

**MEDIATION SEMINAR (PADM/LAW)
SPRING 2022**

Professor Kelly Browe Olson
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In-person Ross Hall 103 and via Zoom
Meeting ID: 816 3009 8301
Passcode: 928732

The Mediation Seminar course will meet in person at Ross Hall Room 103 and via Zoom.

COURSE SCHEDULE

The course will meet in 6 parts over 3 weekends:

*Some sessions will be online.

5:30 – 9:30 Friday January 28, 2022 ONLINE via ZOOM

9:00 – 5:00 Saturday January 29, 2022 Ross Hall Room 103

12:00 – 4:30 Sunday January 30, 2022 Ross Hall Room 103

5:30 – 7:30 Friday February 18, 2022 ONLINE via ZOOM

9:00 – 5:00 Saturday February 19, 2022 Ross Hall Room 103

12:00 – 4:30 Sunday February 20, 2022 Ross Hall Room 103

5:30 – 9:30 Friday February 25, 2022 Ross Hall Room 103

9:00 – 5:00 Saturday February 26, 2022 Ross Hall Room 103

12:00 – 3:30 Sunday February 27, 2022 ONLINE via ZOOM

You should complete the readings for each weekend before class starts, as the intensive weekend sessions do not leave time for outside work.

I. Description of Course

This course focuses on mediation theory and practice and will explore mediation as a process of resolving different types of conflicts. The course will cover the skills necessary to effectively participate in mediation and the theories behind several types of mediation.

Simulated mediations will deal with a range of subjects of disputes. Class presentations and readings will cover theoretical discussions of mediation goals, opening statements, ethical duties, questioning techniques, identifying issues and interests, caucusing procedures, and dealing with emotions. We will also address the role of law and justice and the role of lawyers in mediation, and overcoming barriers to agreement.

II. Objectives of the Course

The objectives of this course include: identifying theories and current research and literature underlying conflict and its resolution; examining the applicability of such theories to mediation; developing basic competence in mediation; improving listening, questioning, problem-solving, and persuasion skills that are important for mediation; increasing knowledge of the distinctive practical and ethical issues involved mediation; increasing appreciation of the advantages and disadvantages of various mediation theories and

techniques; assessing a dispute and mediation strategy and encouraging students to become more deliberate about their professional work and their own approaches to dispute resolution.

III. Text and Materials

The Mediation Process (4th Edition) by Christopher Moore (Required)

GETTING TO YES (Updated + Revised) by Roger Fisher (Recommended)

IV. Methods of Evaluation—*Not completing one of the components listed below, even if it is worth only five points, could result in course failure.* All assignments may be submitted in person or by email. If they are submitted via email the student must submit them in Microsoft Word or Google Docs.

1. Personal Journals. 10 pts.

Entries should not be class notes or summaries of class activities. Rather, entries should be thoughtful reflection on what you are learning and reading. A newspaper article or television show might trigger a comment or an encounter with a friend or stranger might cause you to reflect. **There should be at least 3 journal entries every week of the class (9 total).**

Journals will be handed in midway through the course and at the end of the course for review. Quality matters not quantity. **The journal should be a part of your preparation for the class and your analysis during and after the class.**

The journal deadlines are February 11th and February 23rd. Submit a google doc or word document via the google drive into the student submissions folder.

2. Constructive Participation in Role Plays and Class Discussion. 15 pts.

3. Take-home Role Play Assignment due Tuesday February 22nd 25 pts

Students will create a simulation, 5-8 pages, 12 point font, double spaced that sets up a mediation scenario. You should include general and confidential information, for at least two parties. Mediator instructions should also be included.

