Mediation Skills Syllabus
Fall 2012

Adjunct Professor Sarah Taylor

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Office hours: By appointment

Meeting Place & Time: Mondays, 6:30 p.m. to 8:10 p.m., Room 206

Course Description and Objectives:
This course will cover theories and techniques used in mediation from the perspective of the mediator, utilizing readings, discussions and simulation exercises designed to illustrate theories and techniques of mediation. Skills developed will include passive and active listening, questioning, problem-solving, maintaining neutrality, persuasion, negotiation, and professional judgment. There will be guest speakers who will discuss their experiences with mediation. There will also be writing assignments related to topics discussed in class and opportunities to observe and analyze mediations. Further, throughout the course, we will discuss the ethical issues that often face mediators.

This class focuses on the theory, skills and laws related to mediation, the dynamics of different types of mediation, preparation for mediations, and practical situations that occur during mediations. In teaching this course, my goal is to help you understand theories of mediation and develop and improve skills to mediate in an ethical and effective manner.

It is my hope that you will find that even if you have never participated in a mediation you have developed skills in your work and life experiences that can be used in mediation. All of you have these experiences; therefore, all of you have something useful to bring to class discussions and simulations.

Course Materials:
Required texts:
Mediation: Principles & Practice, 3d Ed. Kimberlee Kovach

Getting to Yes, (3d Ed), Roger Fisher, William Ury

Illinois Rules of Professional Conduct (handed out in class)

Other materials will be handed out in class or posted on TWEN during the semester.
**Evaluation:**
This is a Pass/Fail course. To receive a passing grade, you must read and be ready to discuss all assigned materials before each class, satisfactorily complete all homework assignments in a timely manner, actively participate in class exercises, and satisfactorily complete all projects, writing assignments and quizzes.

Although you will not receive a final letter grade, you will receive points for class participation, projects, assignments and quizzes. Students must receive at least 60% of the available points to pass the course.

Because this class is meant to help you develop practical skills, it will involve participation in class discussions and simulations and out-of-class activities. There will be constructive feedback from the professor, clients, and fellow students. Your attendance and level of participation (as a participant and as a provider of feedback) will be significant factors in determining whether you receive a passing grade.

**Class Attendance:**
Unless there are extraordinary circumstances, students who miss more than three (3) classes will not receive a passing grade.

Sometimes students have to miss class for moot court or another Law School activity. In the interests of fairness to all students, if you miss class for such an activity, you will receive an absence for that class, as with any other absence. You may watch the video of the class later, but you will not be able to make up an absence by doing so.

**Assignments:**
You are expected to read all assigned materials before each class and to actively participate in classroom activities, including practice simulations.

There will ten (10) assignments throughout the semester. These assignments will be handed out in class and posted on TWEN after the class in which they are handed out. Unless specifically stated otherwise, each assignment is due at or before the start of the next class period. Each assignment will be worth one (1) point, for a total of ten (10) points.

To receive full credit, the assignment must be turned in on time, typed, grammatically correct, and must comply with the assignment’s requirements. To be considered “on time,” the assignment must be turned in to me, by e-mail, by hand-delivery or in my faculty mailbox, before the start of class in order to receive any credit for the assignment, regardless of whether you attend that class or not.

In addition to class assignments, there will be a midterm project and a final project. There may also be quizzes throughout the semester. Your active participation in these
activities and competent, timely completion of all writing assignments will be factors considered in determining whether you receive a passing grade. Barring exceptional circumstances, you will not receive credit for assignments, midterms, or final projects that are turned in late.

Classroom Etiquette:
Please be courteous to others by keeping distractions to a minimum, turning off cell phones and other electronic devices, and giving the class your full attention. Due to the participatory nature of this class, use of laptops will not be permitted during class. You will need to bring a notepad and a writing utensil to class with you. If you must enter or leave the room during class, please do not disrupt the class when doing so.

Class Recordings:
Classes are videotaped by the Law School. Except with my prior approval, no other taping of class is allowed. Viewing or listening to a recording of a class does not count as being present in class, unless I have made a special exception.

TWEN (The West Education Network):
You should register for this course on TWEN prior to the first week of classes. The syllabus and a tentative reading assignment schedule are posted on TWEN, as well as other relevant information. You will be expected to check TWEN before every class and are responsible for any materials posted on TWEN.

Students with Disabilities:
The law school’s policies and procedures regarding students with disabilities may be found on line at http://www.law.siu.edu/. Students with disabilities requiring reasonable accommodations should contact the Registrar’s office.

Emergency Procedures:
Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available in posters in buildings on campus, on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.
Schedule and Reading Assignments:  
(You must read all reading assignments before class and be ready to discuss them).

Class 1: Overview of the ADR Universe; The Mediation Process  
Aug. 20  
Readings:  
Kovach - Chapters 1 & 2  
*Getting to Yes* - Prefaces, Introduction & Ch. I (The Problem)

Assignment No. 1: (Your typed answers are due at start of the first class):

1. List ten skills or qualities that you think are important for being an effective mediator.

2. For each skill or quality listed, provide a brief typewritten evaluation of your current level of proficiency. If there are specific skills that you hope to develop in this class, please describe them.

3. Indicate whether you have any past experience with mediation, conflict resolution, negotiation, or a similar field, even if in a non-legal environment, and a brief explanation about your experience.

Class 2: Mediator Skills; Getting to the Mediation Table  
Aug 27  
Readings:  
Kovach – Chapters 3 & 4  
Article: “Styles of Mediation: Facilitative, Evaluative and Transformative”  
(Link posted on TWEN)

Sept 3  
Labor Day – No Class!!  
(Per Law School rules, this class will be made up on a day to be determined during the semester)

Class 3: Preparation for the Mediation; Beginning the Mediation  
Sept 10  
Readings:  
Kovach – Chapters 5 & 6

Class 4: Identification of Issues & Interests  
Sept 17  
Readings:  
Kovach – Chapter 7  
*Getting to Yes* – Chapters II & III (The Method & What if They Won’t Play)

Class 5: The Negotiation Process; Neutrality  
Sept 24  
Readings:  
Kovach – Chapters 8 & 9
| Class 6: | **Confidentiality** |
| Oct 1 | Readings: Kovach – Chapter 11  
(Note: this is not the next chapter!!) |
| Class 7: | **Finding a Resolution** |
| Oct 8 | Readings: Kovach – Chapter 10  
*Getting to Yes* – Chapter IV (In Conclusion)  
Article: “Apologies and Good Lawyering” (Link posted on TWEN) |
| Class 8: | **The Mediated Agreement; Closure & Follow-up** |
| Oct 15 | Readings: Kovach – Chapters 12 & 13 |
| Class 9: | **Ethical Considerations** |
| Oct 22 | Readings: Kovach – Chapter 14  
Article posted on TWEN |
| Class 10: | **Quality Control** |
| Oct 29 | Readings: Kovach – Chapter 15 |
| Class 11: | **Specialized Applications of Mediation** |
| Nov 5 | Readings: Kovach – Chapters 16 |
| Class 12: | **Special Issues in Mediation; Practice** |
| Nov 12 | Readings:  
Guest Speakers |
| Nov 19 | **Thanksgiving Break – No Class** |
| Class 13: | Final Mediation Assignment – Class to watch DVD mediation  
(Written portion of final will be due on or before Dec. 7, 2012) |
| Class 14: | (Make-up class to be scheduled during the semester) |