I. Introduction to the Course

The course covers the three major types of alternative dispute resolution, negotiation, mediation, and arbitration. The course focuses on learning the basic skills involved in each alternative dispute resolution method.

Upon completion of this course students should be able to do the following.

- Negotiate a settlement of a simple dispute where the parties have shared interests;
- Represent a client in a mediation of a simple dispute;

---

1 This document is based in part on documents originally developed by Professor Jean Rosenbluth, Professor Kathy Bean, and Dean Jim Becker.
• Present an opening statement or summation, a direct examination, and a cross-examination in an arbitration hearing;
• Advise a client on suitable dispute resolution methods for a particular controversy.

II. Contact Information

Office: Rm. 285
Office Phone: (502) 852-0794
E-mail: a.levinson@louisville.edu
Office Hours: Wednesday 3:00-4:00

I am in my office at times other than my office hours. If you wish to schedule a meeting, simply e-mail me. If you would like to talk with me at a time other than my office hours or a scheduled meeting, please stop by. If my door is closed, please knock. If I am in, I can usually make time to talk with you. If I have to defer our conversation to a later time, I will make an appointment to meet with you as soon as possible.

If I am not in my office and you need to reach me, you should feel free to e-mail me. I regularly check my e-mail during business hours, and periodically check it during the evening and weekend. You may also call my office phone number and leave a message. I periodically check my office phone during business hours.

III. Textbooks

The required text for this course is the following.


In addition, from time to time throughout the semester, I will post supplementary materials on TWEN or hand them out in class.

IV. Grading, Attendance, Professionalism and Late Paper Policies

In this course, I emphasize the professionalism, skills, and ethics demanded of lawyers. Attorneys are licensed to
ensure that they competently practice law and responsibly assist their clients. One of the many responsibilities of lawyering is timeliness. If lawyers miss filing deadlines or court appearances, they may leave their clients without a remedy. I attempt to teach this sort of professionalism by adhering to grading, attendance, and late paper policies.

A. Grading

There are a total of 180 points available for the course. The grade in this course will be based on your professionalism, a role-play of one of the three primary types of alternative dispute resolution, and a paper in lieu of an exam. Each of these course components is worth 60 points, one third of your grade in the course.

The specific criteria by which the paper and each role-play and is assessed will be included with the assignment and posted on TWEN.

The professionalism score includes your preparation for and performance during multiple in class role-plays. It is important to take these role-plays seriously or your professionalism grade will suffer. More information regarding role-playing is posted in a handout on TWEN.

In order to be prepared for your graded role-play you will need to spend considerable time outside of class preparing for the role-play and meeting with me. You will select which dispute resolution method you desire to be tested on. If, as the course progresses, you believe you can score higher by demonstrating your skills in a different dispute resolution method, you may select one other method to be tested on.

The paper will be one question that provides you the opportunity to describe the different types of alternative dispute resolution and to explain what type(s) of dispute resolution might be most suitable for resolving the particular dispute and why.

Additionally, from time to time, questions may arise in class to which I do not know the answer. If I determine that the question is relevant and important, and you offer to research the issue and submit a thorough written report, you can thereby earn up to ten points.
B. Attendance

I adhere to the current law school attendance policy, which is in the Student Handbook. I will monitor attendance because, in this course, attendance is critical to enable all students to learn through doing. You must initial the roll sheet each class or else you will be counted absent. You must keep track of your own attendance. If you are late to class, you may be counted absent. Additionally, I reserve the right to shut the classroom doors at the start of class, thereby preventing late entry to the room. Initialing the roll sheet for someone who is not in class is an honor code violation.

C. Professionalism

Professionalism includes conducting yourself in a way that respects others: with courtesy, civility, and - when appropriate - grace. Keep in mind that students in the class may have had personal experience with some of the issues we discuss or may have strongly held beliefs about some of the issues. This does not mean you cannot express views contrary to your classmates; it is just a reminder to make every effort to speak in a way that respects other views and experiences, and equally important, to “hear” in a way that respects other views and experiences.

Professionalism also includes coming to class on time, participating in class, and generally conducting oneself during class in a way that contributes to the class and does not distract others. If you are taking notes on your laptop, that is fine. Otherwise, please keep your laptop closed. If you are unprepared for a class, inform me before class so that I will not call on you or so that we can arrange role-plays accordingly. There is a no “pass” rule in this class, and everyone is expected to participate in role-plays, whether prepared or not.

Moreover, remember that you represent the law school to our speakers and to those attorneys with whom you interact due to class assignments; please put on your “best manners” when we have guest speakers.

The following factors will be considered in assessing your professionalism score:
1. Class participation. If you come prepared and enthusiastically participate in role-plays, you will help your professionalism grade. If you regularly contribute meaningfully to the class discussion, you will help your professionalism grade. On the other hand, if you attend class unprepared to role-play or otherwise detract from others’ ability to learn in class, your professionalism grade will suffer.

