

AMENDED MEDIATION WORKSHOP SYLLABUS SUMMER 2015

Professor Fran Tetunic
Office - Room 240

CLASS MEETING TIMES

Monday, Wednesday, 1:00 - 3:00 P.M. in L316

OVERVIEW

The Mediation Workshop provides students with classroom instruction and role-play simulations designed to teach basic mediator skills and mediation theory. In addition, this course provides students the opportunity to use this training and serve as mediators in the Law Center Mediation Program. The goal of this course is to teach students the practical skills and theory necessary to serve as mediators and then for the student mediators to observe and co-mediate actual cases.

TEXTS

The primary text for this class is
Douglas N. Frenkel & James H. Stark, *The Practice of Mediation: A Video Integrated Text*, 2nd ed., Aspen Publishers, 2012

LEARNING OUTCOMES

Upon successful completion of this course, each student will:

1. appreciate the difference between mediation and other alternative dispute resolution processes;
2. understand the legal and ethical standards that guide mediation;
3. develop personal skills to meaningfully participate in mediation;
4. be able to prepare mediation agreements.

COURSE REQUIREMENTS AND GRADING

Each student must successfully complete the mediation training (including role play) and meaningfully participate in the weekly classes. In addition, each student is required to co-mediate or observe one actual case, or the equivalent. For the case observed or

co-mediated, the student will discuss the mediation session with the mediator and write a mediation analysis for the session. The student will also assist with tracking compliance with the mediated agreement for all cases observed or co-mediated. Failure to fulfill any of these requirements may result in the student receiving a failing grade for the course. Each student is expected and required to be prepared for class and to participate in the classroom dialogue. Preparation for class includes reading all of the assigned materials and being prepared to apply the skills and concepts during the in-class time.

Students who miss an excessive number of classes will be withdrawn from the course and receive a grade of F.

All Nova Southeastern University and Shepard Broad Law Center school policies and honor code provisions, as supplemented and modified by this syllabus, apply to every aspect of this course.

Assignments are due before class commences. Assignments may be hand delivered or emailed to the professor, and must be received by the professor by 12:59 P.M. Eastern Standard Time on the day of class. Assignments will not be accepted at or after 1:00 P.M. Eastern Standard Time, and students will receive no credit for late submissions.

Each student will receive a letter grade for this course based on the performance requirements stated in this syllabus.

a) Professionalism regarding all course responsibilities, including participation in class	20%
b) Mediation role-play critique, Mediation analyses and follow-up	35%
c) Writing assignments	45%

READING ASSIGNMENTS

All reading assignments refer to the primary text unless otherwise indicated. For each assignment, view the video sections that correspond to the assigned pages in the text. .

May 11, 2015

Introduction to Mediation

Pages 1- 15, Fla. Stat. §44.1011(2).

May 13, 2015
Negotiation
Pages 21 - 61.

May 18, 2015
Role of Mediator
Pages 63 - 92.
Read Florida Rules for Certified and Court-Appointed Mediators

May 20, 2015
Preparing to Mediate
Pages 93 - 132.

MAY 27, 2015
Opening, Developing Information
Pages 133 - 163.
Read Florida Rules for Certified and Court-Appointed Mediators, Rule 10.420(a)

June 1, 2015
Expanding Information, Aiding Negotiation
Pages 165-206.
ASSIGNMENT # 1a DUE: SUBMIT DRAFT OF YOUR OPENING STATEMENT

June 3, 2015
Identifying and Framing Issues, Organizing an Agenda
Pages 207 - 225.
ASSIGNMENT # 1b DUE: SUBMIT CRITIQUE OF COLLEAGUE'S OPENING STATEMENT

June 8, 2015
Generating Movement and Concluding Mediation
Pages 227 – top of 246, 285 – 331.

June 10, 2015
Bargaining and Impasse
Pages 255 - 284.
Mediation Role Plays
Prepare for role play and critique
ASSIGNMENT # 1c DUE: SUBMIT OPENING STATEMENT

June 15, 2015
Mediation Ethics
Prepare to discuss ethical dilemmas
Read Florida Rules for Certified and Court-Appointed Mediators

Read *Vitakis-Valchine v. Valchine*, 793 So.2d 1094 (4th Dist. Ct. App. 2001) and shepardize the case.

June 17, 2015

Florida Statutory Law

Chapter 44, Florida Statutes

with emphasis on Mediation Confidentiality and Privilege Act

Be prepared to discuss the exceptions to Mediation Confidentiality

ASSIGNMENT #2 DUE: DRAFT AND SUBMIT MEDIATED AGREEMENT

June 22, 2015

Mediation Ethics

Prepare assigned Ethical Question for class presentation

June 24, 2015

Representing Clients in Mediation

Pages 337 – 367

SUBMIT MEDIATION SELF-CRITIQUE and MEDIATION ANALYSES

July 3, 2015 - NO CLASS

ASSIGNMENT #3 DUE: MEDIATOR ETHICS

MAY ALSO SUBMIT MEDIATION ANALYSES AND SELF-CRITIQUE