This course is a survey of the major mechanisms of Alternative Dispute Resolution (ADR). The class will focus on arbitration, mediation and negotiation through relevant legal framework and practical skills. Litigators, transactional lawyers, and public practice lawyers will find this course useful in understanding the effective use of alternatives to resolve disputes outside of trial. Less than 5% of all filed civil cases are resolved through courtroom adjudication. Clients expect lawyers to have a broad range of knowledge regarding ADR. Effective client representation demands that lawyers use creative methods to resolve disputes that do not rely solely on expensive and time consuming litigation. This course will give students opportunities to draft relevant documents to satisfy professional writing requirements and to participate in role playing scenarios to simulate practice situations.


Selected Cases – student will need to obtain

THIS COURSE WILL MEET: Mondays 5:30 – 8:30 PM.

GRADING/EVALUATION: 70% Final Paper (Topic to be provided or instructor approved)
10% Drafting Assignments
20% Class Participation/Scenarios

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SYLLABUS

INTRODUCTION

August 26 - Introduction: Overview; Class Expectations; Questions
   – Introduction to Dispute Resolution
      Reading - pp. 1-13
      What happens at trial?

ALTERNATIVE DISPUTE RESOLUTION

Sept 2 - No CLASS (LABOR DAY)

Sept 9 – Why ADR?
   Reading - pp.13-41
   - Attorney Client Relationship
      Reading –pp. 43-51; 60-77

Sept 16- Counseling (or How to be a Lawyer)
   Reading- 82-97
   Reading- pp. 391-397; 401; 414-422
   HANDOUT: Sunriver Agreement
      Template –Motion to Compel
   DRAFT: Motion to Compel Arbitration (due October 7)
ARBITRATION

Sept 23 - Preemption and the FAA

Reading pp. 422-446

- Arbitrability

Reading pp. 402-414

Reading Buckeye Check Cashing v. Cardegna, 546 US 440 (2006)

Sept 30 - Defenses to Arbitration

Reading pp. 446-463

- Due Process/Impartiality

Reading pp. 397-400; 487-493

Reading Commonwealth Coatings v. Cont. Cas., 393 US 145 (1968)

October 7 - Judicial Review of Arbitration Awards

Reading 463-477;

Reading Hall Street v. Mattel, 552 US 576 (2008)
NEGOTIATION

October 14 - Introduction To Negotiation

Reading- pp. 99-118

- Negotiation Ethics
Reading- pp. 168-185

October 21 - Negotiation: Strategies and Tactics

Reading- pp. 119-133

- Negotiation: Problem Solving
Reading- pp. 133-158

October 28 - Dealing with Differences

Reading- pp. 186-203

- Settlement
Reading- pp. 158-168

MEDIATION

November 4 - Introduction To Mediation

Reading- pp. 209-234

DRAFT: Agreement to Mediate (due March 21)

- Mediation: Structure of Process
Reading- pp. 234-259
November 11- Mediation Framework

   Reading- pp. 280-303

   Reading- Uniform Mediation Act, text appendix C

   - Mediation Roles and Advocacy

   Reading- pp. 321-356

November 18. - Confidentiality

   Reading- 357-372


   - Mediation Fairness and Formality

   Reading- pp. 372-386

November 25- NO CLASSS

December 2- LAST CLASS

   REVIEW

   Location TBA