

SYLLABUS
DISPUTE RESOLUTION PROCESSES: THEORY AND PRACTICE
7112-110
Room 245; Tuesday 1:30-2:45, Thursday 2:30-3:45
Professor Sarah Rudolph Cole
Fall 2014

I. Attendance Policy

The attendance policy is as follows: a student may miss up to two (2) scheduled classes during the semester. Any additional misses may result in a lower grade. In addition, if a student is unable to attend class for whatever reason, he or she must notify the professor in person or by e-mail at least twenty-four hours before the scheduled class period. If notice is not given, and the student fails to attend, the student's grade may be lowered by the professor. While this attendance policy may seem harsh, the nature of this class, which includes numerous simulations where students are assigned to groups, requires that the professor know who will be in class on any given day. Any student with more than two absences, even if he or she notified the professor in advance of the absences, may, after notice from the professor, be withdrawn from the course.

II. Course Requirements

Grading in this course will be based on:

Class Participation:	15%
Simulation	20%
Take home Exam	65%

Class participation includes: attendance, completion of exercises assigned in class and completion of short written assignments, participation in class discussion and other activities.

The casebook (CB) in this class is Goldberg, Sander, Rogers and Cole, Dispute Resolution: Negotiation, Mediation, Arbitration, and Other Processes (6th ed. 2012).

III. Office Hours and Phone Number

My office hours are Thursday, 1-2:30 p.m. I am also happy to meet with any of you on a drop-in or scheduled basis. If I am exceptionally busy, I may ask you to come back another time. My phone number is: 688-4918; my office number is 302 and my e-mail is cole.228@osu.edu.

IV. Computer Policy

You are welcome to use computers in class to take notes. Students who chose to use a computer in class may do so only if they agree to adhere to my computer policy on surfing and game playing in class. I believe that using your computer in class for other purposes (i.e. e-mail, surfing, game playing) is rude to both your classmates and to me. You are expected to refrain from such use during my class. To make it clear, you are prohibited from using your computer

for non-class purposes while in class. A violation of this rule will likely be considered a violation of the University Student Code of Conduct. (See 3335-23-04(A)(1) Prohibited Conduct).

V. Class Schedule

Introduction to ADR

August 26 Introduction. **Read CB 1-10 and 506-12** in preparation for this class. What Process is Appropriate? Watch “Arbitration, Mediation, Preventive Law” videotape.

August 28 Bar Association Committee Meeting

Arbitration

September 2 The Arbitral Process. **Read CB 303-312.**

September 4 Preemption. **Read CB 313-321, 327-41.**

Arbitration

September 9 Arbitrability. **Read CB 343-356.**

September 11 Arbitration and Statutory Rights. **Read CB 357-60, 366-75, 381-89**

September 16 Arbitration Hearing Preparation.

Arbitration

September 18 **Arbitration Hearing**

September 23 Hearing Cont'd if needed. Judicial Review of Arbitral Awards. **Read CB 376-381, 396-405.**

Negotiation

September 25 Negotiation Theory. **Read CB 15-29, 51-61.**

Negotiation

September 30 Grande Lum, Director, Community Relations Service (reading to be assigned). Director Lum will also be giving our Lawrence Negotiation Lecture at noon on 9/30 in the auditorium.

October 2 Negotiation Practice

Negotiation

October 6 and 7 Participate in Negotiation Competition for first two rounds
(Monday and Tuesday Evening – no class on October 7 and 9)

Summary Jury Trial

October 13 Guest Speaker at Noon on Transformative Mediation

October 14 **Read CB 417-22, 435-36, 477-79.** Consider role of courts in assisting parties to accomplish non-traditional objectives. Watch videotape: The Summary Jury Trial (30 min.)

Minitrial, ENE, Special Masters

October 16 **Read CB 430-32. Be prepared to discuss questions 8.1 - 8.5 (especially problem 8.5).** Med-Arb, Mini-Trials. Watch videotape – Out of Court – the Mini-Trial (30 min.).

Mediation

October 21 Turn in Draft of Simulation. Introduction to Mediation. **Read CB 121-130.**

October 23 Mediation. **Read pp. 185-92. Be prepared to discuss problem 4.1 (a) to (f).**

Mediation

October 28 Read **CB 281-92.** Discussion of advocacy in mediation.

October 30 No class – please work on your simulation

Mediation

November 4 Representation in Mediation Exercise – Prosando. **General Facts at p. 173-75.**

November 6 Prosando video; Mediation-Arbitration; **Read CB pp. 422-24, and be prepared to answer questions 8.1-8.5, especially 8.5.**

November 8 Med-arb cont'd; Collaborative Lawyering; **Read CB 476-77.**

Counseling Clients about ADR

November 13 **Read CB 439-54 and discuss questions 8.8-8.12.**

November 18 **Conduct Exercise 8.3 from p. 456.**

Simulations

November 25 Run simulations

December 2 Run simulations

December 4 Run simulations