LAW 279: MEDIATION
George Mason University School of Law
Adjunct Professor Jim Pope
Spring 2013

Course Description and Syllabus

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 or (703) 324-7415.

Materials:

Mediation: Principles and Practice, Kimberly Kovach, (3d ed., 2004). 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.

**Conflict Journal: (15 Points)**
You will be required to keep a conflict resolution journal throughout the semester. Each week you will be required to make at least one entry that is relevant to topics discussed during a previous class.

The journal entry can be in the form of an insight that you have gained regarding a specific issue, an experience that you either observed or read. Each student will be required to submit two entries (typed). The submitted entries should be a minimum of one page and a maximum of two pages.

**Take Home Final Exam: (55 Points)**
At the conclusion of the final class of the semester, I will distribute the take home final exam. It will be due, by email, at 12:00 noon, on Friday, May 3, 2013.

**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.
SYLLABUS

Assigned Textbook
Mediation: Principles and Practice
By Kimberlee Kovach
(3rd Ed. 2004, West Group)

January 8, 2013  Ch. 1- Overview of ADR Universe (pp 1-25)

January 15, 2013  Chs. 2 and 3 – Mediation Process & Mediation Skills (p. 26 - 74)
Read Exercises on p. 74

January 22, 2013  Ch. 4 – Getting to the Mediation Table (pp. 75 – 141)
Questions for Discussions pp. 139 -141

January 29, 2013  Ch. 5 – Preparation for the Mediation (pp. 142 – 157)
Questions for Discussion pp. 155 -157
(Journal Assignment)

February 5, 2013  No Class

February 12, 2013  Ch. 6 – Beginning the Mediation (pp. 158 – 178)
Discussion Questions pp. 175 -178
Journal Assignment Due

February 19, 2013  Ch.7 – Identification of Issues and Interests (pp. 179 – 192)

February 26, 2013  Ch. 8 – The Negotiation Process (pp. 193 – 210)
Exercises (p. 210)

March 5, 2013  Ch. 9 – Neutrality (pp. 211 - 235)
Problems for Discussion (pp. 234 – 235)

March 12, 2013  Spring Break

March 19, 2013  Ch.10 – Finding a Resolution (pp. 236 – 261)
Exercises (pp. 258 – 261)
(Journal Assignment)

March 26, 2013  Ch. 11 – Confidentiality (pp. 262 - 299)
Questions for Discussion (pp. 334 – 338)
Journal Assignment Due
April 2, 2013  Ch. 11 – Confidentiality (pp. 299 – 338)

April 9, 2013  Ch. 12 – The Mediated Agreement (pp. 339 -386)
                 Questions for Discussion (pp. 385 -386)

April 16, 2013  Ch. 14 – Ethical Considerations (pp. 395 – 428)
                 Questions for Discussions (pp. 427 – 428)

Take Home Final Exam Due – (Friday, May 3, 2013, by email)