Course: MEDIATION SKILLS
Law 832
Section 550

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Days/Time: Weekend Intensive: see Assignments and Course Outline, pages 5 - 6.

Course Description:
Mediation is the process of resolving conflict that is used by courts as well as parties as an alternative to litigation. In this process a trained, neutral third-party facilitates the resolution of a dispute between two or more parties. The mediator assists the parties in developing and implementing creative options for resolving a conflict in a non-adversarial arena. This course is designed to train students to become mediators and to meet the minimum standards set by the Court of Appeals for mediation of court-referred cases. This will be achieved through a thorough discussion of the theories of conciliation processes, mediation, negotiation, and professional ethics. These theories are then tested in simulations to allow the students to develop mediation skills and explore the effectuation of these theories.

Course Materials:
Additional readings and materials are on the TWEN page for this course.

Course Objectives and Outcomes:
The goals of the course are as follows: (1) to understand the nature of conflict; (2) to present an understandable model of mediation; (3) to offer students an opportunity to practice specific mediation techniques in the context of simulated mediations; (4) to consider the contexts in which mediation is practiced, and when and how mediation is appropriate; and (5) to understand ethical issues raised by mediation.

Grades:
Grading will necessarily be subjective. Your final grade will be determined as follows:
- your participation in class discussions reflecting your familiarity with the concepts discussed and the course materials (15%)
- your critique of video excerpts from the assigned text (15%)
- your preparation, performance and participation in in-class roleplays and debriefings (20%)
- your preparation and performance in the 2 videotaped roleplays (first video – 10%; second video – 40%)
Class Participation:

Your advance preparation is essential to the success of this class. It will be a benefit to you, and equally important, to your classmates. For contribution to class discussions, you will be evaluated on the quality of your contribution and insights. Effective comments offer unique but relevant perspectives that move the discussion and analysis forward, demonstrating recognition of key concepts, with concrete links where possible to assigned reading.

Mediation Roleplays:

A significant portion of this course involves your participation in simulated mediations, or roleplays, wherein you will play the role of the mediator, mediation party or observer/critiquer. You will participate in a number of mediations in class, and you will play the role of the mediator in 2 videotaped mediations.

You will be expected to make a good faith effort to play your assigned role as realistically as possible. The most important thing is that you immerse yourself as deeply as you can into this party’s situation and try to feel the feelings s/he would feel. You are expected to read and, if necessary, memorize the facts to the extent that you get a feel for the problems of the character you are portraying and how s/he reacts to the situation. If you are asked about any details that go beyond the facts given, you may make them up freely as long as they are consistent with the rest of the story.

Keep in mind that if you were this party, you might reveal some of your concerns readily in a mediation; others might come out only if the mediator(s) develop good rapport with you. Some concerns you might reveal in joint sessions; others, only in caucus. You do not do your classmates any favor by revealing information more freely or making negotiation concessions more easily than would a person who feels strongly about this conflict and may feel a level of mistrust of the other side. Student learning will be heightened to the extent that you err on the side of forcing them to try out the widest array of skill and role approaches at their disposal. This will help make their future mediations – both real and simulated – that much easier.

Videotaped Mediation Roleplays:

You will participate in two videotaped mediations (maximum 1 hour in length) in which you and a classmate will co-mediate a dispute. I will give you the facts for the roleplay prior to the recording date. You will be responsible for securing and preparing your roleplayers. Roleplayers can be anyone who is not currently in this class.

OTS will set up videotaping equipment in a room in the law school on specified dates for you to use. You will need to sign up for a 1 hour videotaping slot during which
you will perform and record your mediation. The hours that will be available for taping are limited to the hours the library is open. When you have finished, OTS will you’re your videotape to me for viewing on your laptop.

If you choose to use your own recording equipment, it will be your responsibility to ensure that your entire videotape can be viewed on either my laptop or your laptop.

You must also sign up on TWEN for a mandatory 1 – 2 hour debriefing after your first videotaped roleplay wherein you and I will view your roleplay together and discuss your performance.

Feedback After Mediation Roleplays:

Oral feedback to mediators from mediation participants and observers after in-class roleplays will be required and should follow these guidelines to ensure quality feedback:

- be honest and respectful
- be specific (i.e., identify the specific language or behavior which triggered your observations)
- include both positive and negative, but constructive, feedback
- relate your feedback to the concepts we are studying

Forms to assist you in organizing your feedback will be on TWEN. I also reserve the right to ask you to provide written feedback to your classmate(s) who are playing the role of the mediator as I deem appropriate and worthwhile.

