

Marc L. Goldman

ALTERNATIVE DISPUTE RESOLUTION PRACTICE – Fall 2013
Course Syllabus

Required Text: Goldberg, Sander, Rogers and Cole, *Dispute Resolution: Negotiation, Mediation, and other Processes*, Sixth Edition, 2012.

- Class 1: Introduction to ADR: Overview of the nature of conflict; the processes of dispute resolution; and choice of appropriate process.
Text: pp. 1--62, 439-452; negotiation role play.¹
- Class 2: Negotiation: Interest-based problem-solving approaches v. positional distributive approaches. Lawyers' Role; Power Imbalances; Ethics, Emotions, and Culture. Simple negotiation exercise.
Text: 62-99; Exercise 2.5 (pp. 103-04)
- Class 3: Introduction to the Mediation Process.
Text: 121-130; Appendix G: Model Standards of Conduct for Mediators; Exercises 3.1 and 3.3 (pp. 169-70)
- Class 4: Mediation Techniques.
Text: 130-157; Exercises 3.7 and 3.8 (p. 172-73); Questions 3.2-3.8, 3.10, 3.11 (pp 157-58)
- Class 5: Representing Clients in Mediation.
Text: 281-302; Exercise 3.9 (p. 173)
- Class 6: Court Annexed and Private Mediation.
Text: 505-550; Exercise 3.10 (p. 174)
- Class 7: Mediation Fairness, Ethics, Privilege, and Confidentiality.
Text: 185-201, 247-277; Questions 4.4-4.6 (pp. 201-02); Problem 11.17 (pp. 580-81)
- Class 8: Introduction to Arbitration; Ethics; Arbitration of Statutory Claims.
Text: 303-312, 357-365, Federal Arbitration Act, Appendix B; Uniform Arbitration Act, Appendix C; Questions 7.4 and 7.5 (p. 312)
- Class 9: Arbitration Advocacy Skills I: Statements of Claims and Opening Statements. (Problem To Be Assigned (TBA)).
- Class 10: Arbitration: Federalism/Preemption Issues; Arbitrability; Judicial Review.
Text: 312-356.

¹ The facts and roles for the first week's exercise will be assigned during class. All other role-playing assignments will be made prior to the class in which they are to be performed.

- Class 11: Arbitration Advocacy Skills II: Examining Witnesses, Closing Arguments (Problem TBA).
- Class 12: Arbitration and Mediation Variations; Med-Arb, Minitrial, and Summary Jury Trial.
Text: 417-439; Exercise 8.3 (p. 456)
- Class 13: Administrative and Community-Based Dispute Resolution Processes.
- Class 14: Mock Arbitration; (Problem TBA). Roles will be assigned and confidential information circulated several weeks prior to class; students to work in teams).