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Perspectives on Conflict Resolution

Spring 2014

Law 790-1013

PART I. COURSE OVERVIEW

The legal profession is about solving problems and helping clients resolve disputes. This course will introduce you to the broad spectrum of dispute resolution processes societies use to resolve conflict between individuals and groups. You will study theories of conflict and conflict resolution and explore how different models for resolving conflicts advance societies' concepts of fairness and justice. Through film and selected readings, the course will present examples of conflicts in a variety of different contexts, such as criminal offenses, business and environmental disputes, family conflicts, and state-sanctioned violence. You will be asked to examine critically the strengths and limitations of different approaches to conflict resolution and to consider how to match conflicts with appropriate conflict resolution processes.

You will have the opportunity to work with a group of your peers to research a specific topic that addresses a type of conflict and/or method of conflict resolution, to present your findings as a group to the class using PowerPoint and other technology, and to engage in discussion with the rest of the class on the topic presented. There will be a final in-class written exam for the course.

COURSE MATERIALS

Materials will include excerpts from books, cases, law review articles, statutes, news articles, and radio. All excerpted materials will be on the course TWEN page in the section entitled "course materials." **Be sure to have reading materials with you in class.** Film screenings will be arranged with the assistance of library faculty in the Weiner-Rogers Law Library.

POLICIES AND PROCEDURES

1. Class will begin promptly. Please arrive on time. If for some reason you have to be late, please enter the room quietly.
2. You are required to attend class and to be prepared for every class. An attendance sheet will be circulated in every class. Please do not sign anyone else's name but your own. If you do have a very good reason to miss a class, please let me know your reason for missing. I will determine whether your absence is excused. In any event, if you miss more than five classes, excused or unexcused, you may be removed from the class.

GRADING AND ASSIGNMENTS

1. Preparation, Attendance, Class Participation/Discussion: 30%

This grade includes your attendance record, the quantity and quality of your class discussion and TWEN posts and how well prepared you are for the discussion.

Reading and Films. Assigned readings are provided for each class and films are integrated into each unit. Please note that the reading schedule is subject to modification; however, any changes will be made at least one week in advance. You are not required to view all films but are expected to view **at least four** during the course of the semester. Film screenings will take place in the Weiner-Rogers Law Library on Mondays and Wednesdays from 3 – 5 p.m.; there will be a sign-in sheet. Some films may also be checked out or viewable online. A more detailed schedule will be provided in the first week of classes.

Discussion Board Postings. Postings are supposed to be fun and they provide an opportunity to bring current events into the class. They can also be an opportunity to raise questions or make comments about films or readings. You are responsible for posting on TWEN **at least two** times throughout the semester. You will sign up for dates to post for particular classes (see sign-up sheet passed around first day of class). The postings shall be submitted by Friday at 5PM before our Monday class, and by Monday at 5PM before our Wednesday class. Enter the postings in the forum section of TWEN, entitled "Forums." Post something you have found that is interesting in the popular press, YouTube, etc. (or elsewhere) that is relevant to conflict or a model of conflict resolution. It should be short because all students will be expected to read or view or listen to the posts, which can be a very brief article (no more than 1-2 pages), photograph, short video, or audio clip. In class, we will take time to discuss the different postings.

2. Group Presentation (includes meeting all deadlines): 30%

Every student will be a member of a group (of 3 or 4 students) that prepares a PowerPoint/visual or video presentation on a topic related to conflict resolution. Each

presentation will focus on a type of conflict, explore the underlying problem at the heart of the conflict, and consider possible models for conflict resolution. A list of possible topics will be provided but you are encouraged to pursue one that most interests you. Each presentation will include a PowerPoint and visual aids. Both individual and group grades will be given. As a group, you will be graded on the substance of the presentation, the research you have done, the effectiveness of the readings you have assigned to the other students, how appealing your presentation is, the interest the presentation spurred, etc. Individuals will be graded on their individual efforts such as research, technology, presentation style, substantive analysis, effort and cooperation with group members. The individual and group grades will have equal weight (i.e. each is 50% of the final presentation grade). The final grade for the presentation will include meeting all deadlines.

