COURSE NAME: Dispute Resolution and Lawyers

COURSE NUMBER: 8732

PROFESSOR: Professor McNieve

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: Civil Procedure

COURSE BOOKS: Riskin, Dispute Resolution and Lawyers Fisher & Ury, Getting to Yes

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:
Exam 50%, Dispute Analysis paper 30%, class work and short papers 20%

SUMMARY DESCRIPTION OF COURSE: This is an overview course on the roles lawyers play in dispute resolution. It includes theoretical material on interviewing and counseling, negotiation, mediation, arbitration and other court-connected and private processes as well as simulated exercises.

COURSE CONTENT:

The course will provide an overview of alternative dispute resolution, the role of lawyers in these processes, basics of interviewing, counseling and representing clients in negotiation, mediation, arbitration, mixed processes, and both public and private processes.

This course will focus on various dispute resolution processes including interviewing and counseling, negotiation, mediation, arbitration, and mixed processes such as the mini-trial. In addition to acquainting you with these processes, my objective is to familiarize you with some skills in using them and give you some experience in how to help a client choose or build the most appropriate dispute resolution or prevention process.

The class will include lectures, demonstrations (video-tape and live), discussions and simulations. In some classes, we will be conducting simulations and it is essential that
everyone be present. I expect to be contacted concerning any absence. A student with an unexcused absence may be ineligible to take the final examination.

STUDENT LEARNING OUTCOMES:

By the end of this course, students will be able to:
• Describe difference forms of dispute resolution and analyze a problem to recommend the optimum process for that dispute
• Demonstrate effective interviewing, counseling, and negotiation skills.

RELEVANCY OF COURSE FOR CAREER PURPOSES: Alternative dispute resolution processes like mediation and arbitration are no longer considered “alternative”, they are well ingrained in the legal system. Regardless of the area of practice attorneys today are expected to be familiar with them.