

Northwestern University School of Law
2015 Spring Semester

Thursday – 12:00 Noon – 1:30 PM
Bluhm Legal Clinic, 8th Floor, Room 887

MEDIATION PRACTICUM:
SPRING SEMESTER
2015

Thursdays: 12:00 – 1:30 PM
Bluhm Legal Clinic
8th Floor – Room 887

Professor Lynn P. Cohn
Bluhm Legal Clinic -8th Floor, Room 861
(312) 503-2598
l-cohn@law.northwestern.edu

Practicum Requirements

1. **Placement:** Each student is required to mediate a minimum of thirteen (13) cases/visits through the Center for Conflict Resolution (“CCR”) before the end of the term. Multiple short model mediations done in a single day count as one mediation.

There are limited opportunities outside of CCR that will fulfill this requirement.

Note: CCR requests that you troubleshoot scheduling and other issues with the CCR staff directly before approaching Lynn

Students may also serve as a mediator on the following dates and should sign up with Nancy Flowers, Room 862. First come, first serve. Please do not sign up for more than 2 sessions. Each session will count as one mediation:

Monday, February 16, 2015 for students in Alyson Carrel’s Mediation and Advocacy class from 4:00 p.m. to 6:00 p.m. in MC 175. Six mediators needed.

Monday, March 9, 2015 for students in Sue Walkers’ Dispute Resolution class from 4:00 p.m. to 7:00 p.m. in RB 175. Four mediators needed.

Monday, March 9, 2015 for students in Alyson Carrel’s Mediation and Advocacy class from 4:00 p.m. to 6:00 p.m. in MC 175. Six mediators needed.

In addition, you may observe mediations in the Child Protection Program. Please contact Andrew Starr at: andrewstarr@gmail.com

Finally, Lynn Cohn and Alyson Carrel will make observation dates for their mediations available as scheduled.

2. **Journal:** Each student is required to keep a journal (8 mediations must be journaled) that reflects on his/her experiences in the practicum and thoughts about the class topics. During certain weeks of the semester, specific topics or questions are provided in the syllabus that must be addressed in the journal. See additional information about the journals included with these materials. The first installment of your journal is due on March 5, 2015 and the second installment is due on May 14, 2015.

Each installment of your journal will account for one-third of the course’s grade. It is essential that you keep up to date with your journal entries, completing each entry when you complete your mediation. This way the journal will be most meaningful to you.

3. **Class Participation:** The exchange of ideas, experiences and concerns that occurs during class sessions is an important element of the course. Therefore, it is key that each of you participates fully in the discussions of the readings and your placement experience. Please read the articles listed for each class before that class date. Class participation, will be graded and will be the final one-third of your grade.

4. **Practitioner Interview:** Students will interview a practitioner or consumer of mediation to explore mediation in the real world. This interview should be addressed as a five page special journal assignment in your second journal.

Class Schedule

CLASS 1: January 15, 2015 - Hearing From The Experts

Guests: CCR joins the class to discuss success with short model cases.

Special Journal Assignment:

- Outline and discuss your goals for the course. Describe what you hope to achieve and get out of the experience of being a mediator. In addition, please provide your strategy for scheduling mediations this semester.
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CLASS 2: January 22, 2015 – Open Forum

CLASS 3: January 29, 2015 - History Of The ADR Movement

Readings: (Posted on CANVAS)

- In Practice: The Past, Present, and Future of Mediation as Seen Through the Eyes of Some of Its Founders, Stephen B. Goldberg, Margaret L. Shaw
 - So You Want To Be A Mediator, Stephen B. Goldberg, Margaret L. Shaw
 - Dispute Resolution, *Goldberg, Green and Sander* (1985)
 - Sources and Goals of the Alternative Dispute Resolution Movement
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CLASS 4: February 5, 2015 – Open Forum

Readings: (Posted on CANVAS)

- 40 Mediator Lines
- The Secrets of Successful (and Unsuccessful) Mediators Continued: Studies Two and Three, Stephen B. Goldberg and Margaret L. Shaw

CLASS 5: February 12, 2015 – Restorative Justice

Guest: Christine Agaiby

Readings: Chapter 1 (Introduction), The Little Book of Circle Processes, a New/Old Approach to Peacemaking, Kay Pranis

CLASS 6: February 19, 2015 –The Interrupters

Guest: Kobe Williams - Cease Fire

NOTE: You must watch the film before class.

