UNIVERSITY OF BALTIMORE SCHOOL OF LAW

SPRING SEMESTER, 2020

**Course**: Mediation Skills

Law 832

**Instructor:**  Itta C. Englander, Esq.

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410-370-1288

Individual consultations available in the evenings or on weekends by appointment

**Location:** Room assignments are available through MyUB

**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:**

**Required Texts:**

*Getting to Yes*, Roger Fisher and William Ury

*The Mediator’s Handbook*, Jennifer E. Beer and Caroline C. Packard

**Recommended Texts:**

*Crucial Conversations: Tools for Talking When Stakes Are High*, Kerry Patterson, Joseph Grenny, Ron McMillan, and Al Switzler

Additional handouts, readings or audio-visual materials may be assigned during the course of the semester.

**First Assignment:** There is a reading assignment for the first day of class.  Please come prepared to discuss the following readings: *Beer and Packard*, 1-11; Maryland Rules, Title 17 (ADR); *Beer and Packard*, 13-26; *Beer and Packard*, 81-92

**Student Learning Outcomes:**  By the end of the semester, students will:

1. Understand the dynamics of mediation and the mediator’s role in the process;
2. UnderstandF the components of successful mediation;
3. Demonstrate a command of basic mediation skills;
4. Be able to successfully facilitate a mediation session.

**Grades:**

Your final grade in this course will be based upon the following allocation:

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| Class participation, preparedness, and attendance | 30% |
| Written assignments (3) | 30% (10% per assignment) |
| Final mediation role play | 30% |

**Class participation, preparedness, and attendance** consists of coming to class prepared to engage with the lesson and having read the materials assigned.  This class consists mainly of analyzing and participating in simulated mediation situations.

**Written assignments**

There will be three written assignments over the course of the semester.  Each student will need to turn in an assignment on reframing statements for mediation, a topic list, and a final written agreement.

**Final mediation role play**

Since success in this class is based on demonstrating the acquisition of skills, there will be no written exam or paper.  Final grades will be based on a mediation role-play in which each student will have the opportunity to mediate a complete dispute from start to finish.  Students will be graded based upon how successfully they utilize the skills that we have learned over the course of the semester.

**Course Expectations:**

American Bar Association Standards for Law Schools establish guidelines for the amount of work a student should expect to complete for each credit earned.  Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Mediation is a skill that can only be learned through practice.  While the first few sessions will focus on ethics and theory, the bulk of the learning will be through in-class simulations and role play.  Because of this, both attendance and participation are critical. Students are expected to:

* Come to class having read all materials critically;
* Attend **all** class sessions;
* Actively participate in discussions and simulations.

**Attendance Policy:**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to sit for the final graded assignment is conditioned upon regular attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course or may be barred from participating in the final graded assignment.  Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association standards for law school.

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| CREDIT HOURS | 1 MEETING PER WEEK | 2 MEETINGS PER WEEK |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 |  | 5 absences |

Those students seeking the 40 hour mediation certification will be required to attend ALL classes in order to receive certification.  There will be opportunities to do makeup classes for students who have missed classes and wish to obtain their certification. No more than 2 class modules are eligible for make-up for a single student.

Students requiring time off for religious holidays and observances should give notification of dates as soon a possible.

**Course Website**

This course has a TWEN page that links to this syllabus, announcements, class assignments, and other class materials.  You are responsible for self-enrolling on the TWEN page and for checking it regularly for course information.

**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 website or call the University’s Snow Closing Line at 410-837-4201.  If the University is open, students should presume that classes are running on a normal schedule.

**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. The School of Law Honor Code and information about the process is available at <http://law.ubalt.edu/academics/policiesandprocedures/honor_code/>.

**Title IX Sexual Misconduct and Nondiscrimination Policy**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy**

If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Director, Center of Educational Access, Office of Disability and Access services, at 410-837-4141 or schulz@ubalt.edu.

**Reading Assignments:**

\*Note: If you just look at the assignments as listed, the reading load appears to be insurmountable.  Try not to be alarmed. The text from which the majority of the readings are derived (*Beer and Packard)* is a very easy read with a lot of pictures, charts, and sidebars.  Think of it as a 4:1 ratio where four pages of *Beer and Packard* would equal a single page of standard case law text.  From that perspective, the reading assignments are far more manageable.

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| CLASS DATE | CLASS SUBJECT | ASSIGNED READING | OTHER ASSIGNMENT |
| January 14 | Overview of Mediation    Preparing to Mediate | *Beer and Packard*, 1-11  Maryland Rules, Title 17 (ADR)  *Beer and Packard*, 13-26  *Beer and Packard*, 81-92 |  |
| January 21 | Understanding Conflict  Emotion  A Transformative View of Conflict and Mediation | *Beer and Packard*, 95-113  *Fisher and Ury*, 31-35  *Bush and Folger,* 41-84 (emailed) |  |
| January 28 | Starting the Mediation Session  Objective Standards | *Beer and Packard*, 29-38  *Fisher and Ury,* 82-95 |  |
| February 4 | Facilitating Exchange  Facilitation Tools | *Beer and Packard*, 39-50  *Beer and Packard*, 117-140 |  |
| February 11 | Reframing | *Beer and Packard,* 149  *Fisher and Ury*, 35-39  *NVC Excerpt* (emailed) | Reframing Assignment due next class |
| February 18 | Checking Interpretations  Framing Facts and Needs    Separate Conversations | *Beer and Packard,* 150-151  *Beer and Packard,* 152-156  *Fisher and Ury*, 24-31  *Beer and Packard*, 51-54 | Turn in Reframing Assignment prior to class  Topic List due next class |
| February 25 | Reaching Resolution  Topic Lists | *Beer and Packard*, 57-63  *Beer and Packard*, 157 | Turn in Topic List prior to class |
| March 3 | Position vs. Interest | *Beer and Packard*, 143-147  *Fisher and Ury*, 3-15  *Fisher and Ury*, 42-57 |  |
| March 10 | Creating Options    Brainstorming | *Beer and Packard*, 64-67  *Fisher and Ury*, 58-77  *Fisher and Ury*, 110-114  *Beer and Packard,* 158-162 |  |
| March 17 | Rest and relaxation for weary law students | No reading |  |
| March 24 | Making Decisions  Resolution Tools and Guidelines | *Beer and Packard*, 68-70  *Beer and Packard*, 163-166 |  |
| March 31 | Creating Agreements  Permutations of Agreements  Reviewing the Agreement | *Beer and Packard*, 71-74  *Beer and Packard*, 167-168  *Beer and Packard*, 169-170 | Written Agreement Assignment due next class |
| April 7 | Wrapping up  Evaluations | *Beer and Packard*, 75-78  *Beer and Packard*, 184-186 | Turn in Written Agreement Assignment prior to class |
| April 14 | Specialized Mediation | *Beer and Packard*, 177-183 |  |
| April 21 | Final Role Plays |  |  |
| April 25/26 (subject to change) | Makeup Class (by appointment) |  |  |
| April 28 | Makeup Class (Weather) |  |  |
| May 5 | Study Period | No Class |  |