

Mediation Syllabus

DePaul University College of Law
Fall Semester 2008, Wednesdays, 2:30 – 5:10 p.m.

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Objectives

- Become acquainted with the law and literature of mediation and dispute resolution;
- Acquire an understanding of the mediation process in the context of the spectrum of dispute resolution processes;
- Achieve a working knowledge of theories and techniques of negotiation and the role of the mediator assisting parties' negotiations;
- Test roles of the mediator in different approaches to mediation;
- Develop skills and techniques of a mediator;
- Learn effective mediation advocacy;
- Examine legal, professional and ethical issues in the field of mediation; and
- Explore various applications of mediation.

Required Reading Assignments

All required reading assignments are in *Mediation: The Roles of Advocate and Neutral*, Dwight Golann and Jay Folberg, Aspen Publishers, 2006.

Class #	Date	Chapter	Title
1	8/27/08	1	The Origins of Disputes
2	9/3/08	2	An Introduction to Negotiation
3	9/10/08	3 & 4	Negotiation -- Step by Step & Barriers to Settlement
4	9/17/08	5	An Overview of Mediation
5	9/24/08	6	Stages of Mediation
6	10/1/08	7	Process Skills
7	10/8/08	8	Emotional and Cognitive Forces
8	10/15/08	9	Merits-Based Barriers
9	10/22/08	10	Representing clients: Preparation
10	10/29/08	11	Representing clients: During the Process
11	11/5/08	12	Public Policy and Ethical Issues
12	11/12/08	13	The Law of Mediation
13	11/19/08	14	Specific Applications
14	11/26/08	15 & 16	Court-Connected Mediation, and Mixed and Changing Roles

Teaching Methodology

Methods of instruction shall include class discussion of the assigned readings, participation in the classroom simulations, debriefing of these simulations, inter-active lectures, guest lecturers, and live and video-taped demonstrations of mediation sessions. Laptop computer use will not be permitted during class discussions.

Course Requirements

1. Required Readings and Class participation:

The assigned readings are from *Mediation: The Roles of Advocate and Neutral*, Dwight Golann and Jay Folberg, Aspen Publishers, 2006. This text will be used as the basis for developing a conceptual understanding of the mediation process and classroom discussion of the issues raised in the delivery of mediation services.

- **Completion of the assigned readings and participation in the classroom discussion are required. Your mastery of the assigned readings will be evaluated based on your participation in discussions and debriefs.**

Students will participate in classroom simulations of negotiations and mediations.

- **Materials for some classroom simulations may be distributed by email before class. Students are required to read these materials and prepare for these simulations prior to class.**
- **Participation in all the classroom simulations and debriefings is required. You will be marked down if you miss more than one class.**

2. Homework assignments:

Students will be required to turn in 3 assignments over the term. A detailed description of these assignments, including a form for the critique, will be posted on Blackboard prior to the due dates.

- **A Written Critique of the Class 5 demonstration mediation (using the form provided on Blackboard) is due at the beginning of Class 6.**
- **A Mediator's Opening Statement and Analysis is due at the beginning of Class 8.**
- **An Agreement to Mediate and Analysis is due at the beginning of Class 9.**
- **Timely completion of all assignments is required.**

3. Research Project:

Each student will complete a research project on a current topic in the field of mediation. **The topic must be pre-approved by the professor.** If the paper is about use of mediation in a particular application, it should include an analysis of the pros and cons of using mediation in the area selected. Ideas for topics can be found in Chapter 14 of the text, although students are not limited to the topics included in that chapter.

- **A four to five page paper, including citations, and a one-page bibliography are due at the beginning of the Class 11. Further details about the paper will be provided in class.**

4. Video Simulation:

Each student will make a video recording of one mediation simulation outside of the classroom. The simulation will be furnished by the professor and the student will be the mediator. Each student will invite law students **not enrolled in the class** to be the participants in the simulation. Students are expected to obtain the appropriate equipment so that video recording can be done. Information regarding videotaping can be obtained from the Law Library. Further information on acceptable format will be provided in class.

- **The DVD, tape or other approved electronic file, an Agreement to Mediate, a Settlement Agreement (if there is a settlement) and the Written Critique of the recorded mediation are due at the beginning of the Class 13.**

Evaluation of Student Work

The final grade for each student will be based on a 100 point scale. Requirements 1 and 2 will be worth a maximum of 20 points each. Requirements 3 and 4 will be worth a maximum of 30 points each.