Negotiation and Appropriate Dispute Resolution—Law 917
Fall 2018, 3 Credit Hours
Tracey Poulos—traceypoulos@gmail.com
Monday and Wednesday—5:30pm-6:45pm—Room 103

Course Materials:
Getting to Yes—Negotiating Agreement without Giving In
By Roger Fisher and William Ury

Course overview:
The Course will focus on negotiation, mediation and touch briefly on arbitration and hybrid dispute resolution methods. Throughout the course you will learn about the various dispute resolution processes, engage in some form of that process, and consider the legal, policy, and ethical implications of use of the process. Your grade will be based on class participation, role plays/simulations, writing assignments, group presentation, and a final examination. Throughout the course you will be asked to consider the purpose of a particular process and how the process relates to the formal adjudicative system, understanding the advantages and disadvantages and who should decide whether the various processes should be used.

Course requirements:
This course will involve reading, discussion, role-play, self-reflection, simulation exercises, class presentation, and a final exam. There will be several short written assignments and a final examination. The examination will be taken outside of class.

Grades:
Grades will be based upon attendance, preparation, participation, written and oral assignments, class presentation as well as a final exam.

- Class participation/attendance/preparation 10%
- Writing Assignments 20%
- Simulations 20%
- Group Project/Presentation 20%
- Final Exam 30%

General information about the class:
- Doesn’t qualify for basic mediation training
- Method of instruction: lecture/discussion and role plays; students are expected to play roles and to take their roles seriously; and leave roles in class at end of exercises.
- The writing assignments are intended to demonstrate the skills you learn in class. You will be graded on your ability to reflect the learned concepts within your assignment.
- Some exercises will be done in class and some will require you to meet outside of class.
Class Schedule:
Please note that the following is an outline of topics, readings and exercises; these are subject to change as announced in class, given our pace and the possibility of new developments and guest speakers. Please be sure to come to class to learn of assignment changes.

- **Monday, August 20, 2018**
  - Introduction to ADR
  - Writing Assignment #1 Due—
    - Address the following: why are you here and what do you hope to learn? If you walk out of this class having learned one thing, what do you hope it is? Write down three or four concrete skills that you would like to learn to be an effective conflict resolver. What prior ADR experience do you have? Describe a conflict you have experienced or that you are personally familiar with. **Length: No more than three pages.**

- **Wednesday, August 22, 2018**
  - Negotiation Styles; Negotiation Strategies
  - In-Class Exercise: Positions vs. Interests

- **Monday, August 27, 2018**
  - Preparation & Planning; Goal Setting; BATNA; Persuasion Strategies (ACE Model); The Role of Power; Saving Face; Obstacles & Responses

- **Wednesday, August 29, 2018**
  - Negotiation Topics (cont.)
  - Role Plays/Simulations

- **Monday September 3, 2018—No Class—Labor Day**

- **Wednesday, September 5, 2018**
  - Introduction to Mediation
  - Mediation Videos
  - Guest Speaker

- **Monday, September 10, 2018**
  - The Mediation Process—Caucusing; Shuttling; Co-Mediating; Story Telling/Issue Identification; Agenda Setting

- **Wednesday, September 12, 2018**
  - Mediation Topics—Emotional Intelligence; Conflict Management; Roadblocks to Effective Communication; Dealing with Bias; Dealing with Emotions; Power Balancing; The Importance of Saving Face; Getting Past Impasse
• **Monday, September 17, 2018**
  - Building the Mediator Toolkit
    - Active Listening, Reframing, I-Statements, Questions

• **Wednesday, September 19, 2018**
  - Attorney Roles in Mediation
  - Role Plays

• **Monday, September 24, 2018**
  - Criminal Mediation—VOM; Pre-Sentence

• **Wednesday, September 26, 2018**
  - Civil Mediation—Landlord-Tenant; Small Claims

• **Monday, October 1, 2018**
  - Child Custody Mediation

• **Wednesday, October 3, 2018**
  - Intake Documents; Pre-mediation; Agreements to Mediate; Opening Statements

• **Monday, October 8, 2018**
  - Agreement Writing
  - **Writing Assignment #2 Due**—
    - Draft an opening statement.

• **Wednesday, October 10, 2018**
  - Mediation Rules and Regulations; Mediator Ethics
  - Role Plays

• **Monday, October 15, 2018**
  - Role Plays

• **Wednesday, October 17, 2018**
  - Simulated Mediation

• **Monday, October 22, 2018**
  - Simulated Mediation Evaluation/Debrief
  - **Writing Assignment #3 Due**—
    - Draft a final Mediated Agreement from the simulated mediation

• **Wednesday, October 24, 2018**
  - Cultural Awareness in ADR
• **Monday, October 29, 2018**
  o Arbitration and Hybrid Processes
  o Guest Speaker

• **Wednesday, October 31, 2018**
  o Group 1 & 2 Presentations

• **Monday, November 5, 2018**
  o Group 3 & 4 Presentations

• **Wednesday, November 7, 2018**
  o Group 5 & 6 Presentations

• **Monday, November 12, 2018**
  o Group 7 & 8 Presentations

• **Wednesday, November 14, 2018**
  o Group 9 & 10 Presentations

• **Monday, November 19, 2018—No Class**
• **Wednesday, November 21, 2018—No Class**

• **Monday, November 26, 2018**
  o Presentation Evaluations/Debrief
  o **Writing Assignment #4 Due**—
    ▪ Cultural reflection

• **Wednesday, November 28, 2018—Last Day of Class**
  o Class wrap-up/Debrief
  o Take Home Final Pick-up

• **Monday, December 3, 2018**
  o **Take Home Final Due**
**Attendance Policy:**
A student may miss two classes during the semester. Please note that if you miss a day when information/roles are distributed, it is your responsibility to get that information. If you miss on a day that a writing assignment is due, you will lose the points for that assignment unless it is emailed before class begins. Any additional absences may result in a lower grade. In addition, if a student is unable to attend class for whatever reason, you must notify the instructor in person or by telephone at least twenty-four hours before the scheduled class period. If notice is not given, and the student fails to attend, the student’s grade may be lowered. While this attendance policy may seem harsh, the nature of this class, which includes numerous simulations where students are assigned to groups, requires that the instructor know who will be in class on any given day. Any student with more than two absences, even if he or she notified the instructor in advance of the absences, may, after notice from the instructor, be withdrawn from the course.

**Credit Hours for Coursework:**
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours. The Course requirements outlined above with respect to materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet this rule.

**Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:**
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:
- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at
- [http://www.uidaho.edu/current-students/cdar](http://www.uidaho.edu/current-students/cdar)

Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**Recording Class Sessions:**
Students may not electronically record classes unless they have the express consent of the
instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

_Civility Statement:_
In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning. Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).