4. Presentations 20 pts

During the third Friday/Saturday, each student will give an 8 to 10 minute presentation to the class regarding the ADR topic of their choice. The presentation must be on a **mediation-related** topic. You may come up with your own topic, or take a topic from the instructor's list. **Please prepare an outline, topic summary or Power Point presentation for distribution to the class and to be handed in after your presentation.**

5. Final Exam on Sunday February 27th 30 pts

Grading Scale

Raw Score	Grade
90-100	A
80-89	B
70-79	C
65-69	D
00-65	F

V. COURSE POLICIES

Course Structure

This course is interactive, problem based, and delivered in person and virtually. Like a traditional in-person class, students in a synchronous class are all virtually present at the same time for class lectures, discussions, and presentations. Students are expected to have their cameras on during class time except for emergencies. **If I experience a technical issue that significantly affects the timing of online assignments, grading assignments or significantly interferes with the instructor/student communication channel, I will make appropriate adjustments to due dates.**

Methods of Instruction

This class will present and process information in a variety of ways, such as lectures, discussions, group activities, role-plays, observations, reading, etc. Skill development and effective use of mediation is the focus of the class. **To achieve this goal, student participation is essential and required.** Students will reflect on their readings and classroom activities in their journals.

The Attendance Policy

Program learning in a graduate professional program is based in large part on interaction that occurs between the instructor and students in the classroom. Regular attendance at classes is an expected, professional responsibility of the student. **Due to the need for all participants to take part in role-plays, it is essential that you attend each class session.** You are required to inform the instructor before you miss class, except for emergencies. You will be asked to make up any missed time. In the event that an absence is excused, work equivalent to the classroom work missed will be required. **Absences greater than 20% of the total class time will constitute grounds for course failure. A student who misses more than 10% may have his grade lowered a letter grade.**

Email

All course communications will be emailed. Students are responsible for up for verifying their email addresses and checking their email.

Student Conduct & Academic Misconduct

Students must adhere to the UA Little Rock Bowen School of Law Honor Code.

Students with Disabilities:

Your success in this class is important to me, and it is the policy and practice of the University of Arkansas at Little Rock to create inclusive learning environments consistent with federal and state law. If you have a documented disability (or need to have a disability documented), and need an accommodation, please contact me privately as soon as possible, so that we can discuss with the Disability Resource Center (DRC) how to meet your specific needs and the requirements of the course. The DRC offers resources and coordinates reasonable accommodations for students with disabilities. Reasonable accommodations are established through an interactive process among you, your instructor(s) and the DRC. Thus, if you have a disability, please contact me and/or the DRC, at 501-569-3143 (V/TTY) or 501-683-7629

(VP). For more information, please visit the DRC website at www.ualr.edu/disability.

Exam Policies

UA Little Rock Bowen Exam Policies: <https://ualr.edu/law/academics/exam-information/>

Electronic Devices & Internet

Please turn off or silence your cell phone and do not take it out during class. While we are all using our laptops this semester, **internet surfing during class (involving anything other than materials directly related to that day's class) is not permitted.**

Technology

The recommended technology students should have available to access the course:

1. Webcam (720p, 1080p or HD camera)
2. Headset with noise cancelling microphone
3. Computer with access to adequate bandwidth
(Zoom recommends a bandwidth of 600kbps/1.2Mbps (up/down)).

Zoom Tech Support: <https://support.zoom.us/hc/en-us>

You may contact the Computer Services at 501.916.3995 or at law-it-support@ualr.edu if you have questions about your computer's hardware or software. You may also visit: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>

A backup plan for reliable Internet service and a working computer is also prudent. If you experience a power outage, Internet service outage, or other technical issue, you are still responsible for attending and participating in class, and for completing your assigned work, but I will be flexible. **Please inform me in a timely manner if you experience a technology issue that affects your ability to submit assignments or participate in class via Zoom.**

Honor Code Statement

All students are expected to adhere to the rights, responsibilities, and behavior as articulated in the UALR Student Handbook. An essential feature of this code is a commitment to maintaining intellectual integrity and academic honesty. This commitment insures that a student will neither knowingly give nor receive any inappropriate assistance in academic work, thereby affirming personal honor and integrity.

