

Law 640: ALTERNATIVE DISPUTE RESOLUTION, Fall 2022
Southern Illinois University School of Law
Syllabus

Professor: Missy Greathouse, J.D. (She/Her)
Office: (618) 549 – 1200
Cell: (618) 910 – 1071
Email: greathousemissy@gmail.com
Office hours: *By appointment.*

Class Location: [ZOOM](#)*
Day and Time: Wednesday 4:30 – 7:00 PM

**PLEASE NOTE: When entering the Zoom classroom, you will be placed into a waiting room. I will not admit you to the main room until you have your first and last name listed.*

Course Description:

The course explores negotiation, mediation, and arbitration as ways of resolving legal conflicts outside the litigation process. It focuses on the role of the attorney who counsels clients about ADR and who represents clients in ADR processes. Students study the theory behind each process, and the law and ethical standards governing each. It includes simulated exercises in mediation and negotiation.

Course Goals:

1. To increase your understanding of dispute resolution theory and practice including the distinctive practical and ethical issues of negotiation, mediation, and arbitration;
2. To increase your awareness of the advantages and disadvantages of various dispute resolution procedures and knowledge of how to counsel clients on the best process for their dispute; and
3. To increase your knowledge of different forms of dispute resolution that you will likely encounter in your career.

Course Materials:

Required:

1. Alternative Dispute Resolution in a Nutshell (5th Ed.), by Jacqueline M. Nolan-Haley
2. Other materials handed out or posted on TWEN during the semester.

Strongly Suggested:

1. Getting to Yes, Roger Fisher and William L. Ury, any edition

TWEN (The West Education Network):

You should register for this course on TWEN before the first week of classes. This syllabus is posted on TWEN, as well as other relevant information. You will be expected to check TWEN before every class and are responsible for reading materials posted on TWEN or e-mailed to you. Please be sure your e-mail address on TWEN is correct.

COURSE GRADING POLICY

Course Grading:

Your grade will be determined as follows:

- 10% (20 points) – Attendance, preparation, and participation
- 30% (60 points) – Role-plays and exercises (including debrief written summaries)
- 15% (30 points) – Midterm – MPT
- 10% (20 points) – In Class ADR Presentation
- 35% (70 points) - Final Paper

Total: 100%/200 points

Course grading further information included below:

10% (20 points) – Attendance, preparation, and participation

Class Attendance:

The American Bar Association, the accrediting body of the Law School, requires regular and punctual class attendance. Failure to attend class regularly and punctually may be considered grounds for refusal to allow a student to continue in a class, to submit a final project, or to take an examination, all of which will result in a grade of “WF” (withdrawal failing).

Sometimes students have to miss class for Law School activities, such as moot court. In light of the limited number of class meetings in this course, and in the interests of fairness to all students, if you miss class for such an activity, you will receive a regular absence. Therefore, as will be necessary in practice, you should plan accordingly in advance to the extent possible.

**Students are expected to attend every class and be on time.
If you miss more than two (2) classes your grade will automatically
drop by one full letter grade.**

Class Preparation and Participation:

Each class session counts towards your participation. While an excused absence will count against the total class attendance, if you give me notice about the absence *before* it happens, it will not count against your class participation grade. You may notify me of an absence via phone or e-mail.

Students should come to class prepared to discuss all of the assigned reading and to participate actively in the simulations. Students are expected to volunteer in class but may be called on if there are no volunteers. **The *quality*, not *quantity*, of class participation is important.** If students are not prepared to participate in class discussion meaningfully and substantively, I may consider that student absent from class.

**30% (60 points) – Role-plays and exercises
(including debrief written summaries)**

Class Exercises and Role-Plays:

This course combines theory, law, and skills. The study of alternative dispute resolution requires participation to bring all three aspects of the class together. You will have the opportunity to mediate, arbitrate, represent clients, be clients, and observe in role-plays. Please get into the roles, prepare when appropriate, and take the exercises seriously.

Role-plays present an opportunity to experience the process, test skills and their application, and receive valuable feedback. Written summaries will be due as assigned based on your role in the role-play. Written summaries are due within one week of the role play.

Please note that your consistent participation in exercises and role plays will factor significantly in grading.

In all exercises you will be assigned a role in a hypothetical fact situation. During an exercise you may not communicate with any students other than the ones with whom you are doing the exercise. You must be especially careful not to overhear other students doing the same exercise. For Honor Code purposes and otherwise, the exercises in this course are the equivalent of exams in other law school courses.

