**University of California**

**Berkeley School of Law**

**Fall 2013**

**Mediation**

244.8, Sec. 1

Instructor: Darshan Brach

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Class Location, Date and Time: Room 111, Wednesday, 10:00 – 12:40

Readings: From The Practice of Mediation unless otherwise noted, articles posted on bSpace

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| Class Date | Class Topic | Readings and Homework |
| August 21st | Introduction to Mediation | Chapter 1, pp. 1-20; Chapter 3, pp. 63-74 (to Sec. 3.6); Chapter 5, pp. 123-132 |
| August 28th | The Mediation Process | Chapter 6, pp. 133-163; Chapter 8, pp. 207-224 |
| September 4th | Negotiation Fundamentals  *Memo 1 due* | Chapter 2, 21-61 |
| September 11th | Mediator Skills: Information Gathering; Active Listening; Problem-Solving | Chapter 7, pp.165-193 (to Sec. 7.5.8); Chapter 9, 227-246 (to Sec. 9.5.4)  Buggy, *Are You Really Listening?*  Davis, *10 Tips on Asking Questions* |
| September 18th | Mediator Role; Approaches to Mediation; Caucusing  *Memo 2 due* | Chapter 3, pp. 74 - 91 (start at Sec. 3.6); Chapter 9, 246-253 (start at Sec. 9.5.4); Chapter 10, 255-271 (to Sec. 10.11); Chapter 7, 201-206 (start at Sec. 7.7)  Love, *The Top Ten Reasons Why Mediators Should Not Evaluate*  Little, *Do You Have an Opinion?* |
| September 25th | Representation in Mediation; Mediating with Lawyers and the Role of the Law | Chapter 13, 337-367  Golann, *How to Borrow a Mediator’s Powers* |
| October 2nd | Mediator Skills: Emotional Intelligence  *Memo 3 due* | Johnson, *Emotionally Intelligent Mediation*  Lieberman, *The “A” List of Emotions in Mediation from Anxiety to Agreement*  Golann & Golann, *Why is it Hard for Lawyers to Deal with Emotional Issues: A Dialogue between a Lawyer-Mediator and a Therapist* |
| October 9th | Generating Movement, Breaking Impasse and Closure | Chapter 7, 193-200 (to Sec. 7.6); Chapter 10, 271-284 (start at Sec. 10.11); Chapter 11, 285-301  Settle, *Tips and Techniques for Helping Parties Move Ahead and Overcome Roadblocks* |
| October 16th | Ethical Issues: Confidentiality, Power Imbalances, and Impartiality  *Memo 4 due* | Chapter 12, 303-336  Garcia, Vise & Whitaker, *Disputing Neutrality: A Case Study of a Bias Complaint During Mediation,* Conflict Resolution Quarterly, Vol. 20, no. 2, 2002.  Excerpts from California Evidence Code: CA Evidence Code §§ 1115-1128 and CA Evidence Code §703.5 |
| October 23rd | Multi-Party Mediation | Max, *Multi-Party Mediation*  Susskind, *Multi-Party Public Policy Mediation: A Separate Breed* |
| October 30th | Guests: TBA  Multi-Dimensional Problem Solving Approaches  *Memo 5 due* | Goldberg, *The Secrets of Successful Mediators*  Lande, *Doing the Best Mediation You Can* |
| November 6th | Presentations |  |
| November 13th | Diversity and Bias | Herman, *New Mexico Research Examines Impact of Gender and Ethnicity in Mediation*, Chew, ed. The Conflict & Culture Reader, (NYU Press 2001) 91-92  Gunning, *Diversity Issues in Mediation: Controlling Negative Cultural Myths*, 1995 JDR 55 (1995)  Izumi, *Implicit Bias and the Illusion of Mediator Neutrality* (Part 2) |
| November 20th | Presentations  Closing  *Memo 6 due* |  |