University of Baltimore School of Law

Course Information and Syllabus

MEDIATION SKILLS

Law 832.311
Tuesdays, 4:30 – 7:35 pm
Fall 2015

Adjunct Professor Eileen Coen

Contact Information:

Office Hours: Adjunct Offices, 8th floor (Tuesdays, 3:15 – 4:15 pm and on request before class)
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Course Objectives

This Mediation Skills course is designed to expose students to the concepts, skills and practical applications of mediation in a broad range of situations and cases. The course requires some “unlearning” of the dominant advocacy role of lawyers in traditional legal education and American popular culture.

Students in this highly interactive course will:

• Attain understanding of the mediation process, the role and ethical demands of the mediator, and the place of mediation in the overall world of dispute resolution
• Begin to develop both the art and skill of mediation through video observation, simulated role plays and reflections/analysis
• Become mindful listeners, communicators, negotiators and facilitators
• Appreciate the importance of norms other than legal ones in harnessing solutions to problems

General Information

• The required text for the course is The Practice of Mediation, A Video Integrated Text, Frenkel & Stark (“F & S”), 2nd Edition.
• This book is highly recommended: Difficult Conversations, Douglas Stone, Bruce Patton, Sheila Heen
• There may be additional handouts, reading and/or videos assigned during the course of the semester.

• In order to provide maximum opportunity for mediation simulations, the course is necessarily “front-loaded” with reading assignments and other homework between classes. In this way, we will rapidly build the foundation for your practice of skills.

• You are expected to attend every class having read and thought about the assigned material and to participate in the exercises and simulations.

• Laptops, tablets and other electronic devices may be used in class only for taking notes during instruction and discussion and may not be used during exercises, simulations and role plays.

• Any changes to the class schedule and assignments set forth below will be announced in class and/or posted on TWEN.

**Attendance & Class Participation**

• Mediation Skills are learned through hands-on exercises, role plays, discussion and analysis. The weight given to this portion of your grade reflects the importance of participation and engagement necessary to acquire new skills in this course. Effective participation in class exercises, role plays and discussions will reflect your familiarity with the course materials and demonstrate increasing understanding of key concepts, framework and mediation strategies.

• Class attendance is critical to your successful engagement in this course as there is no way to make up missed role plays and other in class exercises. If you must miss any class or will arrive late, please notify me as soon as possible by email. Missing a class without advance notice will lower your class participation grade by one letter grade; late arrival to class will have a negative impact on your grade. Please note that per school attendance policy (http://law.ubalt.edu/academics/policiesandprocedures/), a student with more than two absences may be compelled to withdraw from the class per school attendance policy and receive a grade of WA or WF.

**Written Assignments**

• There will be one **Written Assessment** of a videotaped mediation on the DVD accompanying the assigned text. The written assessment will identify the mediation skills and interventions at play, analyze the effectiveness of those skills employed and suggest what you might have tried differently and why. The guide for your written assessment will be provided to you in class and posted on TWEN.

• Students will complete **Self-Reflections** throughout the course of the semester based upon class discussions, exercises and role plays. These will be part of your class participation grade. There will be two separately graded self-reflections completed in conjunction with the video-taped role plays and final role plays.
**Video-Taped Role Play**

Students will work in co-mediation teams for this assignment. This 3-part assignment includes: (1) Co-mediate a one hour simulated mediation, (2) write an individual self-reflection on the mediation, and (3) schedule a 30 minute de-brief of your role play with me. The video-taped mediation and self-reflection piece are due by 5 pm on Monday, 10/19. Co-mediation teams will schedule their debrief sessions with me to take place either before or after class on Tuesday, 10/20 or before class on Tuesday, 10/27. I will supply the role play. You will be responsible for securing role players, reserving and preparing the mediation site and making arrangements for video-taping. Please take time to ensure the quality of your video-tape product prior to taping your role-play, as I cannot effectively view and give feedback on a video that lacks good sound and clear picture. Role players do not need to be classmates.