Attendance:

Class attendance is a primary obligation of each student. A student who exceeds the maximum allowable allowances as stated in the UB Law School Attendance Policy may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal due to excessive absences) or a grade of WF. **Additionally, missing more than 3 hours of classroom instruction risks your ability to meet the 40 hours of instruction required by the Court of Appeals to be qualified to mediate court-referred cases in Maryland’s circuit courts. Therefore, it is essential that you attend every class and arrive on time.** Class attendance is critical to the maximization of your learning experience because: (1) roleplays cannot be carried out successfully if you are late or absent, so failure to attend, or to attend on time, will disadvantage you (and your classmates as well); and (2) practicing the concepts you read about and that we discuss in class is the only way you will learn to be an effective mediator.

If you are going to be late to class or have to miss a class, please give me as much advance notice as possible by phone, text message or e-mail. Regardless of advance
notice, if your absences/latenesses become excessive, please be advised I may decide I
cannot certify you as having completed the 40 hours necessary to mediate in the circuit
courts.

Course Web Page:
This course has a TWEN webpage that contains this syllabus and other class materials
that will be referred to throughout the semester. You are responsible for self-enrolling in
the webcourse.

Computers:
Students may use laptop computers for class related purposes only. Students may not use
laptops while participating in a mediation roleplay.

Class Cancellation:
If the instructor must cancel a class, notices will be sent to students via email and posted
on the classroom door. If there is inclement weather, students should visit the University
of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If
the University is not closed, students should presume that classes are running on the
normal schedule.

ASSIGNMENTS AND COURSE OUTLINE

Sat 8/22/15 (10am – 1:30pm; 2:30pm – 6pm)
TOPICS: Introduction to Mediation; Role of the Mediator; Negotiations; Mediation as a
Structured Process
READING: F&S, Chapters 1, 3, 4 and 5; TWEN – Description of Mediation Process;
ADDITIONAL ASSIGNMENT FOR TODAY’S CLASS: View Lord & Cutrona versions of
Wilson v. Lorenzo

Sun 8/23/15 (10am – 1:30pm; 2:30pm – 6pm)
TOPICS: The Structure of the Mediation Process; Beginning the Mediation Process;
Developing Information; Communication Skills; Developing and Expanding
Information
READING: F&S, Chapters 2, 5, 6 and 7; Moore Excerpt on TWEN; MD Rules on TWEN
ADDITIONAL ASSIGNMENT FOR TODAY’S CLASS: Draft MPME Mediator Opening
Statement for Circuit Court referred case; Student Presentations re: Video Clips for Chapters 6
and 7.

Sat 8/29/15 (10am – 1:30pm; 2:30pm – 6pm)
TOPIC: Identifying Negotiation Issues & Generating Movement; Conducting the
Bargaining; Dealing with Impasse; Concluding the Mediation
READING: F&S, Chapters 8 through 11
ADDITIONAL ASSIGNMENT FOR TODAY’S CLASS: Student Presentations re: Video
Clips for Chapters 8, 9 and 10
Sun 9/19/15  (10am – 1:30pm; 2:30pm – 6pm)
TOPIC: Mediation Roleplays
READING: None

9/20/15 through 9/30/15  Co-mediator teams videotape Roleplay #1 at their convenience

10/3/15, 10/4/15, 10/10/15  Co-mediator teams debrief with instructor (schedule to be determined)

10/17/15  (10am – 1pm; 2pm – 5pm)
TOPIC: Ethics of Mediating; Cultural Competency in Mediation
READING: F&S, Chapter 12
Maryland Rules of Civil Procedure, *Title 17, Chapter 100*
Maryland Standards of Conduct for Mediators
Maryland Program for Mediator Excellence Standards of Conduct for Mediators

10/18/15  (10am – 1pm; 2pm – 5pm)
TOPIC: Mediation Advocacy
READING: F&S, Chapter 13

10/18/15 through 10/28/15  All teams videotape Roleplay #2 at their convenience

**Academic Integrity:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another’s book or study materials without consent; unapproved multiple submissions; material misrepresentation of one’s academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code http://law.ubalt.edu/template.cfm?page=477 ]

**Disability Policy**
If you are a student with a documented disability who requires an academic accommodation, please contact the Center for Educational Access at 410-837-4775 or via email at cea@ubalt.edu.