After most exercises and role-plays, your assignment will be to complete a short, written summary of the exercise. Instructions for the summaries are below. Your grade for an exercise will be based on your written summary. Your written summary will be graded based on the written quality and analysis of your reflection to our readings/class discussions.

Guidelines –Written Summaries of Exercises

Each summary should be no more than 2 pages, double-spaced, 12-point font. Any written agreement must be attached with the summary. The summary should include the following five elements:

1. Your name and role in the exercise
2. What occurred during the exercise - please be clear and concise. No need to include the facts of the exercise unless there was a misunderstanding.
3. Speculate why each participant acted as they did.
4. Assess the success or lack of success of what each participant did. Discuss both whether the overall result of the exercise advanced a party's interests and whether particular behavior during the exercise was effective.
5. Analyze using concepts from the text, the readings, and what we have discussed in class.

**Summaries will be due within one week of the exercise via TWEN.
Late submissions will not be accepted.**

15% (30 points) – Midterm – MPT

Midterm – MPT:

Your midterm will be a take-home MPT exam on a topic in ADR. This midterm will serve as a writing across the curriculum exercise, as well as a bar preparation exercise. You must perform the MPT as you would if you were sitting for the bar exam, including completing the MPT alone, with no additional materials/research, and under the required timed setting. You will confirm you abided by this requirement when uploading the MPT to TWEN. If you do not complete the MPT under these guidelines, you will receive a zero (0) for the midterm. Late submissions will not be accepted.

10% (20 points) – In Class ADR Presentation

In Class ADR Presentation:

Each student will present on a topic relevant to ADR. This will be an oral presentation, and no additional materials will be required. Topics will be assigned, to ensure presentations cover several areas of ADR. If you do not attend class to give your ADR Presentation, you will receive a zero (0).

35% (70 points) - Final Paper

Final Paper:

You will complete a final paper consisting of two parts: (1) draft an ADR clause for a client based on a fact pattern provided, and (2) defend your work product. The ADR clause will be limited to no more than two (2) pages, and the defense of your work product will be limited to no more than ten (10) pages. The paper shall be double-spaced, 12-point font, and one-inch margins. More information on the final paper will be given out closer to finals.

Final Papers will be due Wednesday, December 7, 2022, by 11:59 PM.

READING ASSIGNMENTS

Schedule of Reading Assignments:

A tentative schedule of reading assignments is included at the end of this syllabus and will be posted on TWEN. This document may be adjusted throughout the course. If so, an updated schedule will be posted, and I will tell you about it in class.

ZOOM POLICIES

Zoom Links:

I have added our class to the TWEN calendar with the link to the Zoom class. Please do not share these links with anyone else, as we want to prevent “zoom-bombing”.

Zoom Video Participation Requirement:

Zoom is a video conferencing software to allow us to interact remotely. To ensure all students participate, you will be required to use your video during the class, unless otherwise stated. You will need to download Zoom, so please do not wait until the start of class to attempt to connect. SIUC has provided online resources related to Zoom and online learning, which you can find under the student resources page [HERE](#). If you have questions, issues, or concerns, please reach out to me as soon as possible.

I have provided my cell phone number so you can text me if you have an issue connecting to Zoom. If you get booted from Zoom and have to reconnect, please send me a text or else I will not be watching the waiting room to let you in. If you do not have the ability to text, please contact me as soon as possible.

Classroom Etiquette:

Please be courteous to others by keeping distractions to a minimum and give the class your full attention. Due to the participatory nature of this class, you will be required to be on video and participate. If you need to leave the zoom room during class, please do not disrupt the class when leaving or returning to the room.

Zoom Specific Considerations:

- Appropriate classroom behavior and attire is expected.
- Turn off all notifications and make sure your cell phone is on silent.
- Log into class from a distraction-free, quiet environment.
- Please keep yourself on mute until you would like to speak, or I call on you.
- Close all applications on your computer to optimize the video quality.
- Use the “Raise Hand” feature if you would like to speak, I will not be actively watching the chat unless otherwise stated.
- The chat box can be read by all students and myself and will be saved.
- Be mindful of your background and overhead lighting. You may have to adjust ensure you have a quality video image.

Class Recordings:

You may not record or screenshot our class sessions on Zoom. Classes will not be recorded by the Law School except for ADA compatibility reasons with prior notice to the professor. Otherwise, classes will not be recorded except in extraordinary circumstances, such as if a make-up class must be scheduled on a day that is not a regular class meeting day. Except with my prior approval, no other recording of class is allowed.

