

**GEORGE MASON UNIVERSITY  
SCHOOL OF LAW**

**MEDIATION (279-001)**

**Spring 2009**

**Professor James Q. Pope**

**Introduction:**

Mediation is a two credit one semester course. This course description and syllabus is designed to provide you with an overview of course objectives, materials needed for the semester, and reading assignments.

This course will focus on the skills and theories involved in the mediation process. You will develop these skills through active participation in simulated exercises, role-plays, and interactive lectures. Discussions of the theoretical and practical basis for mediation, as well as ethical issues inherent in this practice will play a critical role in this course. Further, special attention will be given to the role of attorneys in mediation.

**Mission & Vision:**

Upon completion of this course, students will be able to differentiate between the various dispute resolution processes/techniques, and be able to decide when each is appropriate. Students will develop additional communication skills and enhance existing skills. Students will be able to transfer the skills that have been acquired in their day-to-day experiences. Students will be able to effectively mediate and co-mediate a variety of disputes.

**Expectations:**

This course transcends theory. Therefore, active participation and consistent attendance is required in order to gain practical experience. It is expected that you will participate, attend class regularly, and complete reading assignments. If you will be absent from class, it is your responsibility to inform me in advance at [Jim.Pope@co.fairfax.va.us](mailto:Jim.Pope@co.fairfax.va.us) or (703) 324-7415.

**Materials:**

Mediation: Principles and Practice, by Kimberly Kovach, Third Ed. 2004, West Group. Students will be provided with the Standards of Ethics and Professional Responsibility for Certified Mediators adopted by the Judicial Council of Virginia. Reference to these Standards, and to VA. CODE ANN. Sec. 8.01-576.4 – 8.01-576.12 and Sec. 8.01-581.21 – 8.01-581.26, will be made throughout the semester to convey information about the mediation process and to examine current issues regarding its use within the Commonwealth.

## **Evaluation & Grading:**

Your final grade in this course will be based on my evaluation of your performance in the following categories:

### **Class Participation and Attendance: (30 Points)**

Active participation is essential in order to learn the skills and concepts that make up this course. You are expected to actively participate during regularly scheduled class sessions. Class participation includes your willingness to participate in simulations, role-plays, and class discussions.

Regular and timely attendance is mandatory in order to receive full credit for this class. You are expected to attend all scheduled classes. Excused absences will be granted in the case of a medical or family emergency, illness, or religious holiday. It is your responsibility to inform me if you will be absent from class. It is also your responsibility to collect information distributed during your absence.

### **Two Writing Assignments: (70 Points)**

Two writing assignments, each worth 35 points, will comprise the remainder of the grade. Instructions will be handed out with each assignment.

### **Office Hours:**

Office hours will be made available upon request. You may contact me directly if you would like to meet to discuss any issues or concerns that you may have regarding the class. I can be reached at Jim.Pope@co.fairfax.va.us or (703) 324-7415. Office hours, when scheduled, will take place the hour before or immediately after class.

### **Assigned Textbook - *Mediation: Principles and Practice*, by Kimberlee Kovach (3<sup>rd</sup> Ed. 2004, West Group)**

January 13, 2009	Ch. 1- Overview of ADR Universe (pp 1-25)
January 20, 2009	No Class
January 27, 2009	Chs. 2 and 3 – Mediation Process & Mediation Skills (p. 26 - 74) Read <u>Exercises</u> on p. 74
February 3, 2009	Ch. 4 – Getting to the Mediation Table (pp. 75 – 141) <u>Questions for Discussions</u> pp. 139 -141
February 10, 2009	Ch. 5 – Preparation for the Mediation (pp. 142 – 157) <u>Questions for Discussion</u> pp. 155 -157

- February 17, 2009 Ch. 6 – Beginning the Mediation (pp. 158 – 178)  
Discussion Questions pp. 175 -178  
**Research Paper Topics Due**
- February 24, 2009 Ch.7 – Identification of Issues and Interests (pp. 179 – 192)  
Exercises pp. 190 – 192. Simulations.
- March 3, 2009 Ch. 8 – The Negotiation Process (pp. 193 – 210)  
Exercises (p. 210)
- March 10, 2009 **Spring Recess**
- March 17, 2009 Ch. 9 – Neutrality (pp. 211 - 235)  
Problems for Discussion (pp. 234 – 235)
- March 24, 2009 Ch. 10 – Finding a Resolution (pp. 236 – 261)  
Exercises (pp. 258 – 261)  
**Research Paper Due**
- March 31, 2009 Ch. 11 – Confidentiality (pp. 262 - 299)  
Questions for Discussion (pp. 334 – 338)
- April 7, 2009 Ch. 11 – Confidentiality (pp. 299 – 338)
- April 14, 2009 Ch. 12 – The Mediated Agreement (pp. 339 -386)  
Questions for Discussion (pp. 385 -386)
- April 21, 2009 Ch. 14 – Ethical Considerations (pp. 395 – 428)  
Questions for Discussions (pp. 427 – 428)