

Hamline University School of Law • Dispute Resolution Institute

Mediation

Syllabus, Summer 2012

Professor	Dr. Timothy Hedeem, tkhedeem@yahoo.com or 770-423-6879
Meetings	June 19 th -21 st , 25 th -28 th , 4:30pm-9:15pm; June 23 rd , 8am-5:30pm
Description	Through discussion, simulations, and roleplay, this courses focuses on the structure and goals of the mediation process and on the skills and techniques mediators use to aid parties in overcoming barriers to dispute resolution. The course also examines the underlying negotiation orientations and strategies that mediators may confront and employ; the roles of attorneys and clients; dealing with difficult people and power imbalances; cultural, race, and social identity considerations; and ethical issues for lawyers and mediators. In addition, special attention is devoted to the art of successful representation of clients in mediation.
Course texts	<ol style="list-style-type: none">1. Bennett and Hughes, <i>The Art of Mediation</i>, 2/e, NITA—“B&H” on Agenda2. Beer, <i>The Mediator’s Handbook</i>, 3/e, New Society Publishers—“B”3. Articles, chapters in course reader—“Article”4. Articles available online—“Web”
Grading	The grade for this course will be based on preparation and participation in class discussions and role-play simulations (10%), and two papers (45% for ethics response, 45% for policy paper). Please note that the papers will be graded anonymously. Instructions for their submission will be provided in class.
1. Preparation, participation	Preparation, attendance and participation are key to learning in any context, especially in courses designed around interaction and discussion. Any absence will necessitate an “equity paper” of proportionate length to missed class time to demonstrate mastery of material covered during absence.
2. Ethics response	Respond to scenario/s distributed in class, noting which ethics codes and professional standards inform your response. Maximum length of 1,250 words (show word count), due Friday, July 13 th .
3. Policy paper	Identify an actual or proposed mediation policy (found in any statute, rule, or academic literature) and review the policy/proposal thoroughly—consider the benefits, drawbacks, and any oversights of the recommendation, as well as the implications on mediation practice. Maximum length 1,250 words (show word count), due Friday, July 13 th .

Agenda Please complete readings *prior* to the date for which they're listed. Note that per Rule 114.13, this course includes "a minimum of 15 hours of role-playing;" to make the most of classroom time, students must arrive prepared—i.e., having completed the reading.

Tues: 19th Conflict, ADR continuum, Court ADR, Negotiation and mediation

- B&H** Section One: Introduction to Mediation
- B** Overview and The Mediation Session

Weds: 20th Communication, Opening statements by mediator and parties

- B&H** Section Three: Elements of Mediation
- B** Supporting the People

Thurs: 21st Information gathering, Facilitation, Caucus

- B&H** Section Two: The Process of Mediation
- B** Controlling the Process

Sat: 23rd Problem identification, Problem solving, Agreements, Culture & gender

- B** Solving the problem
- Article** Moore, "Generating Options for Settlement," *The Mediation Process*, 3/e, 2003, pp.269-294

Mon: 25th Ethics, Minnesota rules and statutes (incl Rule 114), Critiques and concerns

- Article** Laue, "Ethical Considerations in Choosing Intervention Roles," *Peace and Change*, 1982, pp.29-41
- Web** ACR, AAA, ABA, "Model Standards of Conduct for Mediators"; online at tinyurl.com/79g8rnw (redirects to www.acrnet.org/Educator.aspx?id=971)

Tues: 26th Practice, Preparation, Advocacy in mediation

- B&H** Section Four: Practical Issues (48pp)
- Web** ABA Section of Dispute Resolution, "Preparing for Mediation" general mediation guide, 2012 and pp.6-20 of "Task Force on Improving Mediation Quality Final Report," 2008; online at tinyurl.com/7r7ztfj (redirects to www.americanbar.org/groups/dispute_resolution/resources.html)

Weds: 27th Role play simulations

- Article** Kolb and Kressel, "The Realities of Making Talk Work," *When Talk Works*, 1994, pp.459-493

Thurs: 28th Future directions, Mediation contexts, More ethics

- Web** Hedeem & Kelly, "Challenging Convention in Challenging Conditions: Thirty-minute Mediations at Burning Man" *Conflict Resolution Quarterly*, 2009; online at tinyurl.com/clsb7sf (redirects to www.mediate.com/articles/burningman.cfm)
- Web** Any three videos posted at Coben's "Mediation Case Law Videos" at tinyurl.com/726qrsq (redirects to law.hamline.edu/dri/mclp/videos.html)