Proposed Presentation Description. This is a one page, typed & double spaced, description of the topic your group intends to present to the class. It should include the topic, a description of how your topic will link concepts of conflict, conflict resolution, fairness and justice to law, and at least two or three sources that you have consulted to begin your research. **Due by e-mail to Professor Nussbaum before 11:59 p.m., Monday, February 17th.**

Presentation Plan. This is a more comprehensive plan for your presentation. In order to do this, you should have put in considerable hours of research, discussion with others in the group, and planning. This plan explains the research you have undertaken, the books, articles, cases, and media sources you have consulted as well as your plan for future research, discussion, and planning. It should also discuss the technology that you hope to use in your presentation. The plan should be about 3 pages, typed & double spaced. **Due by e-mail to Professor Nussbaum before 11:59 p.m., Friday, March 14th.**

Group Presentation. At least seven days before the presentation, your group will post on the forum in TWEN entitled “readings for presentations” a reading assignment that will orient the rest of the class so they can discuss and understand your topic. The reading assignment may include cases, an article or two, a statute, portions of a book, news or magazine articles, etc. It should be designed to pique your fellow students’ interest, give them a background on the substance you are going to present, and stimulate discussion; readings should require no more than 30 – 40 minutes to complete.

Each presentation with questions and comments should take no more than 40 minutes. (This means that your presentation itself should be about 25 minutes). Be sure to leave time for questions and discussion. Time will be strictly kept. On the day that the presentation is given, your group will give to Professor Nussbaum, via email, a one-page typed description of the portions of the presentation for which each of the presenters was responsible. Each will also fill out a form commenting on the other members of the group’s efforts and achievement. (The form will be made available.) Also, please email a bibliography of your sources for the presentation.

3. Final Exam: 40%

This will be an in-class written exam. A list of sample questions will be made available to students in advance.

DISABILITY STATEMENT

Disability Resource Center (DRC) – The UNLV Disability Resource Center (SSC-A 143, <http://drc.unlv.edu/>, 702-895-0866) provides resources for students with disabilities. If you feel that you have a disability, please make an appointment with a Disabilities Specialist at the DRC to discuss what options may be available to you. If you are registered with the UNLV Disability Resource Center, bring your Academic Accommodation Plan from the DRC to the law school Registrar's office to develop strategies for implementing the accommodations to meet both your needs and the requirements of the course.

If you have any questions or problems, feel free to contact me by e-mail, lydian@unlv.nevada.edu or by phone, 895-2454 (office), and feel free to make an appointment or find me in my office, Room 457.

PART II. ASSIGNMENTS

I. Understanding Conflict in Society

Class 1: Wednesday, January 22

Welcome, Introductions, and *what is conflict?*

- Carrie Menkel-Meadow, *Conflict Theory*, in *ENCYCLOPEDIA OF COMMUNITY: FROM THE VILLAGE TO THE VIRTUAL WORLD* 323-326 (Karen Christensen & David Levinson, eds., 2003) [excerpts on TWEN].
- Mary Parker Follett, *Constructive Conflict*, in *MARY PARKER FOLLETT: PROPHET OF MANAGEMENT: A CELEBRATION OF WRITINGS FROM THE 1920S* 67-82 (Pauline Graham ed., 1995) [excerpts on TWEN].

Class 2: Monday, January 27

Disputes as social constructs

- William L.F. Felstiner, Richard L. Abel & Austin Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming...*, 15 *LAW & SOC'Y REV.* 631 (1980/1981) [excerpts on TWEN].
- TWEN discussion board

Class 3: Wednesday, January 29

Law and the legal system as society's way of managing conflict

- Robert Post, *Law and Cultural Conflict*, 78 *CHICAGO-KENT L. REV.* 485, 485-494 (2003).
- H. L. A. Hart, *THE CONCEPT OF LAW* 189 – 195 (1961) [excerpt on TWEN].
- P.H. Gulliver, *Case Studies of Law in Non-Western Societies*, in *LAW IN CULTURE AND SOCIETY* 13-23 (Laura Nader ed., 1997) [excerpt on TWEN].
- TWEN discussion board

II. Models for Conflict Resolution and Theories of Justice

Film Screenings: *Red Hook Justice* (2004)

Class 4: Monday, February 3

Theories of Justice

- H. L. A. Hart, *THE CONCEPT OF LAW* 151 – 155 (1961) [excerpt on TWEN].
- "Justice" in *PSYCHOLOGY FOR LAWYERS* (Jennifer K. Robbennolt and Jean R. Sternlight, eds. 2012) at 171-185 [excerpts on TWEN].

