

# Alternative Dispute Resolution

Mr. Clymer – Fall Semester, 2009

(Wednesdays, 6:00 - 7:40 PM; Wolf Law Building Room 306.)

## SYLLABUS

(Tentative, subject to revision)

**Required Text:** *Resolving Disputes: Theory, Practice, and Law*  
Folberg, Golann, Kloppenberg & Stipanowich; Aspen Publishers (2005)

<u>Date</u>	<u>Topic</u>	<u>Class Activity</u>	<u>Assigned to Read Prior to Class</u>
Week One 8/26/09	Dispute Resolution - What It's All About	Introductions; Arbitration, Mediation Exercise (Al & Sandy Breakup)	Pages 1-16
Week Two 9/2/09	Negotiation – The Inner Game and Choice	Global Knowledge Quiz; Pizza Party Trades; Sunflower Negotiation	Pages 19- 77
Week Three 9/9/09	The Negotiation Dance	Prado Scoot Negotiation; (or Sally Swansong) Concession Exercise	Pages 79- 116
Week Four 9/16/09	Negotiation- Agreement, Gender and Culture	When the Chips are Down Negotiation; Gender & Culture Questions in Small Group Discussions	Pages 116- 163
Week Five 9/23/09	Negotiation- Ethics and Law	Cubit – Nyquist Negotiation	Pages 165- 207
Week Six 9/30/09	Mediation- Process and Styles	Mediation Roleplay - Executive Employment Dispute ("Save the Last Dance")	Pages 223- 270

Week Seven 10/7/09	Mediation- Overcoming Barriers	Mediation Roleplay – Sexual Harassment Claim (Claudia vs. PMG)	Pages 271- 302
Week Eight 10/14/09	Representing Clients in Mediation	Mediation Roleplay - Commercial Case (Waltham Const. vs. Foster Fuels)	Pages 303- 354
Week Nine 10/21/09	Mediation Applications And Ethical Issues	Mediation Roleplay-In Class Demonstration With a Cast of Real Life Professionals TBD Mediation Hypotheticals and Discussions (if time)	Pages 355- 405; 407- 449
Week Ten 11/4/09	The Arbitration Process	Arbitration Quiz and Negotiating and Drafting Arbitration Exercise	Pages 453- 507
Week Eleven 11/11/09	Arbitration Law	Arbitration Jeopardy Game	Pages 507- 555
Week Twelve 11/18/09	Arbitration – Fairness and Policy	Law Firm Arguments on Compelling Employment Arbitration (Motion to Stay)	Pages 557- 605
Week Thirteen 11/25/09	NO CLASS	THANKSGIVING BREAK	Pages 609- 642
Week Fourteen 12/2/09	Hybrid ADR Procedures. Looking Forward	Erin Brockovich Process Negotiation. Small Group Discussions of Selected Questions and Problems	Pages 643- 673