2. Tardiness. If you are late to class, you will likely be marked absent. Indeed, I reserve the right to shut the classroom door at the start of class, thereby preventing late entry to the room. Additionally, even if not marked absent, arriving late to class will likely negatively impact your professionalism grade.

3. Conference preparation and attendance. I encourage you to take a proactive approach to the class and schedule meetings with me because this reflects positively on your level of professionalism.

4. Quality of ungraded assignments. There are several ungraded assignments and in-class exercises. If your work is untimely, incomplete, or below the average quality of such work, your professionalism grade will suffer. On the other hand, if your work is timely, complete, and of above-average quality, your professionalism grade will be impacted positively.

5. Other factors that I believe reflect on your professionalism.

D. Late Assignment Policy

All assignments must be completed by the date and time indicated on the proposed class schedule, unless I have changed that date and time in writing. Testing on a dispute resolution method must be completed during the week(s) indicated on the course schedule for that method. Completed written assignments must be handed to me in Room 285 or submitted by TWEN no later than the exact time they are due. If you submit by TWEN, you must drop off two hard
copies, identical to the copy electronically submitted, to my office or the Faculty Resource Center by 5:00 p.m. on the due date.

V. Proposed Class Schedule

Please see the accompanying proposed class schedule. This schedule is tentative, and I will adjust it based on the needs of the class.
1. **January 10: Introduction to Dispute Resolution**

   **Reading:** Preface, Chapters 1, Dispute Resolution - What It’s All About & 2, Negotiation and Conflict - The Big Picture

   **Prepare:** Read the Syllabus and Course Guidelines and be prepared to discuss it in class. Complete the information sheet posted on TWEN and bring it to class. Read the role-plays handout posted on TWEN.

2. **January 17: Negotiation Background**

   **Reading:** Chapters 3, Perception, Fairness, Psychological Traps, and Emotions & 4, Negotiator Styles

3. **January 24: Negotiation Background**

   **Reading:** Chapter 5, The Negotiation Dance - Step by Step

4. **January 31: Negotiation Practice**

   **Prepare:** Download or print and read the negotiation preparation checklist from TWEN. You will apply the reading you have done to date in an in-class negotiation exercise.

5. **February 7: Negotiation Practice**

   **Prepare:** You will apply the reading you have done to date in an in-class negotiation exercise.

   **Testing:** If you wish to be tested on your negotiation skills, sign up, in pairs, for an hour meeting time with me outside of class during the following two weeks.

6. **February 14: Mediation Background, Negotiation Testing**

   **Reading:** Chapter 9, Mediation - The Big Picture
**Testing:** Those who wish to be tested on negotiation skills will meet outside class in pairs.

7. **February 21: Mediation Background, Negotiation Testing**

**Reading:** Chapters 11, Representing Clients: Preparation & 12, Representing Clients: During the Process

**Testing:** Those who wish to be tested on negotiation skills will meet outside class in pairs.

8. **February 28: Mediation Practice**

**Prepare:** You will apply the reading you have done to date in an in-class mediation exercise.

9. **March 7: Mediation Practice**

**Prepare:** You will apply the reading you have done to date in an in-class mediation exercise.

**Testing:** If you wish to be tested on your mediation skills, sign up, for a time with me outside of class during the following two weeks, or if necessary the week of March 25. The number of students and length of the appointment is to be determined.

**There is no class on March 14 because of spring break.**

10. **March 21: Arbitration Background, Mediation Testing**

**Reading:** Chapters 16, Arbitration – The Big Picture & 17, Arbitration Agreements, Procedures, and Awards

**Testing:** Those who wish to be tested on mediation skills will meet outside class.

11. **March 28: Arbitration Background**

**Prepare:** Read the posted materials, on TWEN, for the arbitration role-play. We will spend some class time preparing to arbitrate the case.
Written assignment: The written assignment in lieu of an exam will be posted today. It will be one question that provides you the opportunity to describe the different types of alternative dispute resolution and to explain what type(s) of dispute resolution might be most suitable for resolving the particular dispute and why. It is due at 2:35 p.m. on April 18.

12. Week of April 4: Arbitration Practice (Judge Reba Page)

Prepare: We will arbitrate the case in groups of four and five. Each student will perform an opening statement or summation, a direct examination, and a cross examination. The side with two attorneys will arbitrate the case today.

**We are honored to have Judge Reba Page conduct class today. She will talk with you about her practice experience and will oversee and provide feedback on your first arbitration practice round.

13. Week of April 11: Arbitration Practice

Prepare: We will arbitrate the case in groups of four and five. Each student will perform an opening statement or summation, a direct examination, and a cross examination. The side with three attorneys will arbitrate the case today.

Testing: If you wish to be tested on your arbitration skills, sign up, in fours, for a two hour meeting time with me outside of class during the following week.

14. Week of April 18: Wrap-up, Arbitration Testing

Reading: Chapter 20, Matching the Process to the Dispute

Testing: Those who wish to be tested on arbitration skills will meet outside class in groups of four.

** The written assignment in lieu of an exam is due at 2:35 p.m. on April 18.