**Final Role Play**

- There will be no final written exam for this course.
- The final four class periods will be devoted to final mediation role plays. Students will be paired into co-mediation teams. Each “team” will be assigned one role play in which they will be co-mediators and a second role play in which they will be role players. Each mediation role play will be followed by oral feedback from role players, observers and the instructor.
- Each individual mediator will prepare a self-reflection piece. Self-reflections are due within one day of your final co-mediation.

**40-hour Certification**

- **Students who would like obtain a Certificate of 40 hours of Mediation Training must attend every class in order to meet the requirements of the Court of Appeals to mediate cases referred by Maryland Circuit Courts.**
- **Make-up assignment for Students seeking certification:** Certification students will be given the opportunity to complete a make-up assignment for no more than one missed class during the semester. Makeup work will depend on the topics of the class missed, and may include some or all of the following: Preparing a written summary and analysis of material from the textbook and/or a videotaped mediation and/or other selected readings. A makeup assignment does not replace other homework assignments.

**Grading**

Your final grade will be based on the following:

- Class Participation, Attendance and Preparation 40%
- Written Mediation Assessment 10%
- Video-Taped Mediation & Self-Reflections 25%
- Final Role Play & Self-Reflections 25%
## Class Schedule and Assignments

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<thead>
<tr>
<th>Date</th>
<th>Class</th>
<th>Topic</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>August 18, 2015</td>
<td>Class 1</td>
<td>Introduction to Mediation</td>
<td>1) F &amp; S, Chapters 1 - 2 &lt;br&gt;2) Recommended: <em>Getting to Yes</em></td>
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<td>August 25</td>
<td>Class 2</td>
<td>The Mediation Process</td>
<td>1) F &amp; S, Chapters 3 - 5 &lt;br&gt;2) View Lord &amp; Cutrona (play all) versions of Wilson v. Lorenzo</td>
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<td>September 1</td>
<td>Class 3</td>
<td>Opening the Process &amp; Communication Skills</td>
<td>1) F &amp; S, Chapter 6 &lt;br&gt;2) Recommended: <em>Difficult Conversations</em></td>
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<td>September 8</td>
<td>Class 4</td>
<td>Developing &amp; Expanding Information</td>
<td>F &amp; S, Chapter 7</td>
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<tr>
<td>September 15</td>
<td>Class 5</td>
<td>Framing Issues</td>
<td>1) F &amp; S, Chapters 8 - 9 &lt;br&gt;2) View Mary Hanna (play all)</td>
</tr>
<tr>
<td>September 22*</td>
<td>Class 6</td>
<td>Concluding the Mediation &amp; Drafting the Agreement</td>
<td>F &amp; S, Chapter 11 - 12 &lt;br&gt;<em>Written Assessment due</em></td>
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<td><em>guest instructor or makeup class TBD</em></td>
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<td>Mediation Ethics</td>
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<tr>
<td>September 29</td>
<td>Class 7</td>
<td>Bargaining &amp; Dealing with Impasse</td>
<td>F &amp; S, Chapter 10</td>
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*Role Play #1, #2, #3 Co-mediation*
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<tr>
<th>Date</th>
<th>Class</th>
<th>Topic</th>
<th>Reading Assignment</th>
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<tr>
<td>October 6</td>
<td>Class 8</td>
<td>Representing Clients in Mediation</td>
<td>F &amp; S, Chapter 13</td>
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<tr>
<td>*October 6</td>
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<td>*guest instructor or makeup class TBD</td>
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<tr>
<td>October 13</td>
<td>Class 9</td>
<td>NO CLASS Video-taped Mediations</td>
<td>No Reading Assignment</td>
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<td>October 20</td>
<td>Class 10</td>
<td>REVIEW</td>
<td>Videotapes and Written Self-Reflections due</td>
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<td>October 27</td>
<td>Class 11</td>
<td>FINAL ROLE PLAYS</td>
<td>No Reading Assignment</td>
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<td>November 3</td>
<td>Class 12</td>
<td>FINAL ROLE PLAYS</td>
<td>No Reading Assignment</td>
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<tr>
<td>November 10</td>
<td>Class 13</td>
<td>FINAL ROLE PLAYS</td>
<td>No Reading Assignment</td>
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<td>November 17</td>
<td>Class 14</td>
<td>FINAL ROLE PLAYS</td>
<td>No Reading Assignment</td>
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