

**ALTERNATIVE DISPUTE RESOLUTION:
Introduction to Theory and Practice**

Spring 2022(OMICRON)

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.

MATERIAL: TEXTBOOK: Dispute Resolution and Lawyers (6th Edition -2019), Riskin, et.al.

Selected Cases – student will need to obtain on their own

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

ZOOM MEETING (first meeting on Jan 10)

All classes thereafter -in person(unless otherwise designated)

GRADING/EVALUATION: 65% Final Paper (Topic to be provided or instructor approved)

10% Drafting Assignments

25% Class Participation/Scenarios

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SYLLABUS

INTRODUCTION

January 10. ZOOM CLASS - Introduction: Overview; Class Expectations; Questions

- Introduction to Dispute Resolution

Reading - pp. 1-43

--- The life cycle of a litigated case? What happens at trial?

January 17- MLK Day.... NO CLASS today, University Closed

ALTERNATIVE DISPUTE RESOLUTION

January 24 - Counseling (*or* How to be a Lawyer)

- Attorney Client Relationship

Reading -pp. 45-66;

pp. 90-126

HANDOUT:

ARBITRATION

January 31- Arbitrability/Preemption

Reading- pp. 505-560

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

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DRAFT: Motion to Compel Arbitration (due Feb14)

[Template -Motion to Compel]

Feb 7- Due Process

Reading pp. 561-593

Read the following set of rules:

****BE PREPARED TO DISCUSS IN CLASS:**

“How do Arbitration rules differ from trial rules?”

1. Uniform Trial Court Rules *Arbitration* Chapter 13-Oregon :

<https://www.courts.oregon.gov> go to “Forms/Rules/Fees”

drop down to “Rules Center” and then “Uniform Trial Court Rules”

2. ASP Rules :

<https://www.arbserve.com> find “Procedural Rules”

(full version not highlights)

Feb 14 - Judicial Review

Reading- pp. 594-618

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

NEGOTIATION

Feb 21 - Introduction To Negotiation

Reading- pp. 127-172

Feb 28 - Negotiation: Strategies and Tactics

Reading- pp. 172-224

Mar 7 - Dealing with Overriding and Underlying Factors in Negotiation

Reading- pp. 224-262

MEDIATION

Mar 14- Introduction To Mediation

Reading- pp. 263-280

pp. 290-331

DRAFT: Agreement to Mediate (due Mar 28)

March 21-Spring Break

Mar 28- Mediation Institutions and Regulation

Reading- pp. 332-343

pp. 347-399

April 4- Mediation Framework

Reading pp.399-447

pp. 453-458

April 11_- Confidentiality and the Future of Mediation

Reading- pp. 458-479

pp. 488-503

Reading- Alfieri v. Solomon, 358 Or. 383, 365 P.3d 99 (2015)

April 18_- LAST CLASS: Review
