

Law 640: ALTERNATIVE DISPUTE RESOLUTION – Fall 2023
Southern Illinois University School of Law
Syllabus

Professor: Missy Greathouse (She/Her)
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Office hours: *By appointment.*

Class Location: [ZOOM](#)*
Day and Time: Mondays 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, to prevent Zoom bombing.*

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. I include my pronouns in my Zoom name to encourage students to do the same, but it is not required.

COURSE INFORMATION

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 some ADR process. 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;
3. To increase awareness of implicit bias issues faced in the ADR field; and
4. 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 Edition), by Jacqueline M. Nolan-Haley
2. Other materials to be handed/emailed out or posted on D2L during the semester.

Strongly Suggested:

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

COURSE EVALUATION POLICY

Course Grading:

Your grade will be determined as follows:

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

35% (35 points) – Role-plays and exercises (including debrief written summaries)

10% (10 points) – In Class ADR Presentation

35% (35 points) – Final Paper

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 miss class for Law School activities, like moot court. Considering the limited number of class meetings on 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.

Absent extraordinary circumstances, students who miss three (3) or more classes will have their grade automatically dropped by one full letter grade.

Class Preparation and Participation:

Each class session counts towards your participation. If you miss class, please try to give me notice before class. You may notify me of an absence via phone or e-mail. Students should come to class prepared to discuss all the assigned reading and 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.

Also, you might be interested to know that the ABA standards incorporate out-of-class work in calculating credit hours. Under the ABA standards, **you should expect to spend**

150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.

Role-Plays and Exercises:

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 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, class discussions, and role plays will factor significantly into your participation grade.

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.

Final Paper:

For your final, you will write a paper (approximately 8-10 pages, 12-point font) to serve as your final paper/final exam. More information will be provided closer to the end of the semester.

READING ASSIGNMENTS

Reading assignments will be provided throughout the semester via D2L and/or email.

BAN ON COLLABORATION

You are not allowed to obtain help from any other person (including any other student) or from generative artificial intelligence (including, but not limited to, ChatGPT) on the class assignments, writing assignments, presentations, and final paper in this course. This ban on collaboration includes obtaining written materials from any other person or generative artificial intelligence and communicating with any other person about an assignment. If you violate the ban on collaboration policy, you will receive a failing grade on that assignment. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

ZOOM POLICIES

Zoom Links:

The Zoom classroom has been linked above. Please do not share the link 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 must 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 this class's participatory nature, you must 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.

Please note, you are not welcome to attend class while driving and will be removed from the Zoom classroom and counted as absent.

Zoom Specific Considerations:

- Appropriate classroom behavior and attire is expected.
- Turn off all notifications and make sure your cell phone is silent.
- Log into class from a distraction-free, quiet environment.
- Please keep yourself 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 to 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.

ADDITIONAL INFORMATION

Additional Attachments:

Please review the below attachments located in the D2L platform in preparation for the semester per the direction of SIU School of Law Administration:

- SIU School of Law – Syllabus Attachment – Fall 2023
- SIUC – Syllabus Attachment – Fall 2023

I hope you have a wonderful semester!