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


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

Syllabus revisions that are made during the course will be posted on TWEN, an online platform that will be explained the first day of class. So please always refer to TWEN for the most up-to-date copy of the syllabus. Because the schedules of the invited speakers may require us to make accommodations, it is likely that the syllabus will change during the course.

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 (and literally) 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.

The term commonly used to describe circumstances when technology assists dispute resolution is “Online Dispute Resolution (ODR ).” A more descriptive and inclusive phrase is “Technology Mediated Dispute Resolution (TMDR).” We will read two books written by pioneers in the field (Katsh/Rifkin and Rule), a third book will serve as our core text, and we also will review two articles that are available on TWEN.

Professor Larson was one of the founders of the International Competition for Online Dispute Resolution (ICODR) 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 are published internationally on the website 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.

Each student will submit a written paper (at least 5,000 words in length) and make a formal presentation to the class at the end of the course. Students should integrate the assigned readings into their papers. The student may select a particular subject that he or she finds interesting (subject to the approval of Professor Larson). Students are encouraged to use the technology and media that they believe will support their presentation.

**Attendance Policy:** Six class sessions are scheduled. **One absence will be considered excessive and will be brought to the attention of the Director, possibly resulting in a course withdrawal (W) or a failing grade (F).**

Attendance will be taken by circulating the Registrar's attendance sheet.

**Testing and Grading:** Students will be graded primarily based upon their written paper. Additional credit may be given for students who make significant substantive contributions during our weekly class meetings or who make an outstanding presentation. 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 5,000 words in length and must be turned in at the law school Registrar’s office by 4:00 p.m. on June 11th, 2008 (two weeks after the last classroom meeting). Students not residing in the Twin Cities may mail their exam to Debra Berghoff, Dispute Resolution Institute, 1536 Hewitt Avenue, St. Paul, MN 55104. Submissions must be sent via two-day mail and postmarked no later than June 11, 2008 (it is recommended that you obtain a receipt from the post office in case you need to verify that the paper was mailed on time). 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) not directly related to the current classroom discussion, then that student will be asked to drop the course and will not receive academic credit for the course.**

**Advance assignments**

1) Please read Online Dispute Resolution (Katsh and Rifkin) pages 1 – 162.

2) Please register for a new email address with AIM at:
http://www.aim.com/get_aim/win/latest_win.adp

We will engage in an online exercise during our first class and we will need to use the same e-mail service provider.

3) Read Online Dispute Resolution for Business (Rule) pages 1 – 120.

Assignments

May 19

1) Discuss Online Dispute Resolution: Resolving Disputes in Cyberspace by Ethan Katsh and Janet Rifkin.

2) Professor Larson's ADR and Technology PowerPoint presentation.

3) Complete online negotiation exercise – you must register with AIM in advance of class (please note the advance assignment above). We also will prepare a worksheet in anticipation of working with Smartsettle. We will need one copy for each side with each student’s contact information.

4) Discuss pages assigned in Online Dispute Resolution for Business (Rule).

5) Explore www.odr.info

6) Analyze www.themeditationroom.com

May 20

1) Before today’s class read the following two articles:

A) Technology Mediated Dispute Resolution (TMDR): A New Paradigm for ADR

B) Online Dispute Resolution: Do You Know Where Your Children Are?

Download at http://ssrn.com/author=709717

Scroll down - the download links are on the lower half of the page.

Be certain to reserve enough time – the first article is fairly long.

2) We will meet in small groups to discuss your proposed paper and presentation topics. You do not need to come with your final topic, but you should come to class with an idea that is sufficiently defined that you at can present your idea to your classmates for discussion. You will be able to revise your proposal, but we
need to start thinking seriously about your paper topics.

3) Before today’s class read Chapters One, Two and Six in our textbook Cyberjustice pp. 1 – 36, 100 - 118 and prepare to discuss the chapters in class.

4) We will go online and participate in an online dispute resolution process using www.icourthouse.com. We also will explore and compare www.legalvote.com www.ejur.com, and www.virtualjury.com

5) Introduction to the negotiation software Win² (WinSquared) http://www.winxwin.com/. Professor Larson will demonstrate the software. Students will take the Guided Tour, complete the Skills Assessment, and complete all the e-Learning courses.

6) If time permits, then students will try to settle a hypothetical dispute using Win².

May 21

1) Before today’s class read Chapters Three and Four in Cyberjustice pages 38 – 80 and prepare to discuss the chapters in class.

2) Carissa Boynton from Smartsettle.com will join us from Vancouver, Canada to provide an introduction to Smartsettle and an opportunity to experiment with the software. Smartsettle is conflict resolution software that is noteworthy because, unlike other dispute resolution software and online platforms, it utilizes technology to enhance (and not merely facilitate) problem solving.

3) Download and read the article “Technology Mediated Dispute Resolution (TMDR): Opportunities and Dangers” at http://ssrn.com/author=709717 . As you did the previous time, please scroll down the web page to find the link for downloading the article.

3) We may attempt a negotiation using Win Squared.

4) We will assign dates for student presentations to be made on May 28th.

Students will not need to have their papers completed until June 11th. Again, students should integrate the assigned reading material into their presentations and papers.

May 22
1) Before class read Chapters Five, Seven and Eight in Cyberjustice pages 82 – 99, 119 - 152 and prepare to discuss the chapters in class.

2) Before class read the American Bar Association Recommended Practices for ODR Service Providers (Appendix p. 153 in Cyberjustice) and be prepared to discuss in class.

3) Explore the Internetbar.org at


http://iboinsitute.org

4) Review the blind bidding online dispute resolution platform

www.cybersettle.com

**May 27**

1) Choose avatars that we will use for a dispute resolution exercise. Present yourself as your avatar in a virtual environment (There.com or Second Life) and meet with the avatar of a pre-assigned partner to resolve a hypothetical problem that Professor Larson will distribute.

2) Read pages 229 - 301 in Online Dispute Resolution for Business (Colin Rule) and prepare to discuss the pages in class.

3) Analyze international online dispute resolution web sites.

**May 28**

Student presentations