VI. Class Schedule and Assignments

You should complete your reading for each weekend's class sessions prior to the start of the intensive weekend. During the class sessions, there will not be time to read the assigned materials. The course also requires other assignments to be done between the weekends that the class meets. Bring your materials to each class.

ASSIGNMENTS FOR WEEKEND ONE (SEE TEXTS ABOVE)

Negotiation, DYNAD Conflict analysis and Kiersey survey
Text chapters 1-4

FIRST WEEKEND SCHEDULE

FRIDAY JANUARY 28TH

5:30 – 9:30 ONLINE VIA ZOOM

Overview and Course Logistics
Negotiation Theory / Negotiation Exercise
Negotiation Role Play
Positions and Interests
Break
History of ADR & Mediation
Overview of Stages of the Mediation Process
Opening the Mediation/Mediator's Opening Statement

SATURDAY JANUARY 29TH

9:00-5:00

Review and Preview
Break out groups/Practice Mediator's Opening Statement
Role of Mediator, Impartiality, Mediation Styles Index & Co-Mediation
Break
Mediation Preparation
DYNAD & Conflict Management Style Survey
12:00 — 12:30 Lunch
Initial Party Statements & Transitions
Mediation Simulation-1: Fishbowl
Break
Communication in Mediation, Tools & Techniques
Agenda Setting & Option Generation
Review

SUNDAY JANUARY 30TH

12:00 – 4:30 PM

Confidentiality & Caucus (Arkansas law and Uniform Mediation Act)
Questioning & Reframing Issues
Types of Mediation
Mediation Simulation-2
***Homework: Text chapters 6,7, 9 & 10; Journal entries
Start working on Role Play and Presentations***

SECOND WEEKEND SCHEDULE

FRIDAY FEBRUARY 18TH

5:30- 7:30 ONLINE VIA ZOOM

Mediation Simulation-3

SATURDAY FEBRUARY 19TH

9:00-5:00

Arkansas Alternative Dispute Resolution Commission, Recommended Guidelines for the Conduct of Mediation and Mediators *and* Recommended Guidelines of Mediator

Skills and Qualifications—**Jennifer Jones Taylor**
Mediation Ethics
Cultural/Ethnic & Gender Differences
Emotional Intelligence
12:30 — 1:00 Lunch
ADR System Design
Role of Law and Lawyers in Mediation
Mediation Simulation-4
Breaking Impasse
Perceptions

SUNDAY FEBRUARY 20TH 12:00 – 4:30 PM
Mediation Simulation #5
Drafting Agreements

***Homework: Reading Text 12 &14, 15,
Finish Role Play (due 2/22),
Journal and work on Presentations
Presentations on Friday and Saturday***

THIRD WEEKEND SCHEDULE

FRIDAY FEBRUARY 25TH 5:30 – 9:30

Anger & Power Balancing
Question Review
Multi Party Mediation/Consensus Building
Mediation Technique Review
Break
Mediation Simulation-6 Co-mediation
Presentations (4)

SATURDAY FEBRUARY 26TH 9:00- 5:00
Review and Preview
Presentations (4)
Break
Mediation Simulation-7
Transformative Mediation
Presentations (4)
12:30 — 1:00 Lunch
Presentations (4)
Break
Final Simulation (8)
Building a Mediation Practice
Wrap-up & Evaluations

SUNDAY FEBRUARY 27TH 12:00 – 3:30 FINAL EXAM ONLINE VIA ZOOM

COURSE ASSIGNMENTS

Role Play Creation Assignment due February 22nd at 6 pm

Journals due February 9th, February 23rd

Presentations due Final Weekend

Final Exam 2.27.2022

How to Keep a Writing Journal

From George Mason University: The Composition Program

Some teachers will ask you to keep a journal. Sometimes your teacher will assign journal entries, perhaps asking you to respond to a particular question or a reading you have encountered in class or as homework. At others, your teacher may just ask for a set number of journal entries every week and leave the choice of subject open. Most teachers read your journals regularly, and include your journal keeping as part of the final grade.

