

UNIVERSITY OF LA VERNE COLLEGE OF LAW

MEDIATION

CRN: 1123 LAW: 596

Summer 2019 Semester Syllabus

Prof. Donald Cripe

PROFESSOR: Donald Cripe
CREDIT HOURS: Four Credit Hours
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I. CLASS MEETING TIMES

Tuesdays and Thursdays, June 4 – July 18, 6:30 p.m. – 8:20 p.m.
Friday, July 5, 6:30 – 8:20 p.m. Make-up for July 4 holiday.

II. OFFICE HOURS

By Appointment

III. REQUIRED TEXTBOOKS

- Kimberlee K. Kovach, Mediation Principles and Practice (3rd ed. 2004)
- Supplemental Course Materials, which will be posted to TWEN free of charge.

RECOMMENDED READING:

“Getting to Yes” Fisher & Ury

IV. COURSE OBJECTIVES

This course emphasizes theoretical and practical applications of mediation. Students will learn about conflict and communication, mediation theory, the stages of mediation, the role of the mediator, negotiation theories and strategies, mediator styles, the role of the attorney advocate involved in mediation, cultural and gender issues, and ethical considerations. A series of practical exercises and video clips will allow the student to analyze the roles of the mediator and parties as well as the mediation process. After the initial 38 hours of mediation training is completed, students will be expected to mediate small claims court cases for three hours a week during the final 13 weeks of the semester.

The combined mediation training and practicum experience exceeds the qualification requirements of the Dispute Resolution Programs Act (DRPA) that has been adopted in California for mediators in court-connected mediation programs for civil cases. A certificate of completion will be awarded to all students who have **100% attendance** and complete all course assignments.

By the end of the course, students will become proficient in the skills necessary for qualified mediators and attorney advocates involved in the mediation process. Specifically, students will be able to:

- Interact as a mediator in both simulated and real-life mediations, meeting all of the requirements of DRPA.
- Recognize different dynamics of communication (i.e., conflict styles, gender and cultural issues, negotiation theories and strategies) and be able to facilitate and manage participants during simulated and real-life mediations.
- Demonstrate an understanding of the role of the attorney advocate during simulated mediations.
- Adhere to ethical standards pursuant to the Model Standards of Conduct for Mediators and the California counterpart, known as the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases.

V. TEACHING METHODOLOGY

The mediation field does not necessarily involve concrete principles that need or must be applied in every situation. Mediation participants will benefit from their ability to be flexible. The professor's role is to open your minds, pose questions, but not always provide concrete answers. Many of the class discussions will go beyond the scope of the assigned readings. You should approach the readings by examining the material and then contemplating how it plays a part of a larger picture.

During class sessions, you will be expected to participate in class discussions about theoretical topics. Much of the course will be devoted to role-playing in fictitious fact scenarios so that students may gain the practical skills of mediators and attorney advocates. Although this course does not focus on case briefing, some cases will be assigned and students will be expected to read, brief and be prepared to discuss the legal implications of the cases in a modified Socratic dialogue. If the student does not read the assigned and supplement materials, it will be very difficult to do well in the course.

You will prepare a short self-assessment report for mediations that are observed or mediated. The reports should be presented to the class at the beginning of each class period and will be used for discussion and debriefing purposes involving the entire class.

You are expected to attend/shadow not less than 1 complete mediation outside of class. The mediation provider must be approved by the Professor. Shadowing should begin after the second week of class.

You are expected to be on time for each class. This is a simple courtesy to your fellow classmates and your professor. Punctuality will enable you to benefit by participating fully in the class discussions. ***If you are late for class, you will be marked absent.*** Any absence receives a zero score for class participation that day.

This course is extremely dependent on good communication skills, both verbal and nonverbal. The class requires constant and uninterrupted participation by the students. Laptop computers, therefore, are not permitted in class. In addition, all cell phones and pagers should be turned off to avoid any distractions.

I will expect the same decorum expected of you in a court of law meaning that unless you are a part of class discussion, you should not talk to your classmates during class; you may not wear hats or headgear (unless for bona fide religious reasons) nor may you wear sunglasses, ear pieces, etc. If you do, you will be asked to leave class and will be marked absent or, if a device is involved, to surrender the device until the end of class.

In order to complete this course, you must attend classes and approved mediation sessions for a minimum of 38 hours. The student will keep a log of class hours and approved field work. If the student does not shadow at least one mediation with an approved provider, the result will be an “incomplete” for the course. The Professor will assist students to arrange shadowing.

Excessive absences from class will result in an involuntary withdrawal from the course pursuant to College of Law policies.

VI. TWEN SITE

A TWEN site on Westlaw has been set up for this course. Each student is expected to register for that site.

