

Law 589: Mediation Skills – Spring 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.*

Course Description:

This is a skills-based course that will cover theories and techniques used in mediation from the mediator's perspective, using 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, negotiation techniques, and exercising professional judgment. There will also be writing assignments, opportunities to observe mediations, and discussion about the ethical issues faced by mediators.

This class focuses on theory, skills, rules, and laws related to mediation, the dynamics of different types of mediation, 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 basic skills to mediate in an ethical and effective manner.

Course Goals:

1. To increase your understanding of mediation as a form of an appropriate dispute resolution method;
2. To increase your awareness of the advantages and disadvantages of mediation and knowledge of how to counsel clients in mediation; and
3. To increase your knowledge of basic tools and skills used by mediators you may encounter in your practice.

Course Materials:

Required:

1. Mediation in a Nutshell (3rd Ed.), by Kimberlee K. Kovach
2. Other materials handed out throughout the semester.

COURSE EVALUATION POLICY

Evaluation:

This is a Satisfactory/Unsatisfactory (Pass/Fail) course. To receive a passing grade, you must read and be ready to discuss all assigned materials before each class, satisfactorily complete homework in a timely manner, actively participate in class exercises, including providing feedback to other students, and satisfactorily complete all projects and assignments. Although you will not receive a final numerical grade, you will receive points for attendance, class participation and assignments. You must receive at least 65% of the available points to pass.

Because this class is meant to help you develop practical skills, it will involve participation in class discussions and simulations. Your level of classroom participation (as participant and provider of feedback) will be significant factors in determining whether you receive a passing grade.

Course Grading:

Your grade will be determined as follows, and is further outlined below:

- 25% (25 points) – Attendance, preparation, and participation
- 25% (25 points) – Response to D2L Posts and Required Written Assignments
- 10% (10 points) – Attend a Mediation and Write a Reflection
- 15% (15 points) – Midterm – Writing Across the Curriculum Assignment
- 25% (25 points) – Final Exam – Multiple Choice

Total: 100%/100 points

25% (25 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.

Absent extraordinary circumstances, students who miss three (3) or more classes will not receive a Satisfactory Passing Grade.

Class Preparation and Participation:

Each class session counts towards your participation. If you are going to miss class, please attempt 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 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.

You will have the opportunity to mediate, represent clients, be clients, and serve as observer in role-plays throughout the semester. 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. During these exercises, 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.

Please note that your consistent participation in exercises, class discussions, and role plays will factor significantly into your participation grade.

25% (25 points) – Response to D2L Posts and Required Written Assignments

Responses to D2L Posts and Required Written Assignments:

We will use D2L to communicate throughout the semester. At times I will post a question, and you will be required to respond to the post prior to the next class session. I will ensure you are informed about a D2L post via email and/or in class, when appropriate. Additionally, you will be required to do several small written assignments throughout the semester. I will ensure due dates and guidelines are clearly shared via D2L, email, and/or in class.

10% (10 points) – Attend a Mediation and Write a Reflection

Attend a Mediation and Write a Reflection:

You will be required to attend a mediation during this course. I will assist in connecting you with a mediator to observe. Once you have observed the mediation, you will write a reflection on the mediation process and experience. Guidelines for the reflection will be shared prior to any mediation observations. Please note, you will be asked to share with the class your experience observing the mediation.

15% (15 points) – Midterm – Writing Across the Curriculum Assignment

Midterm – Writing Across the Curriculum Assignment:

Students will be required to complete a writing across the curriculum assignment, which will serve as our midterm. More information will be provided closer to midterms.

10% (10 points) – Attend a Mediation and Write a Reflection
15% (15 points) – Midterm – Writing Across the Curriculum Assignment
25% (25 points) – Final Exam – Multiple Choice

25% (25 points) – Final Exam – Multiple Choice

Final Exam – Multiple Choice:

Your final exam will be a multiple-choice exam covering topics discussed throughout the semester. This format is to ensure to provide you the opportunity to practice this much needed skill in preparation to sit for the Bar Exam. More information will be provided closer to finals.

READING ASSIGNMENTS

Schedule of Reading Assignments:

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

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 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.

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 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 – Spring 2023
- [SIU – Syllabus Attachment – Spring 2023](#)
- [School of Law Rules – 2022 – 2023](#)
- [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!

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – SPRING 2023

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.

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>