Teachers tend to grade not the quality of the individual entries but the process of keeping a journal as a reflection on your academic, social and cultural experiences. Thus, the responsibility for keeping the journal is yours and finding the time, and the inspiration, to write regularly can be difficult. The links may help you jump-start your journal and fend off writer's block.

How Often Should I Write?

The more often you write in your journal, the greater the chance to catch your thoughts. Take your journal with you wherever you go. If you have ten minutes waiting for a friend's class to end, write in your journal. If you are early for a meeting, write in your journal. Write last thing at night, or on first waking up. Try to gain the habit of writing thoughtfully every day, however short your entry.

Try to write some longer entries in the journal. The longer you write, the greater the chance of developing thoughts or finding a new idea you can use in your life or your work.

Even if your teacher gives you lots of writing prompts for journal entries, try to initiate your own entries, too. If you are excited by a new experience, or puzzled by a new idea, use your journal to capture your feelings and responses.

How Should I Write?

Most teachers will expect you to write informally your journal. Informal writing is rather like speaking: you express the maximum number of ideas in the shortest possible time. You don't worry too much about 'correct' punctuation, or grammar, or spelling. You can use underlining, or bold, or italics to add meaning and you may link lots of ideas together with dashes instead of periods and commas. The idea, not the presentation, is critical in journal writing.

The journal also allows you to experiment as a writer. Sometimes a poem or a dialogue where you argue or debate with yourself is the only way to express an idea. Draw a detailed picture one day. Take a risk!

What Should I Write About?

Your teacher may assign a subject for at least some of your journal entries. Explore the world around you to find inspiration to complete the remainder. Many everyday activities stimulate vivid journal entries:

Observation

If you see something interesting, beautiful, amusing or (add the adjective of your choice) try to capture it in language in your journal. Observation entries help with your academic work: scientists, for example, use detailed observation to test their theories. Set yourself an observation task. Describe everything on your desk and explore each item's meaning for you. Observe for fifteen minutes the people who sit near you in the Johnson Center.

Questions

Use your journal to formulate and record questions that are important to you. Think about questions you have about your academic work, about your personal life or values, about items you read in the newspaper or in the books for one of your classes. Think about what you need to know as a human being in its first semester in college. Don't worry about providing all the answers. Let your own questions flow.

Speculation

Think on paper about the meaning of stories, facts, readings, encounters, patterns you observe, conversations you take part in, movies you see, songs you listen to, treasures you have accumulated. Ask yourself "What if?" and "Why?"

Self-Awareness

Think about whom you are and what you stand for. How do you resemble others of your generation or others in your family? And how do you differ? What values are most important to you? What values are changing for you? Where do you stand on ethical or political debates like the rationing of health care or the control of guns? Who influences you? Or whom do you influence?

Digression

Let your writing lead your thinking. You start off writing about your family and find yourself composing sentence after sentence about your favorite song. Allow yourself to drift off the ostensible subject of your entry: often you will discover the ideas that interest you most. The journal lets you explore on paper whatever comes to mind.

Synthesis

The journal provides a space for you to make connections. Put together ideas from different courses. Find relationships between ideas and experiences and cultural events. Link your learning in college to your decisions in your personal or professional life.

Revision

You can also use your journal to reflect on who you are. Read over earlier journal entries and work out how you have changed. Do you have different ideas, or new interpretations of events? Do you disagree with an earlier entry? Can you track the way in which you think and draw conclusions from what you have written? What do you learn about yourself? Try this writing prompt when you have writer's block.

Information

Most professional writers are magpies. They collect quotations, overheard conversations, postcards, photographs, newspaper articles and ideas, and then transcribe them into their notebooks. Do the same. Write down a line from a song that you love, or describe a scene in your favorite movie. Do you have a funny pet story? Or a wild photograph. Make your journal reflect you.