

**ADR and Technology**  
***Hamline University School of Law – Spring 2009***

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**Required Reading:** 1) **Online Dispute Resolution: Resolving Disputes in Cyberspace** by Ethan Katsh and Janet Rifkin; published by Jossey-Bass (2001)

2) **Online Dispute Resolution for Business** by Colin Rule; published by Jossey-Bass (2002)

3) **Cyberjustice** by Lucille M. Ponte and Thomas D. Cavenagh (2005)

4) **The Making of Second Life: Notes from the New World** by Wagner James Au, published by HarperCollins, (1<sup>st</sup> edition, 2008), ISBN 978-0-06-135320-8.

Syllabus revisions that are made during the semester will be posted on TWEN, so please always refer to TWEN for the most up-to-date copy of the syllabus.

Because the schedules of both the international competitions and the invited speakers may require us to make accommodations, it is likely that the syllabus will change during the semester.

**Goals and Objectives:** This course examines how technology can facilitate dispute resolution. This was the first full-semester, fourteen week ADR and Technology course taught in an American law school and still is one of the only, if not the only, course of its nature. The Hamline University School of Law is universally acknowledged both nationally and internationally as a leader and innovator in the dispute resolution field and this course is an example of that leadership. This course is taught in a computer lab and it truly is a hands-on, experiential course. Students will analyze online dispute resolution platforms that already exist and each student will have an opportunity to resolve disputes using those platforms.

Because Online Dispute Resolution is still relatively new and constantly evolving, a single comprehensive textbook does not exist. We will, however, read several books written by pioneers in the field and those authors may make an appearance during this course via video conferencing.

It was anticipated that students would participate in the International Competition for Online Dispute Resolution (ICODR). Professor Larson was one of the founders of this competition and law schools from around the world participate, providing a unique cross-cultural international dispute resolution opportunity for the students. Participants' names and the competition results were published

internationally on the website [www.odr.info](http://www.odr.info). (The website is maintained by the Center for Information Technology and Dispute Resolution (CITDR) at the University of Massachusetts.) As part of this course we will review and analyze competition transcripts from previous years.

Since 2007, however, ICODR has taken a sabbatical and there may not be an ICODR international competition this year. In the alternative, we probably will participate in an online international negotiation with foreign law students through the eNegotiation competition.

Students will use and critically evaluate different audio, video, and text based technologies that can assist in resolving disputes, will become familiar with several existing dispute resolution software programs that are available commercially, will study and discuss current literature concerning technology mediated dispute resolution, will participate in an international technology mediated dispute resolution competition, and will be expected to use video and audio technology for a presentation to the entire class.

Each student will submit a written paper (at least 4,000 words in length) and make a formal presentation to the class at the end of the semester. The student may select a particular subject that he or she finds interesting (subject to the approval of Professor Larson). The students are encouraged to use the technology and media that they believe will support their presentation.

**Attendance Policy:** Fourteen class sessions are scheduled. **Two or more absences will be considered excessive.** Attendance will be taken by circulating the Registrar's attendance sheet. If a student misses two classes, that student will be required to write and submit a 1,000 word paper that discusses one of the issues covered in the classes the student missed. The topic of that paper will be determined by Professor Larson. **Three or more absences will be brought to the attention of the Associate Dean and may result in a course withdrawal (W) or a failing grade (F).**

**Testing and Grading:** Students will be graded primarily based upon their written paper and presentation. Additional credit may be given for students who make significant substantive contributions during our weekly class meetings. Although no changes are anticipated, if the grading criteria does change then any change will be brought to the students' attention during class and also posted on TWEN.

Papers must be at least 4,000 words in length and must be turned in at the law school Registrar's office by 4:00 p.m. on the last day this class meets. **If a paper is submitted after the deadline, the grade will be reduced as follows.** Late paper grades will be reduced one grade level for each day the paper is late. For example, a B+ will become a B if it is one day late. If a paper is two days late, then a B+ paper will be given a B-.

We will spend a substantial amount of time online. **If a student uses classroom time to read or send e-mail messages, visits web sites that the class has not been instructed to visit at that particular time, or engages in any other online or technology based activities (including cellular telephones and text messaging) not directly related to the current classroom discussion, that student will be warned on time. If there is a second violation of this policy, that student will be asked to drop the course and will not receive academic credit for the course.**

### **Assignments**

**Jan. 22** – Discuss Online Dispute Resolution: Resolving Disputes in Cyberspace by Ethan Katsh and Janet Rifkin - Introduction and Chapters 1 – 3.

Professor Larson's ADR and Technology powerpoint presentation.

**Jan. 29** –

1) Finish discussion of Online Dispute Resolution: Resolving Disputes in Cyberspace Chapters 4 – 6.

2) Read two articles:

A) [Technology Mediated Dispute Resolution \(TMDR\): A New Paradigm for ADR](#)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=944932](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=944932)

B) [Technology Mediated Dispute Resolution \(TMDR\): Opportunities and Dangers](#)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=962595](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=962595)

The links above will take you to the abstract page. Click the "Download" link at the top of the pages and you will be able to access and download the full article.

Be certain to reserve enough time – the articles are fairly long.

C) Go to <http://www.aim.com/download.adp>

We will use AOL instant messaging in-class for a negotiation exercise