- Jonathan M. Hyman & Lela P. Love, *If Portia Were a Mediator: An Inquiry into Justice in Mediation*, 9 CLIN. L. REV. 157, 157-174 (2002) [excerpts on TWEN].
- TWEN discussion board

Last 10 minutes of class: Determining Presentation Groups

Class 5: Wednesday, February 5

Communitarian/Horizontal models of dispute resolution

- Jerold S. Auerbach, *JUSTICE WITHOUT LAW* (1983), *Introduction*.
- Hon. Robert Yazzie, *"Life Comes From It": Navajo Justice Concepts*, 24 NEW MEX. L. REV. 175 (1994).
- TWEN discussion board

Class 6: Monday, February 10

The Adversarial/Vertical models of dispute resolution

- Bailey Kuklin & Jeffrey W. Stempel, *Law, Dispute Resolution, and the Adversary System*, in *FOUNDATIONS OF THE LAW* 104-122 (1994) [excerpt on TWEN].
- Lon Fuller, *The Forms and Limits of Adjudication*, 92 HARV. L. REV. 353, 381-385, 393-394 (1978) [excerpts on TWEN].
- TWEN discussion board

Class 7: Wednesday, February 12

The American Model: Adversarial Legalism

- Robert Kagan, *ADVERSARIAL LEGALISM: THE AMERICAN WAY OF LAW* 18-33, 104-125 (2001) [excerpts on TWEN].
- Conclusions, Catch-up, and Planning for Group Presentation

Monday, February 17 – No Class – Presidents’ Day

**Proposed presentation descriptions due by 11:59 p.m., Monday, February 17th **

III. Individuals and the State: Crime, Punishment, and Restorative Justice

Film screenings: *Long Road Back: an Ex-Offender’s Struggle for Acceptance* (2009); *The Empty Chair: Four Stories* (2003).

Class 8: Wednesday, February 19

The Problems With Adversarial Models for Convicting and Punishing Criminal Behavior

- Michelle Alexander, *THE NEW JIM CROW* 59-62, 84-103, 142-152, 154-157, 169-172 (2012) [excerpts on TWEN].
- TWEN discussion board

Class 9: Monday, February 24

The Promise and Perils of Other Approaches

- Ellen Waldman, *Restorative Justice and the Pre-Conditions for Grace: Taking Victim's Needs Seriously*, 9 CARDOZO J. CONFL. RESOL. 91, 100-108 (2007).
- Jennifer Gerarda Brown, *The Use of Mediation to Resolve Criminal Cases: A Procedural Critique*, 43 EMORY L.J. 1247, 1254-1259 (1994).
- Richard L. Abel, *The Contradictions of Informal Justice*, in 1 THE POLITICS OF INFORMAL JUSTICE: THE AMERICAN EXPERIENCE 270-272 (Richard L. Abel ed., 1982).
- This American Life, *Very Tough Love*, #430 (Mar. 5, 2011) available at: <http://www.thisamericanlife.org/radio-archives/episode/430/very-tough-love>
- TWEN discussion board

IV. Employment Disputes: Private vs. Public Dispute Resolution

Film screenings: *Collision Course* (1988); *Final Offer* (1985); *Made in L.A.* (2007)

Class 10: Wednesday, February 26

Models for Resolving Employment Discrimination: Arbitration and Mediation

- Geraldine Szott Moohr, *Arbitration and the Goals of Employment Discrimination Law*, 56 WASH. & LEE L. REV. 395, 401-404, 420-447 (1999).
- Owen M. Fiss, *Against Settlement*, 93 YALE L.J. 1073, 1085-1087 (1984) [Justice Rather Than Peace].
- Read about the USPS REDRESS Program and Transformative Mediation at: <http://about.usps.com/what-we-are-doing/redress/about.htm>
- TWEN discussion board

Class 11: Monday, March 3

Practicing Conflict Resolution: Guest Lecturer Ken Cloke

Class 12: Wednesday, March 5

Handling Large Scale Employment Disputes: Guest Lecturer Angela Morrison

- Richard Thompson Ford, *Beyond Good and Evil in Civil Rights Law: The Case of Wal-Mart v. Dukes*, 32 BERKELEY J. EMP. & LAB. L. 513 (2011) [on TWEN].
- Laura Beth Nielsen, Robert L. Nelson & Ryon Lancaster, *Individual Justice or Collective Legal Mobilization? Employment Discrimination Litigation in Post Civil*

Rights United States, 7 J. EMPIRICAL LEGAL STUD. 175, 175-180, 184-196 (2010) [excerpts on TWEN].