CLASS 7: February 26, 2015 – Open Forum

CLASS 8: March 5, 2015 – Mediation in Medical Ethics

Guest: Preya Tarsney, J.D.

First Journal Installment Due

CLASS 9: March 12, 2015 - Divorce Mediation

Guest: Beverly Tarr

Readings: (Posted on CANVAS)

- Divorce Mediation, B. Tarr
 - Formal Procedure and Mediation Agreement Sample, B. Tarr
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CLASS 10: March 19, 2015 – - Open Forum

NO CLASS MARCH 26 HAVE A FUN AND SAFE SPRING BREAK

CLASS 11:

No Class During Scheduled Time on April 2, 2015

- Students must attend one educational or training program during the semester either at the Center for Conflict Resolution or through ACR. Other programs may be acceptable but should be approved by Prof. Cohn.

Special Journal Assignment:

- Describe the program you attended. Who sponsored the program? Why did you select this program? Was it worthwhile?
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CLASS 12: April 9, 2015 - Are You Learning What the Market Wants?

CLASS 13: April 16, 2015 – Open Forum

- **Special Journal Assignment:**

Review the goals for the practicum set forth in your journal entry. Evaluate your experience as a mediator and whether you achieved your goals. How will you use this experience in the future?

Final Journal Installment Due: May 14, 2015

MEDIATION PRACTICUM JOURNAL

One key requirement of this practicum is that you must keep a reflective journal. In the journal you must write about your mediation experiences and observations, your reflections on these experiences, and your thoughts on the special journal assignments. You will need to journal 8 of your mediations. I will treat the journal in a **strictly confidential** manner. (Of course, you may share information contained in your journal during class discussions.) Your journal is due in two installments, February 27 and May 15. Each journal installment accounts for one-third of the grade for the course.

Structure and Form

1. Write about your mediations and address special journal assignments related to class discussions as noted in the Syllabus. To make the journal useful, you should make the journal entries shortly after your mediations or participation in class. Your journal should not merely be a recitation of your activities. It should be a record of what you are thinking about your experience. Include your questions or insights about what you are doing and observing. A list of potential issues to be addressed is attached as Appendix A.
2. Date each journal entry.
3. Keep your journal on a computer since this will enable you to turn in the first journal installment while you continue writing the second one.
4. Try to be as candid and forthright as possible, both in content and in tone. When in doubt, write it down in your journal. You cannot know at the time what might be relevant as you draw conclusions about the experience later. As was stated earlier, these journals will be handled in a **strictly confidential** manner. The idea behind keeping the journal is to encourage you to be reflective about your experience, not just report on the mediations. Of course, you must always keep in mind the confidential nature of the mediations that you are doing and must protect the parties' identities.
5. Journal entries reflecting your experiences as a mediator should be approximately three pages, double-spaced.

APPENDIX A

MEDIATION JOURNAL ENTRIES

Background

- Date of mediation
- Mediation model
- Location of mediation
- Parties present (do not use actual names)
- Type of case
- Attorneys present

Mediator Analysis

- Control over process
- ID of interests
- Key mediation skills used
- Rapport with parties/attorneys
- Ability to achieve closure

Party Analysis

- Key interests
- Understanding of process
- Tone
- Unique characteristics
- Focus (rights vs. interests vs. power)

Advocate Analysis

- Tone
- Focus (rights vs. interests vs. power)

General Analysis

- Thoughts about use of mediation in this dispute
- Challenges and effectiveness of coping strategy
- What would you do differently?