MEDIATING FAMILY DISPUTES  
Fall 2015

Professor Eve Hanan
AL 411  
410-837-5823  
ehanan@ubalt.edu

Professor Robert Rubin
AL 420  
410-837-4094  
rubinson@ubalt.edu

Professor Jane Murphy
AL 430  
410-837-5657  
jmurphy@ubalt.edu

AL 1112  
410-837-4635  
sobrien@ubalt.edu

I. COURSE MATERIALS


II. CONCEPT AND GOALS

This course will present students with an overview of family mediation, including:

- A grounding in the skills and theories of mediation.
- An understanding of the many variations of how mediation is actually conducted in family cases.
- Critical judgment as to when family mediation might or might not be appropriate.
- A familiarity with legislation involving family mediation and critical inquiry as to the efficacy of different legislative initiatives.
- Special issues facing mediators in family mediation.
- The role lawyers can or should play when representing clients before, during, and after family mediation.
- Ethical considerations both as a family mediator and as an attorney in family mediation.

III. ASSIGNMENTS AND GRADES

A. Class assignments: Students are expected to complete the reading assignments from the text and supplemental materials, to attend each class on time, and to participate in class discussions of readings and problems. **You are expected to consistently**
participate in class discussion in order to demonstrate that you have read and reflected on issues raised in the assignments. Consistent with the School of Law’s Academic Regulations, students are permitted up to two (excused or unexcused) class absences. If you know you will be absent from class, please provide faculty as much notice as possible.

Each student will also have roles in simulations over the course of the semester. In accordance with the goals that we have identified, simulations include: a) family law mediations with two parties, two attorneys, and a mediator; b) counseling sessions during which students will describe and advise clients about mediation; c) mediations without attorneys and d) mediations with multiple parties.

B. You have two options regarding grading:

Option 1 (Mediating Family Disputes Seminar)

1) In class exercises including simulations, feedback, and discussion: 40%
2) Mediation observation assignment: 10%
3) Scholarly Paper (25 pages) (40%) and class presentation (10%): 50%

Option 2 (Mediating Family Disputes Lecture)

1) In class exercises including simulations, feedback, and discussion: 40%
2) Mediation observation assignment: 10%
3) “Short paper” (8-10 pages): 25%
4) Take-home examination: 25%

IV. SYLLABUS

A. FAMILY MEDIATION: HISTORY AND THEORETICAL FOUNDATIONS

Week I August 18

Introduction/Historical Overview

The Mediation Process: Stages and Contexts

B. THE SKILLS OF THE FAMILY MEDIATOR

Week II August 25

Essential Mediation Skills

Styles of Mediation

1. Facilitative
2. Evaluative
3. Transformative

Simulation: Setting the Stage/Orientation

Week III
September 1

Child Access Mediation

Writing a Scholarly Research Paper

Simulation: Gathering Information/Framing Issues

Week IV
September 8

Mediating Financial Issues

1. Divorce and dividing marital property
2. Child support
3. Public assistance benefits

Simulation: Developing Options/Negotiation

Week V
September 15

Ethical Issues for Family Mediators

1. Sources of Ethics Rules
2. Confidentiality (Uniform Confidentiality Act and Maryland)
3. Conflicts of Interest
4. Mediator “Neutrality”
5. Mediator Qualifications

Simulation: Developing Options/Negotiation Continued

Week VI
September 22

NO CLASS - Individual Meetings on Paper with Faculty

C. CRITIQUES AND CHOICES ABOUT WHEN TO MEDIATE

Week VII
September 29

Deciding Whether to Mediate: When is Family Mediation Appropriate?
1. The “Power Critique”
2. Family Violence/Unrepresented Parties
3. Other Dispute Resolution Options

D. REPRESENTING CLIENTS IN FAMILY MEDIATION

Week VIII  
October 6

Preparing Clients for Mediation
Simulation: Counseling Clients about Dispute Resolution Options

Week IX  
October 13

Attorney’s Role in Mediation & Beyond
1. Representing Clients
2. Ethical Considerations for Attorneys in Family Mediation
3. Judicial Enforcement of Mediated Agreements

Simulation: Representing Clients in a Child Access Mediation

Week X  
October 20

NO CLASS - Mediation Observation

E. OTHER DISPUTE RESOLUTION CHOICES IN FAMILY AW

Week XI  
October 27

Collaborative Practice
1. Structure and Goals
2. Accommodating Ethical Rules within Collaborative Framework
3. Developing a Collaborative Practice

Simulation: Collaborative Team Meeting

F. REFINING SKILLS, EXPLORING ISSUES

WEEK XII  
November 3

Simulation Bonanza and Establishing a Mediation Practice

Week XIII  
November 10

Paper Presentations
Week XIV

Paper Presentations