

Prof. Sarah Cole
Prof. Erin Archerd

MEDIATION ISSUES SEMINAR/PRACTICUM, FALL 2013

COURSE DESCRIPTION AND ASSIGNMENT SCHEDULE

I. COURSE OVERVIEW

This course is designed both to help you develop mediation skills and to examine legal, ethical, and policy issues that arise in the use of mediation. You will act as mediators in Small Claims Court and the Night Prosecutor's office and write and present seminar papers.

We have scheduled most of the class hours and the bulk of required reading for the first five weeks of the semester. By front-loading, we can get you ready to mediate at the court beginning the week of. Also, we can discuss the law-related issues enough so that you can pick a seminar paper topic by.

Extended mediation skills training classes will be held on Saturday, August 24th and 25th. At these training classes, we have arranged for one experienced mediator to assist each group of three students. We have canceled some classes in anticipation of these hours of class and your time at Small Claims Court.

On _____, you will receive a preliminary schedule for mediations during September at Small Claims Court and the Night Prosecutor's Office. Each student will mediate at least six times, for about three hours each time, during the course of the semester. Mediations are available from 1:15 p.m. on Monday through Thursday, 5:45 p.m. on Tuesday, Wednesday and Thursday evenings, and 9 a.m. on Tuesdays and Fridays. Professor Archerd will observe some of your mediation sessions and discuss them with you.

II. COURSE REQUIREMENTS

The course requirements are: (1) a rough draft, oral presentation, and final draft of a seminar paper, (2) approximately three hours per week for six weeks acting as mediators, (3) maintaining a mediation journal, and participating in the first two rounds of the representation in mediation competition, and (4) prepared class participation. The course grade will be based on the following:

Class preparation and participation	15%
Court Mediation	
Mediation Observation, Mediation Journals & Mediations	25%

Seminar paper	60%
Presentation (10%)	
Paper (50%)	
Rough Draft (10%)	
Final Draft (40%)	

A requirement of the mediation practicum is that you keep a short journal for your six mediation sessions, approximately two-three double-spaced typewritten pages. We expect you to write your journal entries each evening after a mediation session. Your entry should contain a short description of the dispute, interests, and issues presented in your mediation; however, the emphasis should be on reflection and analysis about your experience as a mediator, your interaction with the parties, what you did that worked well, what you might do differently next time, as well as lessons you learned from class and questions that you still have. In short, rather than simply reporting on the issues presented and the outcome of a given mediation, we encourage you to explore analytic, interpersonal, process, and skill-centered issues, and to apply your insights and ideas into mediation to your experience in small claims court. Please submit your journals on the TWEN site within three days after your mediation.

The seminar paper should be a well-documented legal research paper. Although there are no page minimums or maximums, our expectation is about 25-30 pages of text. Notes should be placed as footnotes.

The paper deadlines are as follows and all due at 8:00 a.m.:

- Topic submitted for approval by September 9.
- Rough draft (hard copy and e-mail copy and posting in forum on the TWEN site) submitted by _____.
- Final paper submitted by December _____ (hard copy and e-mail copy).

Please submit both the topic and rough draft assignments to Professor Cole **by e-mail** (cole.228@osu.edu) **and in written form**, either in her faculty mailbox or under her office door, Room 302. Please also e-mail a copy to Prof. Archerd. For the **rough draft only, please post to forum on the TWEN site**. Please submit two copies of the final paper in **written form and one copy in e-mail form** to Professor Cole by _____ at 8 a.m.

III. REACHING US

Please contact Professor Archerd first about your mediation sessions. Her office is on the fourth floor, room 452 and her office phone number is 688-4192 . Her cell phone number is _____ and her e-mail is archerd.____@osu.edu. If you cannot reach Professor Archerd and are unable to arrive on time for a mediation session, you may call Lori Banfield at 645-7031 or Colleen Rosshirt at 645-8611 of the Small Claims Division of the Court. Please contact Professor Cole first about seminar paper questions. Her office is Room 302 and her phone is 688-4918. Her home number is 487-0082. You may also reach her by email, cole.228@osu.edu.

