Learning Outcomes

This course is essentially a semester-long examination of the roles of lawyers. The course will increase your knowledge of what it means to be a lawyer and will improve the skills you need to be an effective one. The course will also increase your understanding of the values embraced by the profession; these are the ideas, principles, norms, and rules that guide us when we make choices about how we should act when practicing as lawyers.

More specifically, this course is structured to accomplish the following goals, objectives, and outcomes:

- Increasing your understanding of lawyers’ roles and relationships with clients generally;
- Knowing the distinction between problem-solving and traditional legal adversarial approaches to lawyering;
- Acquiring basic skills in interviewing and counseling clients and negotiation;
- Knowing basic “alternative” dispute resolution (ADR) procedures, their strengths and weaknesses, and the basic elements of the theory and practice of these procedures;
- Understanding how to analyze cases to assess appropriateness of different dispute resolution approaches and procedures;
- Acquiring basic skills in negotiation and mediation advocacy;
- Acquiring the knowledge and skills needed to recognize and evaluate ethical dilemmas that can arise during the representation of a client during dispute resolution; and
- Improving analytical skills. Effective analysis has several elements: identifying problematic issues; developing alternative perspectives about those issues; and making sound generalizations based on theory and one’s own experience to develop appropriate strategies to suggest to the client.

This course focuses primarily on the roles of advocates with some discussion of the roles of neutrals (such as mediators and arbitrators). You will increase your knowledge of how lawyers help clients select and participate in efficient, just, and appropriate methods of managing and resolving conflicts.

Standard 303 of the ABA Standards and Rules of Procedure for Approval of Law Schools requires each student at an accredited law school “to satisfactorily complete at least . . . one or more experiential course(s) totaling at least six credit hours.” In the judgment of your School of Law faculty, successful completion of this course will satisfy two of Standard 303’s six credit hours requirement.

Requirements and Grading

Grades will be based on the following criteria: 75% - In-class final exam (2 hours); 25% - Exercises, papers & class participation. We will be conducting a number of in-class and out-of-class exercises. For some of these exercises you will be asked to write a short paper. Below are the dates in which the assignments will be handed out and collected.
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Class Attendance
Attendance, preparation and engagement in the exercises are of most importance. Attendance is very important because much of the learning happens in class. No distinction will be made between excused or unexcused absences. You may miss three classes without penalty. **Upon the fourth absence, you will be penalized three points. Upon the fifth absence, you will be dropped from the class.**

Intellectual Pluralism
The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

Academic Integrity
Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law’s Honor Code as extremely serious matters. In the event that you violate our Academic Integrity rules on any portion of the work required for this class, you may expect a failing grade in this course as well as possible disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

Disabilities
Please let me know as soon as possible you anticipate barriers related to the format or requirements of this course; you have emergency medical information to share with me; or, you need to make arrangements in case the building must be evacuated.

If you require disability-related accommodations (such as a notetaker, extended time on exams or captioning), please establish an Accommodation Plan with the Disability Center. The Center is located at S5 Memorial Union. You should also contact the Associate Dean for Academic Affairs or the Law School’s Registrar, so that they can help coordinate any necessary accommodation.

Required Readings
Stefan H. Krieger & Richard K. Neumann, Jr., Essential Lawyering Skills. Assignments from this book are listed below with the prefix “K&N”.
Assignments

8/20 Introduction to the Course
K&N Chapter 1

8/22 Video: Bryan Stevenson’s Talk Spring 2016
As you watch the video in class, please consider the following questions: What does Mr. Stevenson tell us about the role of lawyers as advocates?; What skills do lawyers need to have to play that role?; What kind of relationship did Mr. Stevenson have with his clients?; Why was he able to reach that kind of relationship?

8/27 Roles of Lawyers & Attorney-Client Relationships
MacCrate Report Fundamental Lawyering Skills and Values (Handout); Foundations for Practice: The Whole Lawyer & The Character Quotient, pp. 5-21, 29-34

8/29 Roles of Lawyers & Attorney-Client Relationships (cont.)

9/3 Listening Skills: Basic Concepts
K&N 5.1; 5.2.1; 8.1.2; Diane Schilling, 10 Steps to Effective Listening, FORBES, Nov. 9, 2012, http://www.forbes.com/sites/womensmedia/2012/11/09/10-steps-to-effective-listening/#308cba2426fb

9/5 Listening Skills: Overcoming obstacles to active listening

9/10 Interviewing Clients & Witnesses
K&N Sections 7.6; 8.1.1; 8.2; 8.2.1 to 8.2.6; 8.3; 8.3.1 to 8.3.2; 9.3

9/12 Interviewing Clients & Witnesses (cont.)
K&N Chapters 7, 8 & 9 (cont.)

9/17 Lawyer as a Problem Solver
K&N Chapter 4; Moore’s Circle of Conflict (Handout)

9/19 Lawyer as a Problem Solver (cont.)

9/24 Counseling Clients
K&N Chapters 18.1; 18.3; 20.1; 20.3; 20.3.2; 20.3.3; 21.1

9/26 Counseling Clients (cont.)
K&N Chapters 18, 20-22 (cont.)

10/1 Identifying and Dealing with Biases in Counseling, Negotiation & Mediation
K&N Chapter 6

10/3 Negotiation: How it Works; Positions and Interests; Power
K&N Chapter 23.1 and 23.3.1 to 23.3.3

10/8 Negotiation: Video (Part I)
10/10 Negotiation: Strategy & Styles  
K&N 24.1 to 24.4

10/15 Negotiation: Tactics  
K&N 25.1; 25.2; 25.3; 25.4; 25.5; Chapter 27

10/17 Negotiation: Legal and Ethical Obligations  
K&N 28.1; 28.3 and 23.5

10/17 JDR Symposium – Students will be expected to attend one of the Symposium sessions.  
To

10/19

10/22 Mediation: Understanding the Process  

10/24 Negotiation: Simulation Debrief

10/29 Mediation: Understanding the Process (Cont.)

10/31 Mediation: Effective Advocacy  
Pages 7 to 20 and 21 to 45 of the following document  

11/5 Mediation: Effective Advocacy (cont.)

Mediation Exercise: The exercise will take place at night on Tuesday 11/5 to Thursday 11/7 the week of Nov. 4th. Please hold open those three nights. I will provide the specific time and date assignments as soon as possible.

11/7 Arbitration

11/12 Mediation: Exercise Debrief

11/14 Arbitration

11/19 Advising Clients About Dispute Resolution Processes  
K&N 18.3; CPR ADR Suitability Guide (handout)

11/21 Review

11/26 Thanksgiving Break  
&

11/28

12/6 FINAL EXAMINATION – 8:30 a.m.