- TWEN discussion board

V. Foreclosure Crisis: Mediation as Public Policy

Film Screening: *We All Fall Down: the American Mortgage Crisis* (2009)

Class 13: Monday, March 10

When Existing Legal Remedies Will Not Fix the Problem

- Lydia R. Nussbaum, *ADR's Place in Foreclosure: Remediating the Flaws of a Securitized Housing Market*, 34 CARDOZO L. REV. 1889, 1889-1915, skim 1915-end (2013) [excerpts on TWEN].
- The State of Nevada Foreclosure Mediation Program Rules, amended 2012, available at: <http://www.nevadajudiciary.us/images/foreclosure/adkt435amendedrules.pdf>
- *Fast-Paced Foreclosures: Florida's "Rocket Docket"*, NPR (Oct. 21, 2010) available at: <http://www.npr.org/templates/story/story.php?storyId=130729666>
- TWEN discussion board

VI. Environmental Disputes: Conflict and the Regulatory State

Film Screenings: *Erin Brockovich* (2000); *Burning the Future: Coal in America* (2008); *Lucas v. South Carolina Coastal Council* (2005)

Class 14: Wednesday, March 12

Managing Conflict "Upstream, Midstream, and Downstream"

- Kirk Emerson, Tina Nabatchi, Rosemary O'Leary & John Stephens, *The Challenges of Environmental Conflict Resolution*, in THE PROMISE AND PERFORMANCE OF ENVIRONMENTAL CONFLICT RESOLUTION 3-15 (Rosemary O'Leary & Lisa Bingham, eds. 2003) [excerpts on TWEN].
- *Anadarko Petroleum Corp.*, 181 Interior Dec. 388 (IBLA 2012) [on TWEN].
- U.S. Institute for Environmental Conflict Resolution, Case Briefs (<https://www.ecr.gov/Projects/Projects.aspx>)
- TWEN discussion board

Presentation Plans due by 11:59 p.m. on Friday, March 14th

Monday, February 17 & Wednesday, February 19 – SPRING BREAK – No class

VII. Real Estate Development Disputes: Giving Voice to Marginalized Communities

Film Screening: *Flag Wars* (2003); *Delivering a New Downtown* (2013-Vegas PBS)

Class 15: Monday, March 24

Guest Lecturer: Prof. Ngai Pindell

- Barbara Bezdek, *To Attain “The Just Rewards of So Much Struggle”: Local-Resident Equity Participation in Urban Revitalization*, 35 HOFSTRA L. REV. 37, 43-36, 55-70 (2006) [excerpts on TWEN].
- Scott Cummings, *Community Benefits Agreements* (with Benjamin S. Beach), in COMMUNITY ECONOMIC DEVELOPMENT LAW: A TEXT FOR ENGAGED LEARNING 322-333 (Susan Bennet, Brenda Bratton Blom, Louise Howells & Deborah Kenn eds., 2012) [excerpts on TWEN].
- Timothy Pratt, *What Happens In Brooklyn Moves to Vegas*, N.Y. TIMES (Oct. 19, 2012), available at <http://www.nytimes.com/2012/10/21/magazine/what-happens-in-brooklyn-moves-to-vegas.html?pagewanted=all&r=0>.
- TWEN discussion board

VIII. Family Conflicts: Who Decides What is in the “Best Interest” of the Family?

Film Screenings: *Kramer vs. Kramer* (1979); *Divorce, Shari’a Style* (2008); *Failure to Protect: The Taking of Logan Marr Parts I & II* (2008)

