

MEDIATION THEORY AND PRACTICE
PROFESSOR ALFINI
SPRING 2015
TUESDAY & THURSDAY; 5:30 – 7:00 pm

DESCRIPTION

This three credit course examines mediation theory and practice. A variety of readings, exercises and role-plays will be employed to encourage rigorous analysis of mediation concepts and critical assessment of the application of these concepts in practice. Topics to be covered include negotiation theory, stages of the mediation process, ethical issues in mediation, bringing parties to agreement, legal issues in mediation, dealing with power imbalances, and the lawyer's role in the mediation process. Students will participate in exercises at various stages of the mediation process. **Enrollment is limited to 24 students.**

REQUIRED TEXT

Alfini, Press, and Stulberg, Mediation Theory and Practice Third Edition (Lexis Law Publishing, 2013)

TEXAS CERTIFICATION

Students seeking Texas certification **must attend every scheduled class and engage in a graded role-play**. There will be limited exceptions to this rule. If allowed, only one absence will be permitted and a make-up will be scheduled for this purpose. The role-plays and self-critiques will be graded by Professors Alfini.

FINAL GRADE

In computing the final grade for this course, points will be assigned as follows:

In-class performance	0 – 30 points
Graded role-play and written self-critique	0 – 30 points
Paper	0 – 40 points

Each student must submit a paper on the final day of class. The paper should address a topic pre-approved by Professor Alfini, and be 7 – 10 pages (not including footnotes), double-spaced, 12 point font. A non-exclusive list of acceptable topics is attached to this syllabus.

ASSIGNMENTS

CHOSEN FEW

(Note: Page references are to Alfini, Press, and Stulberg unless otherwise indicated)

January 15

Introduction pp. 1 – 27 (skim);
Negotiation Theory 27 – 53;

January 20, 22

Negotiation Theory (cont.) pp. 53 – 102; 575 - 578
Mr. Spradling, Ms. Weaver,
Mr. Wells, Mr. Zamorano

January 27, 29

The Mediation Process pp. 103 – 136
Mr. Patel, Ms. Petry,
Ms. Pursley, Mr. Sedita

February 3, 5

Mediator Roles,
Orientations, & Styles pp. 147 – 183; 141 - 145
Mr. Marcadis, Ms. McRae,
Mr. Nabhan, Mr. Nelson

February 10, 12 [Paper outline and references due on Feb. 10]

Students discuss paper topics (**BRING TWO COPIES OF OUTLINE TO CLASS**)

February 17, 19 [Overview of Recording & File Saving]

Mediator Roles,
Orientations, & Styles (cont.) pp. 183 – 203; 137 - 141
Ms. Holmes, Mr. Hutchins,
Mr. Lewis, Mr. Maldonado

February 24, 26

Confidentiality pp. 205 - 248;
677 - 683
Mr. Ellery, Ms. Fields,
Mr. Gelina, Mr. Hill

March 3, 5

Mediation Advocacy pp. 553 – 575
Mr. Anderson, Mr. Bhalesha,
Mr. Caminos, Mr. Colvin

March 10, 12

Mr. Spradling, Ms. Weaver,
Mr. Wells, Mr. Zamorano

Confidentiality (cont.) pp. 241 – 283

March 24, 26

Mediation in Good Faith/
Enforcement of Mediated
Agreements pp. 287- 337

Mr. Patel, Ms. Petry,
Ms. Pursley, Mr. Sedita

March 31, April 2

Diversity, Power, Justice pp. 353 – 412

Mr. Marcadis, Ms. McRae,
Mr. Nabhan, Mr. Nelson

April 7, 9

Ethical Issues pp. 413 - 461;
603 - 609; Handout

Ms. Holmes, Mr. Hutchins,
Mr. Lewis, Mr. Maldonado

April 14, 16

Special Practice Areas

Guest Speakers

April 21, 23

Institutionalization of
Mediation pp. 463 – 532

Mr. Ellery, Ms. Fields,
Mr. Gelina, Mr. Hill

April 28

Mediation in Many
Contexts pp. 579 - 602

Mr. Anderson, Mr. Bhalesha,
Mr. Caminos, Mr. Colvin

INSTRUCTIONS FOR GRADED ROLEPLAY

Each student will have an opportunity to serve as a mediator over the course of the semester. For the graded role-play, students will need to have their role-play videotaped. Following the mediation, you should view the videotape and prepare a written critique of your performance. **The critique should be between three to five double-spaced, typewritten pages.** The student should then present the video and written critique to Professor Alfini **within one week of the mediation** and arrange for a time for de-briefing. The de-briefing sessions will be conducted by Professor Alfini.