

MEDIATION

Dispute Resolution Institute
Hamline University
January 2010
Professor Joseph B. Stulberg

TEXT: **Mediation Theory and Practice, 2nd Edition (A)**
 Alfini, Press, Sternlight & Stulberg
 The Middle Voice, Stulberg & Love (B)

CLASSES MEET: **9:00am- 4:30pm on January 2, 3, 4, 6, 7, and 8, 2010**

OFFICE HOURS: **By appointment**

COURSE DESCRIPTION

Disputes vary in shape, intensity and complexity. They arise in multiple settings. We transform some disputes into lawsuits and attempt to resolve them; for others, we develop other “angles of vision” to examine and address them. Whatever the dispute’s format, lawyers strive to help persons resolve differences in ways that are effective, responsive to participant interests, and consistent with fundamental conceptions of fairness and dignity.

Mediators make a special contribution to the resolution of disputes. They create a suitably dignified forum for addressing conflicts; they establish conversational guidelines for the informed, spirited exchange of information and ideas; they assist disputants to examine interests and reduce rhetoric to proposals; they capitalize on inconsistencies or latent possibilities to develop a framework for settlement; and they infuse the negotiation process with an energy and passion targeted to ensure that efforts to secure a workable, fair resolution will not fail for lack of trying.

Lawyers have particular contributions to make as mediators. They are steeped in traditions of due process. They appreciate the central contributions that capable advocates can make to a search for a resolution. They are comfortable with ambiguity. And they are problem solvers.

This course examines the mediator’s role-and the contributions law-trained persons can make-in the resolution of disputes. It focuses on educating and training students to serve as mediators in those settings in which legal issues lace or shape the controversy but in which a poignant human drama defines its meaning, and it explores how mediators can support effective advocate participation in the mediation process.

ASSIGNMENTS

READING ASSIGNMENT TO BE COMPLETED BEFORE FIRST CLASS:

Reading A: Chapters 1
Reading B: Chapters 1-4

Saturday, January 2, 2010 - 9:00 a.m. – 4:30 p.m.

Overview of Conflict and Dispute Settlement Processes
Introduction to Negotiation
Introduction to Mediation and the Role of the Mediator

Assignment for Sunday, January 3:

Reading A: Chapter 7 (pages 357-81)

Reading B: Chapters 5-7

Sunday, January 3, 2010 - 9:00 a.m. – 4:30 p.m.

Beginning the Mediation Session
Accumulating Information: What Do Mediators Listen For?
Diversity Impact on Process

Assignment for Monday, January 5:

Reading A: Chapter 4 (pages 150-77)

Reading B: Chapters 8-9

Monday, January 4, 2010 - 9:00 a.m. – 4:30 p.m.

Developing and Structuring the Negotiating Agenda
Techniques for Generating Movement

Assignment for Wednesday, January 6:

Reading A: Chapter 5 (Section B, E, F); Chapter 6 (Section C)

Reading B: Chapter 10

Preparation for group presentation

Wednesday, January 6, 2010 – 9:00 a.m. – 4:30 p.m.

Conducting the Caucus
Group Presentations: Law and Policy Issues

Assignment for Thursday, January 7:

Reading A: Chapters 8 (Section B, C); Chapter 9 (Section C)

Reading B: Chapter 11-12

Thursday, January 7, 2010 – 9:00 a.m. – 4:30 p.m.

Closing the Mediation Session
Drafting Agreements
Representing Clients in Mediation
Ethical Issues for the Mediator
Designing Mediation Programs

Assignment for Friday, January 8
Reading A: Chapter 10

Friday, January 8, 2010 – 9:00 a.m. – 4:30 p.m.

Minnesota Rules, statutes and practices governing mediation
Mediation Simulations
The Possibilities and Limits of Mediation

GRADING

Grades for degree-seeking students will be based on the following elements with the designated weights:

1. Class participation: 20%
2. Take-home Exam: 80%. The final exam will be based on the syllabus readings and various simulations conducted in class. The exam can be downloaded from the TWEN website at any time until 12pm on January 14, 2010, and must be submitted/uploaded within eight hours of the time when it was downloaded to the TWEN Assignment Drop-Box. Please keep a copy of your exam. Grading is anonymous and consequently students should only include their exam number on their exam (instructions provided below for finding your final exam number.) The final exam will designate maximum word limits for answers to respective questions.

Attendance at ALL class sessions is required.

Written assignment: Only degree-seeking students, including Certificate students, must complete the final paper.

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 Pipeline (http://www.hamline.edu/homepage_items/home/pipeline.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 access to TWEN, contact Debra Berghoff at 651.523.2946 or dberghoff@hamline.edu.