

# MEDIATION CLINIC

## Syllabus

Fall 2019

< Rev. 11/2/19 >

Class	Date	Topic	Assignment
1	Tuesday August 27	Introduction to the Clinic  Introduction to disputing and dispute resolution	<ul style="list-style-type: none"> <li>• Frenkel &amp; Stark ("F&amp;S"), pp. 1-20</li> <li>• Mediation Clinic Orientation and Procedures Manual ("Clinic manual"): carefully read Sections 1-4, 5(a), 6, and 7; skim Sections 5(b)-5(g) and Appendix</li> <li>• Prepare at least one question about the Clinic's structure, operation, or requirements</li> <li>• Prepare self-introduction (see TWEN course page)</li> </ul>
2	Thursday August 29	Strategic, psychological and cognitive barriers to settlement	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 21-63</li> <li>• Platt v. Dixon case file materials (<i>case assessment due by 11:00 AM on the day of class</i>)</li> <li>• Miller &amp; Sarat "dispute pyramids" (on TWEN)</li> <li>• Prepare for conflict visualization exercise</li> </ul>
3	Tuesday September 3	The forms of mediation	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 65-95*</li> <li>• Watch Video Clips 3-A &amp; 3-B (takes about two hours), prepare to answer questions on p. 94</li> <li>• <i>Conflict management survey due by 10:00 AM on the day of class</i></li> </ul>
4	Thursday September 5	Mediation structure  Mediator opening statements  Beginning the information-gathering process: note-taking, active listening, productive reframing	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 97-119, 131-165 (omit Video Clip 6-N)</li> <li>• Prepare for mediator's opening statement exercise (on TWEN)</li> </ul>

Class	Date	Topic	Assignment
5	Tuesday September 10	Expanding information	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 165-223</li> <li>• Role-play exercises to be assigned</li> </ul>
6	Thursday September 12	Identifying & framing issues Organizing an agenda Managing strong feelings	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 225-243</li> <li>• Prepare for <i>Satellite-Dish Role Play</i></li> </ul>
7	Tuesday September 17	Persuasion & problem-solving Conducting the bargaining	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 245-297 (omit clips 10-A, 10-I)</li> <li>• Role-play exercises to be assigned</li> </ul>
8	Thursday September 19	Dealing with impasse and concluding the mediation Putting it all together	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 297-328</li> <li>• Prepare for <i>Ad-Vision Role Play</i></li> </ul>
9	Tuesday September 24	Introduction to employment discrimination law, procedure, and mediation planning 1	<ul style="list-style-type: none"> <li>• Posted assignment on TWEN</li> <li>• Clinic Employment Discrimination Handbook</li> <li>• Bergman, Trial Advocacy in a Nutshell (5<sup>th</sup> ed.), pp. 34-45</li> <li>• CHRO case file in <i>Lors v. St. Joseph's Manor</i></li> </ul>
10	Thursday September 26	Introduction to employment discrimination law, procedure, and mediation planning 2	<ul style="list-style-type: none"> <li>• Posted assignment on TWEN</li> <li>• Clinic manual, § 5(a)-5(g) and appendix</li> <li>• F&amp;S, pp. 125-129</li> </ul>
11	Tuesday October 1	Final simulation: <i>Carr v. Southbury Dental Care</i>	
12	Thursday October 3	Final simulation: <i>Gibson v. Frank's Restaurant</i>	
13	Tuesday October 8	Simulation review Coaching & conveying offers Concluding mediations	<ul style="list-style-type: none"> <li>• Posted video review and reflection assignment</li> <li>• F&amp;S, pp. 23-25; 285-97; 306-08; 326-29</li> </ul>
14	Thursday October 10	Case rounds	<ul style="list-style-type: none"> <li>• Initial case presentations</li> </ul>

Class	Date	Topic	Assignment
15	Thursday October 17	Case rounds	<ul style="list-style-type: none"> <li>• Initial case presentations (cont'd); additional rounds discussions TBA</li> </ul>
16	Thursday October 24	Case rounds Ethics of mediating 1	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 331-346</li> <li>• <i>Chapter 12 tally sheets due by 9:00 AM on day of class</i></li> </ul>
17	Thursday October 31	Case rounds Ethics of mediating 2	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 346-366</li> <li>• <i>Chapter 12 tally sheets due by 9:00 AM on day of class</i></li> </ul>
18	Thursday November 7	Case rounds Ethics of mediating 2 (cont'd)	<ul style="list-style-type: none"> <li>• Review problems on pp. 346-366 and your previously-submitted responses to them</li> </ul>
19	Thursday November 14	Case rounds Representing clients in mediation 1	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 367-397</li> </ul>
20	Thursday November 21	Case rounds Representing clients in mediation 2	<ul style="list-style-type: none"> <li>• F&amp;S, pp. 367-397 (review)</li> </ul>
	Thursday November 28	[No class – Thanksgiving break]	
21	Thursday December 5	Clinic party!	<ul style="list-style-type: none"> <li>• Time, location &amp; other details TBA</li> </ul>

\* Beginning with the assignment for Class # 3, most of the chapters in the book conclude with end-of-chapter review problems. We will let you know, on a class-by-class basis, which of these you are responsible for and which you are not depending on time constraints.