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Office hours: Wednesday, noon – 1:30

## **DISPUTE SYSTEM DESIGN WORKSHOP**

### **I. Course Goal**

The goal of the course is to prepare you to design and implement processes for preventing and resolving disputes. You will study the accumulated experience of other designers and apply that knowledge in both hypothetical and real situations.

### **II. Course Materials**

The textbook for the course is Rogers, Bordone, Sander, and McEwen, *Designing Systems and Processes for Managing Disputes*. I will post supplementary research materials on the course TWEN site.

### **III. Course Requirements and Grading**

You will be on a design team with a class project. One of the 2014 projects involves working with the staff of a local court, bar association, and legal aid society on the following questions that relate to disputes that are not yet in litigation: (a) What might work to enhance and combine resources for mediation and self-help (legal and negotiation) and then create referral mechanisms such that the combination helps the growing number of unrepresented disputants? (b) What might work to provide, proactively, mediation for the disputes that sometimes polarize neighborhoods or communities (e.g. the location of the homeless shelter, the aftermath of a police shooting)? The other involves assessing the success of and suggesting revisions to an arbitration scheme for business-to-business disputes within a multi-billion dollar worldwide industry. Our relationship with the clients or sponsors in both projects will approximate a consultant relationship; we will not provide legal representation. Because of confidentiality concerns, I will not describe the class projects in more detail until the first day of classes. I am also open to your suggestions for class projects.

The course will be graded like a clinical course, based on your interviewing, research, group work, writing, class participation in discussions, presentations, and other participation. We will shift assignments depending on client needs. But, in general, you will:

1. Conduct several interviews and post notes on the interviews on the TWEN Forum for your class project.
2. Submit at various times marked on the syllabus a brief synopsis of your assessment and plans for the class project.
3. Conduct research and do written analysis, which will be reflected in your portions of the tentative options paper for the client, the class presentation, and the final options paper for

the client. So that I can give you credit for your contributions, each author should identify that author's section of each submission.

4. Be one of the rotating facilitators for the class project.
5. Meet with me once during the week in which you are serving as facilitator.
6. Attend additional group meetings outside of class time.
7. Prepare a draft and then a final version of a portion of the report to the clients/sponsors of your project.

Remember that:

1. You have a professional obligation to maintain the confidentiality of the project (including the identity of the client) until the client gives permission to divulge it. In general, all of our clients to date have given this permission by the end of the project.
2. You should first send me, for my approval, the draft communications that you plan to send to the client and any draft surveys, and then, after my approval, copy me on the final communications.
3. Please put your name on everything that you post.
4. Please write on your calendar the due dates that are bolded below.

In general, you will be completing the first tentative assessment of your class project by mid-February; your first tentative presentation to clients/sponsors of new design ideas by mid-March; and then refining these for the final presentations toward the end of the semester and the final written product by the end of the final exam period.

#### **IV. Disabilities**

Any students who may need accommodations based on the impact of disabilities should contact April Davis, student services director, at 688-2974 or [davis.3537@osu.edu](mailto:davis.3537@osu.edu), and the Office of Disability Services at 614-292-3307 in Room 150, Pomerene Hall to coordinate accommodations.

#### **V. Assignments by Date (tentative, as we will change to meet our clients' needs)**

- January 8      Overview of Designing  
Chapters 1 and 2, pp. 3-40 (pay special attention to the stories introduced in Chapter 2, as we will refer to these throughout the semester).  
Be prepared to discuss Question 2.2, p. 40 and Exercise 2.1, pp. 41-43 in class.  
The confidential class projects memo will be distributed in class.
- January 13     A Preliminary Discussion of Class Projects and  
Class Project Teams  
Please read the memo on the class projects that was distributed in class on 1/9.  
Prepare to answer the questions in Exercise 2.1, p. 41 with regard to the class projects.
- January 15     The Designer's Role  
Chapter 3, pp. 47-65; watch the "Endgame" movie (included with the text) before this class.  
Prepare to answer Question 3.1, pp. 65-66 and Exercise 3.1, p. 65 in class.