VII. EVALUATION AND GRADING

You will receive a numeric grade in accordance with the College of Law policies. The following components of the course will be graded:

1. A final mediation exercise involving preparation of a mediation agreement, a mediation preparation plan, convening the mediation, completing the mediation, and preparation of a mediated agreement. 70% of your final grade

Mediation exercises to take place during Final Exam Week.

2. Multiple Choice mid-term. 15% of your final grade
3. Written student exercise to be evaluated by fellow students. Both the paper and evaluation shall comprise 15%, combined, of your final grade

VIII. TAPING CLASSES

You may not tape record classes unless exigent circumstances exist and you receive permission before each class.

IX. DISABILITY SERVICES INFORMATION

Students whose disabilities necessitate accommodation must comply with the notice and documentation requirements of the College of Law. Students who wish to receive an accommodation should, within the first month following initial registration, make an appointment with the Assistant Dean of Students in order to become informed of these requirements.

If you wish to receive accommodations for disability, you are responsible for reviewing The Handbook for Students with Disabilities, available from the College of Law Registrar's Office. You have certain obligations and responsibilities surrounding the accommodations and services provided by the University of La Verne and the College of Law, and must pay particular attention to the requirements for timely documentation outlined in that document.

X. COURSE SCHEDULE

The course schedule is set forth below. All assigned readings should be completed before attending the class to which they are assigned. The professor reserves the right to modify the schedule to accommodate class needs. If you are absent, you should verify the assignment for the following class. In addition, any modifications will be posted to TWEN. You are expected to check the TWEN site weekly, and are assumed to have read any posted notice.

<u>CLASS</u>	<u>READING</u>	<u>TOPICS</u>
1 June 4	Kovach, Ch.1, pp. 1 – 6 & Ch. 2, pp. 26 – 34 Mediation Training Manual Sections 1 & 2 (TWEN)	Course Introduction Historical Perspectives of Mediation
2 June 6	Kovach, Ch. 2, pp. 34 – 48 Kovach, Ch. 3, pp. 49 – 74 Mediation Training Manual Sections 3, 4, 5 & 6 (TWEN)	Dissection of the Mediation Process Mediator Skills Gender and Culture Issues Communication and Conflict
3 June 11	Kovach, Ch. 4, pp. 75 – 81 & Ch. 5, pp. 142 – 157 Mediation Training Manual Sections 6, 7, & 8 (TWEN)	Preparing for the Mediation Agreements to Mediate 1st MIDTERM MULTIPLE CHOICE
4 June 13	Kovach, Ch. 6, pp. 158 – 176 Kovach, Ch. 7, pp. 179 – 192 Mediation Training Manual Section 9 (TWEN)	Beginning the Mediation The Mediator’s Opening Gathering Information Identification of Issues and Interests
5 June 20	Kovach, Ch. 8, pp. 193 – 210 Handout Materials & Mediation Training Manual Sections 10 & 11 (TWEN)	The Negotiation Process Negotiating with Different Mediator
6 June 25	Kovach, Ch. 1, pp. 14 – 16	Styles: Facilitative & Evaluative
7 June 27	Kovach, Ch. 10, pp. 236 – 261 & Handout Materials Kovach, Ch. 14, pp. 395 – 406, 413 – 418, 423 – 428 Mediation Training Manual Section 12 (TWEN)	Finding a Resolution Ethical Considerations 2ND MIDTERM (FORMAT TBD)
8 July 2	Kovach, Ch. 9, pp. 211 – 235 & Handout Materials	Neutrality
9 July 5	Kovach, Ch. 11, pp. 262 – 276, 310 – 317 & Handout Materials	Mediation Confidentiality

July 9	Kovach, Ch. 5, pp. 151 – 154 & Handout Materials	The Role of the Attorney Advocate in Mediation: View Videotaped Mediation and critique in class
11 July 11	No Reading	Mediation Role Plays
12 July 16	Kovach, Ch. 12, pp. 339 – 365 (Skip <i>Rizk v. Millard</i> , pp. 357-360) & Handout Materials	The Mediated Agreement
13 July 18	Review and catch up	<i>FINAL MEDIATION ROLE ASSIGNMENT</i>
14 July 23	Review and catch up	<i>FINAL MEDIATION PREP-PLAN DUE</i>
July 25	Final Mediation Exercises should be under way.	
July 30	Final Mediation Analysis package (plan, background and reflection) Due by 5:00 p.m.	

Students Take Notice: The above is intended as a general schedule of class work and reading. Because the class will undertake several mediation exercises during class periods, we may not be running according to the above schedule for classroom topics. NEVERTHELESS, the student is expected to keep up with the reading and assignment expectations.