

**SYLLABUS AND COURSE GUIDELINES FOR DISPUTE
RESOLUTION¹**

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Thursday 2:25-4:05 p.m.
Room 171

Table of Contents

Introduction to the Course	1
Contact Information	2
Textbooks	2
Grading, Attendance, and Late Paper Policies	3
A. Grading	3
B. Attendance	4
C. Professionalism	4
D. Late Assignment Policy	6
Title IX/Clery Act Notification	6
Proposed Class Schedule	6

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 with a focus on negotiation and mediation.

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;

¹ This document is based in part on documents originally developed by Professor Jean Rosenbluth, Professor Kathy Bean, and Dean Jim Becker.

- Represent a client in a mediation of a simple dispute;
- Describe the process of an arbitration hearing and understand the skills necessary to succeed as an attorney representative;
- Advise a client on suitable dispute resolution methods for a particular controversy or anticipated dispute.

II. Contact Information

Office: Rm. 285
 Office Phone: (502) 852-0794
 E-mail: a.levinson@louisville.edu
 Office Hours: Thursday, 10:30-11:00 a.m.; Friday, 2:30-3:00 p.m.
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 E-mail: mashayla.hays@louisville.edu

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 weekend. You may also call my office phone number and leave a message. I periodically check my office phone during business hours.

III. Textbooks and Other Readings

The required text for this course is the following.

- Jay Folberg, et. al, *Resolving Disputes: Theory, Practice, and Law* (3d ed., Wolters Kluwer 2016)

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

This course meets ABA Standard 310. It involves reading 363 textbook pages and six role-play exercises and spending substantial out of class time preparing for and engaging in role-plays.

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 either a negotiation or a mediation, 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 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 wish to be tested on. If you select negotiation, but, as the course progresses, you believe you can score higher by demonstrating your skills in mediation, you may also elect to mediate.

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 or anticipated 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 contribute to class discussion or 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. **In particular you must turn in the work that demonstrates that you prepared for each in class exercise.** 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. If you do not attend at the arranged time, you will receive a score of 0 for a graded role-play. Completed written assignments must be handed to me in Room 285 or Room 171 or submitted by TWEN no later than the exact time they are due. If you submit by TWEN, you must drop off one hard copy, identical to the copy electronically submitted, to my office or the Faculty Resource Center by 5:00 p.m. on the due date.

V. Title IX/Clery Act Notification

Sexual misconduct (including sexual harassment, sexual assault, and any other nonconsensual behavior of a sexual nature) and sex discrimination violate University policies. Students experiencing such behavior may obtain **confidential** support from the PEACC Program (852-2663), Counseling Center (852-6585), and Campus Health Services (852-6479). To report sexual misconduct or sex discrimination, contact the Dean of Students (852-5787) or University of Louisville Police (852-6111).

Disclosure to University faculty or instructors of sexual misconduct, domestic violence, dating violence, or sex discrimination occurring on campus, in a University-sponsored program, or involving a campus visitor or University student or employee (whether current or former) is **not confidential** under Title IX. Faculty and instructors must forward such reports, including names and circumstances, to the University's Title IX officer.

For more information, see the [Sexual Misconduct Resource Guide](#).

VI. 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.