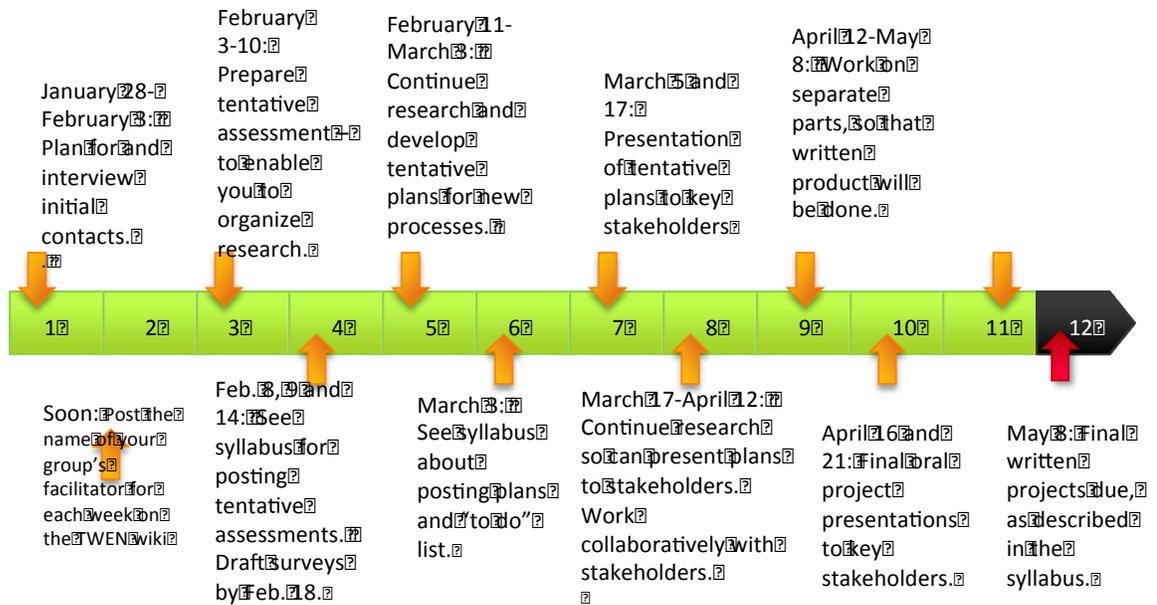
- January 20 Martin Luther King, Jr. Day
- Special class (to be scheduled, to replace a class later in the semester): Skills Development: Facilitating Group Sessions and Client Interactions  
Please read Chapter 15, pp. 359-379.
- January 22 Conducting an Assessment  
Chapter 4, pp. 69-99.  
Prepare to respond in class to Questions 4.1, 4.2, 4.3, 4.4, 4.5, and 4.12, pp. 99-101 and be ready to discuss how one might assess stakeholders, goals and interests, problems, and context for your class project.
- January 27 Creating Processes and Systems  
Chapter 5, pp. 105-135  
Prepare to respond in class to Questions 5.1, 5.2, 5.12, 5.13, 5.14, pp. 135-138 and be ready to discuss, very preliminarily, what processes you will ultimately recommend for your class project and why you might make that recommendation.
- January 29 Interview with Gary Doernhoefer, former General Counsel, AITA
- February 3 Interview with Eileen Pruett, Administrator of the Small Claims Division and Dispute Resolution Programs, Franklin County Municipal Court, and Marion Smithberger, Executive Director of the Columbus Bar Foundation and Lawyer Referral Service Director for the Columbus Bar Association
- February 5 Selecting, Engaging, and Preparing Participants in the Process  
Chapter 6, pp. 147-171  
Prepare to respond in class to Questions 6.4, 6.6, 6.7, 6.8, 6.10, 6.14, and 6.15, pp. 172-174.
- February 8 By today, post in the TWEN Assignment Drop Box your first tentative assessment of your class project, including stakeholders, interests, current dispute resolution, problems with it, other important facts about the context, and customary practices. By tomorrow, cut and paste the contents of your first tentative assessment into your class project's TWEN Forum. This can be just a couple of pages and in rough bullet point format.**
- February 10 Preserving and Enhancing Relationships  
Chapter 9, pp. 225-244  
Prepare to respond in class to Questions 9.2 and 9.3, pp. 244-245 as these apply to your class project and to Exercise 9.1, p. 245.
- February 12 Meetings of project groups during class time  
Read the assessments by your class project team members (posted on the TWEN Forum for your class project)

