

**SYLLABUS
BIOETHICS MEDIATION INTENSIVE COURSE**

**Daniel Stern Serviansky
Visiting Professor
646.543.2344
d@dssadr.com**

University of Miami School of Law

November 11 – 17, 2019

Texts

Bioethics Mediation: A Guide to Shaping Shared Solutions, Revised and Expanded Edition, Dubler and Liebman, 2011. Please be sure to order the revised edition. ISBN-10: 0826517722.

Difficult Conversations: How to Discuss What Matters Most, 10th Anniversary Edition, Stone, Patton, and Heen, 2010, ISBN-10: 9780143118442.

During the course you will have opportunities to participate in simulated mediations as both a mediator and a party. Please be aware that role plays from the textbook have been revised for the intensive course. **Please do not read role plays in the text ahead of time**, and please do not assume that facts as presented in the text versions of the role-plays are the same as those used in this course.

Additional background reading for law students without prior exposure to bioethics: **Hardart et al, Ethics** – to be posted to the course page.

Topics and Assignments

Class	Date	Time	Topics	Assignment (Complete Ahead)
1	Monday November 11, 2019	12:30 PM-1:50 PM (1.4 hrs)	-What is Mediation? -&...Bioethics? -&...Bioethics Mediation? -Skills-building exercises, simulation -In-class reflection	-Difficult Conversations to p111 -Bioethics Mediation to p30
2	Tuesday November 12, 2019	12:30 PM-1:50 PM (1.4 hrs)	-Structure of a Difficult Conversation -...in the Bioethics context -Structure of a Mediation -Structure of a Bioethics Mediation -Experiential simulation -In-class reflection	-Difficult Conversations to p111 -Bioethics Mediation to p30
3	Wednesday November 13, 2019	12:30 PM-1:50 PM (1.4 hrs)	-Introduction to apologies -Experiential simulation(s) -In-class reflection	-Difficult Conversations to p234 -Bioethics Mediation to p92 -Hardart et al, Ethics
4	Thursday November 14, 2019	12:30 PM-1:50 PM (1.4 hrs)	-Mediation and the Bioethics Consult -Experiential simulation -In-class reflection	-Difficult Conversations to end -Bioethics Mediation to p130
5	Friday November 15, 2019	2:00 PM-5:00 PM (3 hrs)	-Experiential simulations -In-class reflection	-Bioethics Mediation to 164 and 291 to end (do *not* read simulations)
6	Sunday November 17, 2019	10:00 AM-1:00 PM (3 hrs)	-Experiential simulations -In-class reflection	-Paper Due at 9:40AM

Final Paper (Due at 9:40AM on 11/17/2019):

1. Review your daily in-class reflections. Create an updated draft of the reflections, **adding citations** (to the readings and to course materials, including slides), and **briefly answering any questions that I raised** in my comments to you. **Write a 500 word cover memorandum** addressing the **development of your bioethics mediation skills** during the course, including the following:

- what skills work for you and what skills do not work for you;
- what you would do differently in the future; and,
- what you learned about your strengths and weaknesses as a mediator.

Put the above updated reflections and cover memo, and the two items below, into the first section of a single **three-part Word document**, to which you will add the below as sections two and three.

2. Practice **active listening** skills learned during the class **in the real world**. Please pick an emotionally charged or in some other way difficult or challenging conversation. **Describe the conversation** briefly (*no more than 250 to 500 words*) and discuss the results. Make this description of your use of listening skills the second section of the single three-part Word document you started above.

3. *In no more than 250 to 500 words*, briefly analyze a case in your life in which mediation was not used and describe **how it might have gone differently with a mediation approach**; apply theories and practices discussed during the class. Imagine and describe how a mediation of the case might play out, what techniques you would use as mediator, who you would have at the table, how would you start the mediation, what your working hypothesis might be, and what you might say as a mediator to help the parties agree. Make this counterfactual analysis section three of the single three-part Word document you started above.

The length of the paper should be no more than **2,500 -3,000 words, with that count including updated reflections completed in class** (as covered in paragraph 1 of this page of the syllabus). The paper is due at 9:40AM on 11/17/2019.

Supportive Learning Environment:

We are dedicated to facilitating equal access for students with disabilities and to cultivating a culture that is sensitive and responsive to the needs of students.

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact the Office of Disability Services for information about available opportunities, resources, and services. Their phone number is 305-284-9907 and email address is disabilityservices@law.miami.edu. You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services.

We hope you will not hesitate to let us know of ways that we can make this course a supportive learning experience.

Additional Policies:

Due to the small number of meetings, ***attendance to all meetings/classes for short courses is mandatory.*** Students who miss 80 minutes or more of a 1-credit short course are subject to administrative withdrawal and will have a W for the course on their transcripts. Students who miss more than twelve and fewer than 80 minutes of the course will have their grade reduced by up to one letter grade, with the exception that absences may be excused (and/or alternatives made available) at the professor's sole and absolute discretion.

Completion of all in-class and out-of-class assignments (including reflections and papers) is required. Participation in class discussions and in all experiential exercises and simulations is required.

Students are expected to follow the highest standards of academic honesty and professional responsibility.

Office Hours:

I expect to hold office hours by appointment every day from Monday to Saturday during the week of the course.