| | (g) | | Parties options after the hearing |

EITHER C – Evidence & Advocacy

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| 12 | Evidence and Advocacy | | |
| | (a) | | Advocacy – the role of the party's representative |

- (b) Styles and techniques
 - (c) Skills – presenting a case; preparing witnesses and preparation of evidence; examination, cross-examination and re-examination; and closing a case
 - (d) Qualifications and professional responsibilities
- 13 The law of evidence
- (a) Types of evidence
 - (b) Standard and burden of proof
 - (c) Relevance
 - (d) Weight and admissibility
 - (e) Presentation of evidence
- 14 Expert witnesses, duties before and during the hearing, relationship with others

OR D – Law for Mediators

- 15 For the mediators –
- (a) Neutrality
 - (b) Confidentiality
 - (c) Impartiality
 - (d) Liability in contract
 - (e) Liability in Tort
 - (f) Fiduciary obligations
 - (g) Statutory liability, eg: consumer protection
 - (h) Liability to third parties
 - (i) Mediator immunity
- For the parties –
- (j) Mediation clauses
 - (k) Court ordered mediations
 - (l) Agreements to mediate
 - (m) Privilege “Without Prejudice” legal professional, marital
 - (n) Liability for advice given to parties
 - (o) Agreements made as a result of mediation
 - (p) Responsibility for agreements made

Education Syllabus for Fellowship

A Communication Skills

- 1 Listening and speaking skills
- 2 Communication skills for hearings and meetings
- 3 Writing – awards and agreements

B Law and Practice of Arbitration

- 4 Arbitration agreements

- 5 Recognition and enforcement of the agreement
- 6 Preliminary meeting
- 7 Meeting procedures and arbitrators powers
- 8 Hearings
- 9 Court involvement in arbitrations
- 10 Remedies
- 11 Assessment of evidence
- 12 Decision making
- 13 Awards – form
- 14 Award writing
- 15 Post award
- 16 Ethics for arbitrators

C Mediation

- 17 Negotiation skills for mediators
 - (a) Problem solving
 - (b) Negotiation styles
 - (c) Situations, eg: acting on instructions; multi party negotiations; proximity issues
 - (d) Techniques
 - (e) Ethical issues
 - (f) Settlement procedures
- 18 Mediation
 - (a) Exchange of information
 - (b) Agenda
 - (c) Opening statements
 - (d) Caucuses
 - (e) Joint meetings
 - (f) Impasse
 - (g) Techniques
 - (h) The agreement
 - (i) Post mediation procedure
- 19 Ethics for mediators
- 20 Subject specific mediation
Topics selected from:
 - (a) Employment disputes
 - (b) Family disputes
 - (c) Health provider / patient disputes
 - (d) And other such areas as may be indicated from time to time

D Practical Dispute Resolution