**By Friday, the class project facilitator should post a composite assessment as a TWEN Forum and should fill in for the semester the TWEN Wiki entitled “Class Project Facilitator by Week.”**

- February 17 Implementing  
Chapter 11, pp. 265-283  
Prepare to respond to Questions 11.1 and 11.4 as they apply to your class project and to Questions 11.2 and 11.3, pp. 283-284.
- February 19 Using Contracts to Implement  
Chapters 12, pp. 289-295; Appendix B (Arbitration Overview), pp. 393-406  
Prepare to respond to Questions 12.1, 12.2, 12.3, 12.4, pp. 295-296; Exercise 12.1, pp. 296-297. Please also be ready to discuss the applicability of this chapter to your class project.
- February 24 TBA
- February 26 Using Technology  
Chapter 10, pp. 249-258; Handout on UNCITRAL Drafting Process for an Online Worldwide Small Claims Court  
Be prepared to discuss in class your ideas for using technology for your class project, the problems that might create, and how you propose to resolve those new technology-introduced problems.
- March 3 Evaluating and Revising  
Chapter 14, pp. 319-353  
Read the above quickly, with an eye to how you would evaluate the success of your class project and be ready to discuss that in class.
- By today, facilitators should post their tentative class project plan (a “to do” list with the date to be done and name of the student responsible for each task and the likely outcome of the project) on the TWEN Forums for the entire class to read.**
- March 5 Presentations of tentative ideas for the aviation class project: Gary Doernhoefer, former General Counsel, AITA  
Read the class project design group plans that are posted on the TWEN Forums.
- March 10-14 Spring Break
- March 17 Presentations of tentative ideas for the pretrial litigation project: Eileen Pruett, Administrator of the Small Claims Division and Dispute Resolution Programs, Franklin County Municipal Court, and Marion Smithberger, Executive Director of the Columbus Bar Foundation and Lawyer Referral Service Director for the Columbus Bar Association

- Read the class project design group plans that are posted on the TWEN Forum.
- March 19 Discussion of client presentations that occurred on March 6 and 18  
Each facilitator should bring to class a list of issues on which the design group seeks input.
- March 24 Seeking Justice, Safety, Reconciliation, and Other Non-Resolution Goals  
Chapter 8, pp. 201-217  
Prepare to respond in class to Questions 8.1, 8.2, 8.3, and 8.4, pp. 217-218 and Exercise 8.1, p. 219.
- March 26 Using Law to Implement  
Chapter 13, pp. 299-311  
Questions 13.3, 13.4, 13.10, pp. 311-314 and Exercise 13.1, pp. 314-315.
- March 31 Determining the Extent of Confidentiality and Openness in the Process  
Chapter 7, pp. 179-194; Appendix D (Uniform Mediation Act), pp. 414-419  
Prepare to respond to Questions 7.1, 7.2, 7.4, and 7.5, pp. 195-197.
- April 2 Confidentiality and Openness continued
- April 7 TBA
- April 9 Special Problem on Implementation: Presentation on Cure Violence – Columbus  
Review Chapter 11, pp. 263-283.
- April 14 Careers as a Designer  
Appendix A, pp. 383-393
- April 16 Final Project Presentations to Client**
- April 21 Final Project Presentations to Client**
- April 23 Discussion of the Final Project Presentations that Occurred on April 17 and 22
- May 8 Written project presentations due (in TWEN Assignment Drop Box)**

## TIMELINE: Class Projects



Group work at the top. Due dates at bottom. See syllabus for more detail.