Class 16: Wednesday, March 26

Divorce and Child Custody

- Andrew Shepard, CHILDREN, COURTS AND CUSTODY: INTERDISCIPLINARY MODELS FOR DIVORCING FAMILIES 8-26, 45-67(2004) [excerpts on TWEN].
- Sample Parenting Plan [on TWEN].
- TWEN discussion board

Class 17: Monday, March 31

Informal Processes and Family Violence

- Nancy Ver Steegh, *Yes, No, and Maybe: Informed Decision Making about Divorce Mediation in the Presence of Domestic Violence*, 9 WM. & MARY J. WOMEN & L. 145, 145-160, 180-206 (2003) [excerpts on TWEN].
- TWEN discussion board

Class 18: Wednesday, April 2

No class – work on presentations

IX. Civil War/Society-Wide Conflict

Film Screening: *Gacaca: living together again in Rwanda?* (2002); *For These Eyes* (1999); *Long Night's Journey into Day* (2000)

Class 19: Monday, April 7

Managing Conflict in a Legal Vacuum

- Phil Clark, THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS xii, 1-4, 12-25, 49-54, 72-80, 111-128 (2010) [excerpts on TWEN].
- TWEN discussion board

Class 20: Wednesday, April 9

Transformative Justice for Societies in Transition

- Priscilla B. Hayner, UNSPEAKABLE TRUTHS: TRANSITIONAL JUSTICE AND THE CHALLENGE OF TRUTH COMMISSIONS 24-49 (2010) [excerpts on TWEN].
- Martha Minow, BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE 9-24 (1999) [excerpts on TWEN].
- Select and read portion of South Africa's Truth and Reconciliation Report, available at <http://www.justice.gov.za/Trc/report/index.htm>
- Watch episode from South Africa Broadcasting Company's Series *Truth Commission Special Report*, available at: <http://sabctrc.saha.org.za/episodes.htm>.
- TWEN discussion board

X. Lawyering, Clients, and Appropriate Dispute Resolution

Class 21: Monday, April 14

Counseling Clients: Diagnosing the Dispute and Finding an Optimal Process

- Frank E. A. Sander & Lukasz Rozdeiczer, *Matching Cases and Dispute Resolution Procedures: Detailed Analysis Leading to a Mediation-Centered Approach*, 11 HARV. NEGOT. L. REV. 1, 10-32 (2006).
- TWEN discussion board

Class 22: Wednesday April 16

Representing Clients in Informal Processes

- Jean R. Sternlight, *Lawyer's Representation of Clients in Mediation: Using Economics and Psychology to Structure Advocacy in a Non-Adversarial Setting*, 14 OHIO ST. J. ON

DISP. RESOL. 269, 275-297 (1999).

XI. Group Presentations

Class 23: Monday, April 21

Student Group Presentations

- Read materials assigned by student presenters.

Class 24: Wednesday, April 23

Student Group Presentations

- Read materials assigned by student presenters.

Class 25: Monday, April 28

Student Group Presentations

- Read materials assigned by student presenters.

Class 26: Tuesday, April 29

Student Group Presentations

- Read materials assigned by student presenters.
- List of sample exam questions posted on TWEN.

Final Exam: Monday, May 12th @ 1 p.m.

Professor Lydia Nussbaum
UNLV Boyd School of Law
Law 790-1013

Group Presentation Assignment

I. Goals of Assignment

- A. To offer you an opportunity to research and examine in depth an issue of interest to you relating to a type of conflict or method of conflict resolution.
- B. To share with other students the fruits of your research.

II. Assignment

With 2 or 3 colleagues from the class, select an area of conflict or a type of conflict. Research the history and background of the conflict, important components and key dynamics of the conflict, available methods for resolving the conflict (both within and outside existing legal systems), a critical analysis of those methods, and your group's realistic recommendations for addressing/redressing the conflict. Tie-in the theories of justice and conflict and resolution discussed in the course as you conduct your analysis. Using concrete examples, you will present the conflict, the results of your research, and your analysis and recommendations to the class. Your group will select and assign materials (via TWEN) for the class to read in advance of the presentation. Your group should use PowerPoint or other visual aids for the presentation. Presentations should be about 40 minutes – 25 minutes to present and 15 minutes for group discussion.

III. Deadlines

- A. Proposed Presentation Description: Due Monday, Feb. 17th by email before 11:59 p.m.

