

DRAFT CONTRACT

MEDIATION Summer 2015

Course Objectives: To introduce students to the process of mediation, through in-class exercises, lecture, discussion, participation in mediation simulations, and written reflection on lessons learned. The primary focus of the class is on the mediator, with emphasis on mediator skills and techniques, and ethical issues. There will also be some discussion of how to work with mediators from the perspective of attorneys and parties.

Law School Learning Outcomes: Legal Analysis, Legal Writing, Client Representation

Course Learning Outcomes: This course supports the Client Representation Learning Outcome. Specifically, students will learn to employ basic mediation techniques. Students will learn and apply strategies for use in different phases and approaches to mediation.

Text: Frenkel and Stark, The Practice of Mediation (Aspen 2d ed 2012)

All reading assignments should be completed before the class for which they are assigned.

Students will participate in three full mediations during the semester. In two of the mediations, they will act as parties or counsel. In the third they will act as mediators. Mediations will take place at the convenience of all those involved. Some class time will be set aside for mediations. Mediation problems will be distributed as per the schedule set forth below.

Grading will be based primarily on two papers. Both papers will be due no later than July 29. Each paper will be worth 45% of the final grade. The remaining 10% of the grade will be based on a brief report on an observation of a real mediation outside of class.

One paper, the Mediator's Self-Evaluation, will include the student's evaluation of his or her performance as a mediator. The paper will also include any agreement reached by the parties, or discuss why no agreement could be reached. The paper should emphasize lessons learned that will be helpful for the future. The Mediator's Self-Evaluation should be 10 to 15 pages in length (double-spaced and typewritten).

The other paper, the Mediation Comparison, will compare the two mediators in the mediations in which the student served as a party. The paper should describe why the mediations proceeded as they did; address topics such as preparation, communication skills, the final result, and the tone and style of the mediations. The paper should emphasize lessons learned that will be helpful for the future. The Mediation Comparison

should be 7 to 12 pages in length (double-spaced and typewritten).

Papers may be submitted in hard copy or electronically.

If a student gets to class after attendance has been taken, the student shall pay a late fee of \$3, which will be used toward the cost of a pizza party at the end of the term. If a student's cell phone rings or otherwise makes a noise other than vibration during class, the fee will be \$5. Fees or IOUs for the fee amount must be deposited in the designated box on the day the fee is incurred. Voluntary donations will also be accepted.

Any student who unreasonably fails to attend a scheduled mediation will pay a fine of \$20. Unreasonable failure to attend is defined as not attending without making a reasonable attempt to give notice of inability to attend when the reason for the conflict is discovered. In other words, when you know you have a problem with the scheduled time, let someone involved in the mediation know as soon as you can. Students have a grace period of 15 minutes from the scheduled start of the mediation.

The attached schedule is incorporated by reference as a part of this contract.

The contract may be amended by a majority vote of the class at any time during the term.

The Professor may be contacted as follows:

(714)628-2527

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The Professor will answer questions by e-mail, which she checks on a daily basis, or in person. You are welcome in her office any time she is there, or ask for an appointment.

Week of	Topic	Reading/Assignment
June 1	Contract; Intro; mediator skills	Ch. 1, 3
June 8	Preparation; early stages	Ch. 4-8 Mediation groups assigned

June 15	Negotiating; finding resolution	Ch. 2, 9-11
June 22	Ethics	Ch. 12 Mediation observations
June 29	Representing Clients in Mediation	Ch. 13
July 6	Open	Mediations
July 13	Open	Mediations
		Papers due by July 29