# University of California

# Berkeley School of Law

# Mediation - Spring 2012

### **Instructor**: Darshan Brach

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**Class Day and Time**: Tuesdays, 3:35 – 6:15

**COURSE REQUIREMENTS**

**1. ATTENDANCE**

Weekly class attendance is critical. The experiential learning in the classroom is the core of the course. Additionally, you and your classmates will rely on one another. For most classes you will be grouped with one or more of your classmates. Each student’s preparation, presence and participation will affect the quality of the class experience. Absences are likely to cause inconvenience and loss of opportunity for you and others. Promptness is also critical. Please be on time.

Having said this, I understand that some absences may be unavoidable. Please let me know at the prior week’s class if you will not be present the next week. Also, it is your responsibility to get the handout materials for the class following the class that you will miss. Make sure you find a colleague in the class to collect whatever handouts (including role plays) are necessary for the next class and to catch you up on the information that you missed. Attendance, timeliness and preparation for class will be a significant factor in your grade for the course.

**2. ASSIGNMENTS**

**Readings** – Text readings are designed to acquaint you with material that you will be working with in the next class. Additional readings will be posted on b-space or handed out in class.

Roleplay simulations will frequently be handed out at the class prior to the one in which they will be played. **Reading the simulations is vital to your participation in class. Please come prepared to act your role. If you miss a class, make sure you get the simulation for the next class.**

**Final Presentations** – For the last two classes, you will be asked to work with one or more of your classmates to offer a presentation to the class on a particular topic related to mediation. The topic you choose is up to you – pick a mediation related topic that interests you and that you think is particularly important or relevant. To identify a topic, please look at law journals related to mediation to peruse topics of academic and practice interest. In presenting your topic, please seek a creative way to engage the group and convey information. You can use a short exercise, a roleplay, audio visual materials, demonstrations, or games. Please feel free to discuss your ideas for this presentation with me.

**Mini-Memos**- Following each of the classes and due by the Friday after class, please submit a 1 - 3 page double spaced reflection on your most significant personal learning experience(s) for that class. This could be a realization stemming from one of the exercises or role plays, an experience that led you to a greater understanding of how mediation works or to a higher level of mediation skill, a perspective on some of the reading, or simply an insight into your own personality that you believe will help you to be a better mediator in the future. Be as specific as possible in discussing your learning: what was said, what the parties’ reactions were, and what you would do or say differently in the future. There is a lot of learning in playing the role of a party – here you will look at your own reactions to the mediator’s behavior or approach and assess what worked and what didn’t. The purpose of the mini-memo is to take some time to reflect more deeply on your in-class experiences and gain insights for future mediations. PLEASE INCLUDE IN YOUR MEMOS HOW THE READINGS MIGHT HAVE INFORMED THE MEDIATOR’S ACTIONS. In other words, integrate the readings into your classroom skill building and learning process.

All written material will be assessed on how well it reflects evidence of new learning, creative thought, the quality of analysis and effort. I also value grammatical and clear writing. Memos will be graded on a 1 – 5 scale (1 is inadequate, 2 is below average, 3 is good, 4 is very good and 5 is excellent).

Please send the reflections by e-mail to [darshanbrach@gmail.com](mailto:darshanbrach@gmail.com).

3. EVALUATION CRITERIA

Grades will be based on:

1. Class Attendance and Participation 1/3

2. Mini-Memos 1/3

3. Final Presentation 1/3

Unexcused missed classes or tardiness will detract from your grade. I will assess class participation on evidence of focus, thoughtfulness, effort and enthusiasm. Mediation outcomes will not affect your grade. Your skill development, willingness to explore mediation techniques and analytical efforts are important. In other words, I will be looking at your learning and skill building process, not whether you get parties to “settle” or not. There is no final exam.

4. REQUIRED TEXT

Mediation: Practice, Policy and Ethics, Menkel-Meadow, Love and Schneider, Aspen Publishers, 2006.

**5. CONFIDENTIALITY**

Please remember that role play instructions are confidential. Sharing them with classmates or others outside the class will seriously undermine their usefulness.

**6. GOALS**

I hope that by the end of this course, you will:

* Understand basic mediation theory and principles
* Master basic mediation skills and techniques
* Be able to distinguish and use tools and strategies as necessary in different mediation situations
* Be effective and ethical mediators

• Gain insight on self, relationships, communication and conflict