Name & Pronouns:

I will gladly honor your request to address you by your chosen name and/or gender pronoun. Please advise me of this at any point in the semester so that I may make appropriate changes to my records. If I accidentally use an incorrect gender pronoun when addressing you, please feel free to let me know, in whatever manner makes you comfortable, what pronouns you use so that I can make every effort to correct that error. If you are comfortable including your pronouns in your Zoom name, please do so to ensure I, and your fellow colleagues, can address you using the correct pronouns.

Additional Attachments:

Please review the below attachments in preparation for the semester per the direction of SIU School of Law Administration:

- SIU School of Law – Syllabus Attachment – Fall 2022
- SIU – Syllabus Attachment – Fall 2022
- School of Law Rules for 2021 – 2022
- School of Law Honor Code
- SIUC Student Conduct Code
- If at any time one of the links above no longer works, you can find this information on the SIU Law website under academics / rules and honor code.

I hope you have a wonderful semester!

Law 640: ALTERNATIVE DISPUTE RESOLUTION, Fall 2022
Southern Illinois University School of Law
Semester Outline and Assignments

Professor: Missy Greathouse, J.D. (She/Her)
Office: (618) 549 – 1200
Cell: (618) 910 – 1071
Email: greathousemissy@gmail.com
Office hours: *By appointment.*

Semester Outline and Assignments:

This document includes a semester outline and list of assignments. If it is adjusted at any point during the semester, I will post an updated version on TWEN and update you in class.

Additional readings and assignments may be added to the reading assignment throughout the semester and will be provided via TWEN and email.

Class Date	Topic	Reading
08/24/22	Conflict and ADR Systems	Class Syllabus pp. 1-18
08/31/22	Conflict and Negotiation: Concepts and Models	pp. 23 – 40
09/07/22	Skills and Practices in Negotiation	pp. 41 – 59
09/14/22	Negotiation Law and Ethics	pp. 59 – 79
09/21/22	Arbitration: Concepts and Models	pp. 185 – 206; pp. 395 – 404; pp. 206 – 252
09/28/22	NO CLASS	OUTSIDE OF CLASS ACTIVITY
10/05/22	Arbitration: Awards and International Commercial Arbitration	pp. 252 – 271
10/12/22	Mediation: Concepts and Models	pp. 85 – 92
10/19/22	Mediation: Process	pp. 92 – 120
10/26/22	Mediation: Ethics	pp. 120 – 130
11/02/22	Mediation: Legal Issues	pp. 130 – 178; <u>Illinois Uniform Mediation Act</u>
11/09/22	Mediation Simulations	Prepare for Mediation
11/16/22	Mediation Simulations	Prepare for Mediation
11/30/22	ADR: Applications, Concepts, and Models	Individual ADR Presentations in Class

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – FALL 2022

EMERGENCY PROCEDURES: *We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.*

DISABILITY POLICY. *SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.*

SALUKI CARES. *The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.*

COVID-19. *SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.*

Syllabus Attachment

Fall 2022

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES

Semester Classes Begin:	08/22/2022
Last day to add full-term course (without Dean's signature):	08/28/2022
Last day to withdraw from the University with a full refund:	09/02/2022
Last day to drop a full-term course for a credit/refund:	09/04/2022
Last day to drop a full-term course (W grade, no refund):	10/30/2022
Final examinations:	12/12-16/2022

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>.

FALL SEMESTER HOLIDAYS

Labor Day 09/05/2022
Election Day 11/08/2022
Veterans Day 11/11/2022
Thanksgiving Break 11/19-11/27/2022

DIVERSITY

Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

DISABILITY SUPPORT SERVICES

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY

There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER

The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at: <https://smrc.siu.edu/>.

SALUKI CARES

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

SAFETY AWARENESS FACTS AND EDUCATION

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

COVID-19

SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send an email to pandemicinfo@siu.edu.

WITHDRAWAL POLICY ~ Undergraduate only

Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIU visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIU's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIU's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum's webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES

We ask that you become familiar with Emergency Preparedness at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS

catalog.siu.edu
gradcatalog.siu.edu

Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES

Tutoring: <http://tutoring.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM

See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY~ Undergraduate only

<http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY

<http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <http://libguides.lib.siu.edu/hours>

ADVISEMENT: <https://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>

Need help with an issue? Visit SALUKI SOLUTION FINDER at <http://solutionfinder.siu.edu/>