IV. ASSIGNMENT SCHEDULE ¥ TENTATIVE/SUBJECT TO CHANGE

The course text is STEPHEN B. GOLDBERG, FRANK E.A. SANDER , NANCY H. ROGERS AND SARAH R. COLE, DISPUTE RESOLUTION: NEGOTIATION, MEDIATION, AND OTHER PROCESSES, (SIXTH EDITION 2012)

January 9 Basic Mediation

(Monday) Goldberg, Sander, Rogers and Cole (GSRC) pp. 103-11. Pruett Video

January 12 Negotiation for Mediators

(Thursday) Read GSRC pp. 23-40, 53-65.

January 19 Opening Statements

(Thursday) Bring to class a mediator's opening statement for the mediation in exercise 3.1 on pp. 148-49.

Watch Neighborhood Spat

January 21 Mediation Training

(Saturday)

January 22 Mediation Training

(Sunday)

January 23 Visit Small Claims Court and Prosecutor's Office for orientations

(Monday) Please read the Court's Small Claims Mediation Handbook, which will be posted on the course TWEN page.

January 26 Representation in Mediation

(Thursday) GSRC pp. 270-90.

January 30 Workshop on Selecting Paper Topics; Mediation distinguished from other processes, history, current applications; Public Policy Concerns; Co-mediation; Transcript of a Mediation

(Monday) GSRC pp. 1-11; 112-33,170-177.

- February 2 NO CLASS DUE TO COMPETITION**
- February 6 No class; Topic Due**
(Monday) Topic selection: two or three sentences are fine. Please e-mail the proposal to me at cole.228@osu.edu. I ask you to submit the topic for three reasons. One is to be certain that the topic will require the use of legal research and analysis (not just a report on an interesting new mediation program, for example). The second reason is to avoid a situation in which two students take the same approach to the same topic. The third reason is so that I can give you feedback and direction on the paper topic.
- February 9 Regulating mediation, Part 1**
(Thursday) GSRC pp. 181-209; Be prepared to discuss questions in text during class.
- February 16 Regulating mediation, Part 2; The Uniform Mediation Act**
(Thursday) Read Appendix E.
Discuss UMA and UMA hypotheticals
- February 23 Mediation Skills Update (Prof. Batra)**
(Thursday) GSRC pp. 111-133; 139-142.
- March 1 Confidentiality**
(Thursday) GSRC pp. 235-256; Review Appendix E on pp. 349-365. Be prepared to discuss questions from text during class.
- March 8 Confidentiality continued/Mediation and Legal Ethics**
(Thursday) GSRC pp. 256-66.
- March 9 Schwartz Lecture – Michael Young (South African Mediator) 12-1:15 p.m.**
Saxbe Auditorium
- March 15 Mediation and Legal Ethics cont'd/Mediator Standards of Conduct**
(Thursday) Read GSRC pp. 214-230; Appendix H. **ROUGH DRAFT DUE.** Please turn in two hard copies to Professor Cole's mailbox. E-mail a copy to Professor Cole and to Professor Batra as well and the e-mail copy will be distributed to the students assigned to be your primary questioners. Please retain a copy for yourself. The rough draft should have footnotes but these can be in rough form, e.g., Riskin, Wash. U. article.
- March 29 Mandatory Mediation**
GSRC pp. 293-330 and be prepared to discuss questions within the reading assignment.
- April 2 Mediating disputes involving gender, identity and other differences (Prof. Batra)**

Reading to be assigned.

- April 4** **Schwartz Lecture – Deborah Kolb (the role of gender in mediation and negotiation). 12-1:15, Saxbe Auditorium**
- April 5**
(Thursday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- April 9**
(Monday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- April 12**
(Thursday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- April 16**
(Monday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- April 19**
(Thursday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- April 23**
(Monday) **Paper presentations**
Please skim the rough drafts of the day's presentations, posted on the course TWEN page under Forums and read the draft carefully if you are assigned as a respondent to the presenter for that day.
- May 9** **SEMINAR PAPERS DUE**
Please turn in two copies to Professor Cole in Room 302 by **8:00 a.m.** **E-mail a copy to Prof. Batra and Prof. Cole as well. Late papers will be penalized.** Retain a copy for yourself.