

## **Resolving Disputes Across Cultures Summer 2014**

### **Course Objectives**

This course is designed to give students hands-on experience in using negotiation and mediation skills, and to offer opportunities to think about and discuss various dispute resolution styles and approaches that may arise from cultural differences.

### **Learning Objectives**

Students will be able to employ basic negotiation and mediation techniques and to recognize and address cultural styles and differences in communication techniques. Students will learn and apply strategies for use in different phases and approaches to negotiation and mediation.

**Required Text:** Craver, *Effective Legal Negotiation* (7<sup>th</sup> ed., LexisNexis 2012) (“ELN”)

### **Other Reading:**

Appollon, SINO-AMERICAN CONTRACT BARGAINING AND DISPUTE RESOLUTION, 13 *Pepp. Disp. Resol. L.J.* 385 (2013)

Barkai, CULTURAL DIMENSION INTERESTS, THE DANCE OF NEGOTIATION, AND WEATHER FORECASTING: A PERSPECTIVE ON CROSS-CULTURAL NEGOTIATION AND DISPUTE RESOLUTION, 8 *Pepp. Disp. Res. L. J.* 403 (2008)

Barkai, WHAT’S A CROSS-CULTURAL MEDIATOR TO DO? A LOW-CONTEXT SOLUTION FOR A HIGH-CONTEXT PROBLEM, 10 *Cardozo J. Conflict Res.* 43 (2008)

Bryant, THE FIVE HABITS: BUILDING CROSS-CULTURAL COMPETENCE IN LAWYERS, 8 *Clinical L. Rev.* 33 (2001)

Gaultier, CROSS-BORDER MEDIATION: A NEW SOLUTION FOR INTERNATIONAL COMMERCIAL DISPUTE SETTLEMENT?, 26-*SPG Int’l L. Practicum* 38 (2013)

Golbert, AN ANTHROPOLOGIST’S APPROACH TO MEDIATION, 11 *Cardozo J. Conflict Resol.* 81 (2009)

Klein, THE ROLE OF WOMEN IN MEDIATION AND CONFLICT RESOLUTION: LESSONS FOR UN SECURITY COUNCIL RESOLUTION, 18 *Wash. & Lee J. Civil Rts. & Soc. Just.* 277 (2012)

Larson and Wang, PREPARING TO NEGOTIATE IN A GLOBALLY DIVERSE ENVIRONMENT: AN EXAMINATION OF CHINESE AND JEWISH PERSPECTIVES ON TRUTH AND LIES, 33 Hamline J. Pub. L. & Pol'y 269 (2012)

Singh, BEYOND FOREIGN POLICY: A FRESH LOOK AT CROSS-CULTURAL NEGOTIATIONS AND DISPUTE RESOLUTION BASED ON THE INDIA-UNITED STATES NUCLEAR TEST BAN NEGOTIATIONS, 14 Cardozo J. Conflict Resol. 105 (2012)

Tressler, THE SOLDIER AND THE SHEIK: LESSONS FROM NEGOTIATING IN IRAQ, 13 Harv. Neg. L. Rev. 67 (2008)

### **Grading**

Grades will be based on one or more analytical papers related to the negotiation and mediation concepts discussed in the course; the number of papers and weight to be given will be discussed in the first class. There will also be group presentations based on the referenced articles.

Grading will be:

80% on the negotiation/mediation analytical paper(s)

20% on the article presentations and accompanying handouts

### **Course Schedule**

	<b>Topic</b>	<b>Reading</b>	<b>Assignment</b>
<b>July 7</b>	Introduction to course; assessment of previous ADR experience; Communication skills	Ch. 1-2 ELN	
<b>July 8</b>	Introduction to Negotiation	Ch. 3-4 ELN	
<b>July 9</b>	Phases of Negotiation	Ch. 5-9 ELN	
<b>July 10</b>			Practice negotiation
<b>July 14</b>	Introduction to Mediation	Ch. 16 ELN	

<b>July 15</b>	Stereotypes v. cultural sensitivity	Ch. 14-15 ELN articles	Presentations
<b>July 16</b>	Guest Speaker		
<b>July 17</b>	Guest speaker		
<b>July 21</b>	Phases of Mediation		
<b>July 22</b>			Practice mediation
<b>July 23</b>			Negotiations
<b>July 24 (meet at 10:30 am)</b>	Guest speaker		
<b>July 25</b>			Mediations
<b>July 28</b>	Open		