Your group will submit a one-page, typed description of the topic you intend to present to the class and the names of the people in your group. Your description, in paragraph or outline form, should include the topic, a description of how you will analyze the conflict and/or the themes your group intends to explore, and at least three sources that evidence initial research of the topic. You will receive written feedback.

B. Presentation Plan: Due Friday, Mar. 14th by email before 11:59 p.m.

The presentation plan is a 3-to-4-page comprehensive plan for the presentation that includes your group's analysis, research results, and authorities used/consulted. In order to do this, you should have put in considerable hours of research, group discussion, and planning. This plan explains the research you have undertaken, the books, articles, cases, and media sources you have consulted as well as your plan for future research, discussion, and planning. It should also discuss the technology that you hope to use in your presentation. Works consulted or cited need not be in correct bluebook form but should clearly indicate the quality and quantity of sources upon which your group has relied.

C. Readings/Assignment for Presentations: Due at least 7 days before presentation.

Your group will post on TWEN a reading assignment or other materials to orient the rest of your class members so they can discuss and understand the topic. The assignment could include cases, an article or two, a statute, portions of a book, news or magazine articles, video, etc.

D. Bibliography, Evaluation form, Description of Division of Labor: Due day of Presentations, Apr. 21, 23, 28 & 29*

* Tuesday April 29th follows a Monday schedule, class @ 10:25 a.m.

On the day of your presentation, your group must provide via email, i) a one-page typed description of the portions of the presentation for which each of the presenters in the group was responsible and ii) a complete bibliography of the sources your group used for the presentation.

You must also complete a form commenting on the other members of the group's efforts and achievement and submit that form individually (the form will be provided).

IV. Evaluation Criteria

Your grade for this assignment will be a combination of the overall group presentation and your individual contributions. A breakdown of the criteria is outlined below.

Group grade (50%)

- Originality and Development of Topic

- Research (accurate use of most current authority; diversity of sources; use of primary sources where appropriate; adequate authority throughout)
- Analysis and Synthesis (sound development of ideas and use of primary and secondary sources to illuminate analysis)
- Content of presentation (substantive, coherent, in-depth)
- Delivery of presentation (organization; style; brevity; clarity; appeal and ability to spur interest)
- Readings assigned
- Timeliness in meeting all deadlines

Individual Grade (50%)

- Assistance and Participation in Research
- Substantive Analysis and Development of Ideas
- Contribution to Presentation (technology, order of materials)
- Presentation style
- Effort and cooperation with other group members (based on peer evaluation, form attached)

V. Picking a Topic

You and your group should feel free to be creative and develop a topic for your presentation that most interests all of you. Some questions to get you started . . .

- Are you passionate about a current, ongoing legal dispute in local, state, federal, or international courts?
- Is there a policy question in the public arena (e.g., immigration reform) that you want to explore?
- Are there individuals in the legal profession (judges, juries, prosecutors, defenders, legislators, administrative rule makers) whose roles in a conflict you want to investigate?
- Is there a conflict in a substantive area of the law that attracts you or that you want to learn more about (e.g. patent law and pharmaceutical pricing of anti-retroviral therapy)?
- Is there a type of claim or remedy you want to explore (e.g., tortious alienation of affection)?

You are more than welcome to make an appointment to talk about your ideas for a topic. All topics are subject to approval.

GROUP PRESENTATION – INDIVIDUAL EVALUATION FORM

Evaluate each participant in your group, including yourself. Use a separate form for each person evaluated.

Name of the person you are evaluating: _____

On a scale of 1 to 5, where 1 indicates “poor” and 5 indicates “excellent,” identify the quality of this person’s contributions to the group’s presentation.

1. Research (assistance and participation in) for the presentation

Excellent				Poor
5	4	3	2	1

2. Substantive Development (helped synthesize and analyze research findings, contributed ideas)

Excellent				Poor
5	4	3	2	1

3. Contributions to Presentation (technology, order of materials)

Excellent				Poor
5	4	3	2	1

4. Rate the person’s work with the group (effort, cooperation, availability, etc.)

Excellent				Poor
5	4	3	2	1

5. Rate the person’s overall performance

Excellent				Poor
5	4	3	2	1

Please give any comments you may have about the person’s contribution to the project:

Your name: _____

Signature and date: _____