

JOHN MARSHALL LAW SCHOOL MEDIATION

Spring 2013

Tuesdays 4:00-6:00 P.M
Room TBA

Professor Martin L. Ellin
235 Peachtree Street NE Suite 1750
Atlanta, Georgia 30303
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Syllabus

REQUIRED MATERIAL:

Roger Fisher, William L. Ury and Bruce Patton, GETTING TO YES

CLASS I- August 20

Introduction to Conflict, Dispute Resolution, and the ADR Universe

Reading Assignment: GETTING TO YES text, pages 1-14

Lecture/Class Discussion:

Review the outline of the course and expectations, “ground rules” and requirements for completion of the course. Review GAODR standards for Certification.

Discussion of the nature, dynamics and impact of conflicts and disputes. Full-class conflict exercise. Traditional means of compromise, resolution and settlement are contrasted with more constructive and creative dispute resolution processes.

CLASS II- August 27

The Mediation Process; Mediator Mindset and Skills

Reading Assignment: None

Live Mediation demonstration and review. Begin the consideration of a Mediator’s skill-sets.

CLASS III- September 3 FIRST PAPER DUE AT BEGINNING OF CLASS

Getting to the Mediation Table; Beginning the Mediation; Building Trust; Information Gathering

Reading Assignment: GETTING TO YES text, pages 15-39

Lecture/Class Discussion:

Begin discussion of and practice of mediation process from preliminary matters to Mediator's Opening Statement through Parties' Opening Statements.

CLASS IV- September 10- Continuing the Mediation Process: Identification of Issues and Interests: Need Exploration Skills and Negotiation Dynamics

Reading Assignment: GETTING TO YES text, pages 40-93

Lecture/Class Discussion:

Introduce Need Exploration inquiry. Continued discussion of and practice of mediation process through Joint Discussion.

CLASS V- September 17- Continuing the Mediation Process; Communication Skills

Reading Assignment: None

Lecture/Class Discussion: Consideration of next stage of mediation, Caucus. Continue Need Exploration discussion through skill set exercise. Consider Communication skills especially important to a Mediator.

CLASS VI- September 24- Continuing the Mediation Process; Style Assessment

Reading Assignment: GETTING TO YES text, 95-148

Lecture/Class Discussion: Consideration of final stages of Mediation, Reconvening Agreement Writing; Agreement Writing Exercise. Consider question-asking skills and the role of creativity in problem solving; examine a variety of methods for identifying and dealing with an impasse in the mediation session. Take and review Gregorc Style Assessment, underscoring the importance of neutrality and tolerance.

CLASS VII- October 1- Mediation Observation

No Reading Assignment. View and discuss recorded Mediation demonstration.

**CLASS VIII- October 8- Guest Lecture: Diversity Awareness;
“Gender” at the Mediation Table**

Reading Assignment- GETTING TO YES text, pages 148-187

CLASS IX- October 15- Legal and Ethical Considerations

Reading Assignment: Georgia Alternative Dispute Resolution Rules, Appendix C- Ethical Standards for Neutrals; Ethics Procedures; OCGA 24-4-408; Federal Rule of Evidence 408

Lecture/Class Discussion:

Examination of the status of ethical codes and standards of practice for mediators, private providers, and advocates; Consider Appendix C from www.gadr.org. Focus on issues of confidentiality.

CLASS X- October 22- Lecture and Q&A with panel of experienced Atlanta Mediators

Reading Assignment- None

CLASS XI- October 29- First Role Play by class member

Reading Assignment- None

Lecture/Class Discussion:

Wrap-Up: Common Mistakes and Common Sense

CLASS XII, XIII, XIV- November 2- Role Plays

All students will participate in a role play that will include a Mediator, a Complainant and a Respondent. PLEASE KNOW YOUR ROLE EXTREMELY WELL BEFORE THE ROLE PLAY!!

COURSE NOTES:

The syllabus may change slightly to comply with training guidelines and/or to accommodate the schedule of guest lecturers and panelists.

ATTENDANCE:

Role will be taken in each class. Attendance of each class is highly recommended. To satisfy the requirements of John Marshall Law School, students must attend at least 12 of the semester’s 14 classes. To receive a training Certificate and to qualify to register as a mediator with the Georgia Office of Dispute Resolution, students

must attend **all** classes, because the Georgia Office of Dispute Resolution requires, *inter alia*, 28 hours of mediation training.

GRADING POLICY:

This is a pass/fail class. To pass this class, students must complete the following:

- I. Required Observation of Two Mediations, one live and one videotaped.
- II. Written Analysis of August 27 Mediation demonstration- Due at start of class on September 3. E-mail submission of the paper to mellin@avlf.org is strongly preferred. So is excellent spelling, and attention to grammar is also most appreciated.
- III. Participation as Mediator in assigned Mediation Role Play.
- IV. Participation as Complainant and as a Respondent in Mediation Role Plays.
- V. Written review of Mediation Role Play- Due 1 week after role play in which student serves as a Mediator in a Mediation role play IN WEEKS 12-14. Again, e-mail submission of the paper to mellin@avlf.org is strongly preferred.
- VI. Participation in review of Mediator's performance each time a student serves in Mediation Role Play.
- VII. Attend each class in which a student is scheduled to participate in a mediation role play. Otherwise, miss no more than 2 scheduled classes.