

## SYLLABUS

### UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

### MEDIATION

Spring 2010

Professor Mariana D. Hernandez Crespo G.

<b>I. GENERAL INFORMATION:</b>	Professor Mariana D. Hernandez Crespo Office Hours: Mon., 1:30–7:00 p.m. or by appointment. Office: MLS 456 Phone: 651-962-4835 E-mail: <a href="mailto:mdhernandezc@stthomas.edu">mdhernandezc@stthomas.edu</a> Meeting Times: Tue and Wed, 1:30–4:25 p.m. Class Meeting Location: MLS 242
<b>II. REQUIRED READINGS:</b>          <b>RECOMMENDED READINGS:</b>	<ol style="list-style-type: none"><li>1. LINDA R. SINGER, SETTLING DISPUTES: CONFLICT RESOLUTION IN BUSINESS, FAMILIES, AND THE LEGAL SYSTEM (1994)</li><li>2. JOHN W. COOLEY, CREATIVE PROBLEM SOLVER'S HANDBOOK FOR NEGOTIATORS AND MEDIATORS, A PRACTICAL APPROACH, VOLUME ONE: A GUIDE FOR PRACTITIONERS, ACADEMICS, AND STUDENTS OF CREATIVE PROBLEM SOLVING (2005)</li><li>3. ROGER FISHER &amp; DANIEL SHAPIRO, BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE (2006)</li></ol> <ol style="list-style-type: none"><li>1. STEPHEN B. GOLDBERG, ET. AL., DISPUTE RESOLUTION: NEGOTIATION, MEDIATION AND OTHER PROCESSES (4th ed. 2003)</li><li>2. Additional selected articles and excerpts of books</li></ol>

<p><b>III. COURSE DESCRIPTION:</b></p>	<p>This course will cover the mediation process, explore the different types of mediation, and focus on the development of mediation skills, with a special emphasis on conflict assessment, value creation, and the role of emotions in the negotiation process.</p>
<p><b>IV. COURSE GOALS:</b></p>	<ul style="list-style-type: none"> <li>● <i>To learn</i> how to assess conflict</li> <li>● <i>To gain the skills</i> for gathering information</li> <li>● <i>To be able</i> to facilitate the value creation process</li> <li>● <i>To think strategically</i> about sustainability of agreements</li> <li>● <i>To understand</i> the role of emotions in mediation</li> </ul>
<p><b>V. CLASSROOM INTERACTION:</b></p>	<p>This class will be an interactive learning experience, which will start with theory, move to practice, and return to theory to build knowledge.</p> <p>Classes will consist of videos, discussion, simulations, and debriefing of the simulations.</p> <p>Since in this class experiential learning is as important as theoretical, it is crucial that each of you be prepared to participate fully in each session. Therefore, to be prepared for this class, you must:</p> <ol style="list-style-type: none"> <li>1. Learn the concepts presented in the readings</li> <li>2. Think critically about those concepts in terms of the authors' <ul style="list-style-type: none"> <li>Propositions</li> <li>Assumptions</li> <li>Line of logic</li> <li>Moral principles</li> </ul> </li> <li>3. Generate ideas about the topic using your <ol style="list-style-type: none"> <li>1. Unique background (academic knowledge and personal experience) <ul style="list-style-type: none"> <li>● Particular interests</li> </ul> </li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>● Values</li> </ul> <p>Note: You are expected to participate in class discussions. However, if you decide to play the role of a spectator, you should be ready to answer questions to demonstrate that you are engaged in the discussion.</p>
<p><b>VI. ATTENDANCE:</b></p>	<p>Classroom time is the main opportunity we have to learn together. This is especially relevant for us because this course will build upon our group discussions. Therefore, if you are:</p> <ol style="list-style-type: none"> <li>1. Unprepared,</li> <li>2. Late,</li> <li>3. Or not present,</li> </ol> <p>you will not be able to take advantage of this experience, and your conduct will affect the entire group dynamic.</p> <p>With this in mind:</p> <ul style="list-style-type: none"> <li>● If you are unprepared, you must advise me in writing at the beginning of the class, before class begins.</li> <li>● If you are more than five minutes late, you will be marked absent.</li> <li>● If you know you will be late or will have to miss a class, I expect you to give me advance notice.</li> </ul> <p>If you miss class, it is imperative that you meet with me before the next session, so that I can bring you up to speed. For our meeting, I expect the same level of preparation that was required for the classroom time that you missed.</p>
<p><b>VII. STUDENT ACCOMMODATIONS:</b></p>	<p>Students with documented disabilities should contact the Enhancement Program, within the first two weeks of the semester, in order to obtain the necessary arrangements for this course.</p> <p>Enhancement Program – Disability Services  St. Paul Campus, Room 119  O’Shaughnessy Educational Center  Phone # 651- 962-6315</p>

	<p>For those of you who already have a form from the Disability Services Office that indicates you have a disability that requires accommodation, you must present it to Scott Swanson, Director of Academic Achievement, within the first two weeks of the start of the semester.</p>
<p><b>VIII. REVIEW MEETINGS:</b></p>	<p>I will hold one-on-one meetings with each student prior to the final paper's due date, to offer feedback.</p>
<p><b>IX. GRADING:</b></p>	<p>Your grade will be based on the following three components:</p> <ul style="list-style-type: none"> <li>A. Your grade will be based on a final examination, which consists of an eight-hour take-home exam.</li> <li>B. I may raise your final grade by one or two steps (i.e., B- to B or B+), if you consistently make outstanding contributions in the classroom, and your exercises and assignments are also above average. Conversely, I may lower your final grade by one or two steps if you are consistently unprepared, and your performance in the exercises and assignments is consistently below average.</li> <li>C. If you choose to write a paper to satisfy the upper-level written requirement, you will need to make special arrangements. Please let me know within the first month.</li> </ul>
<p><b>X. READING ASSIGNMENTS:</b></p>	<p>The assignments will be distributed in class the previous week. You are responsible for all assignments, including the preparation required for any assigned simulations.</p>
<p><b>XI. RESERVATION OF RIGHTS</b></p>	<p>I reserve the right to change any of the policies established in this document. However, I will notify you in advance of any changes, and such changes will not be retroactive.</p>

