

**Alternative Dispute Resolution**  
**LAW 348 (CRN#83722)**  
**Fall 2024**

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**COURSE SCHEDULE/MEETING TIMES:**

Monday 6:05pm - 8:05pm

**OFFICE HOURS:** after class

**STRONGLY RECOMMENDED TEXT:**

Folberg, Golann, Stipanowich, Reynolds & Schmitz, *Resolving Disputes: Theory, Practice, and Law* (3<sup>rd</sup>/4<sup>th</sup> edition)

**COURSE OVERVIEW/DESCRIPTION:**

This course introduces various forms of alternative dispute resolution mechanisms –negotiation, mediation, arbitration, and their hybrid forms. Theoretical discussions will be supplemented with in-class simulation exercises to help you understand their differences. About a third of the classes will focus on the latest development in ADR including the presentation and discussion of your research topics. Two guest lectures will be scheduled.

**LEARNING OUTCOMES:**

- Understand the differences of major ADR mechanisms
- Appreciate various styles of negotiation
- Experience various forms of ADR mechanisms through simulations
- Appreciate how psychology affects the dispute resolution process
- Learn, Research and Write about the latest developments in ADR

**BASIS OF EVALUATION & ASSESSMENTS:**

- Class attendance, participation and group presentation 15%
- 3 reflection papers (500 words max for each paper; this can be about anything that you have read in the casebook, learned in class and/or observed in simulations) 15%
- Research paper and presentation 70% [recommended length: 8-18 pages double space]
  - 15 pts for relevance to ADR course materials
  - 15 pts for research (depth and quality)
  - 15 pts for analysis (new idea/contribution; critical evaluation of the literature)
  - 15 pts for writing (organization and presentation of ideas, ease of reading)
  - 10 pts for in-class presentation of your paper

**INSTRUCTOR EXPECTATIONS AND COURSE RULES/STRUCTURE:**

Please come to each class having completed all assigned readings.

**COURSE SCHEDULE:**

*(please refer to TWEN for the latest version)*

The first nine/ten classes will introduce the three main methods of ADR. Simulation exercises will be conducted in each class to help you experience various methods of resolving disputes.

Two guest lectures will be scheduled (date/venue TBA).

Class 1 Aug 26: Overview (pp. 1-25)

Class 2: Negotiation - Psychology (pp. 29-44)

Class 3: Negotiation I - Style (pp. 45-71 + excerpt)

Class 4: Negotiation II – Style (same as last week)

Class 5: Mediation – Overview (pp. 185-209)

Class 6: Mediation – Skills I (pp. 210-226)

Class 7: Mediation – Skills II (pp. 254-268)

Class 8: ADR in Criminal Law (excerpt)

Class 9: Arbitration – Overview (pp. 427-456)

Class 10: Arbitration – Law of Arbitration pp. 509-532 / Guest Lecture 1

Class 11: Guest Lecture 2

Class 12 Nov 7: Student Presentation I

Class 13 Nov 14: Student Presentation II

**12/1 Research Paper Due**

*Nov 21: Observe Monday Schedule; Nov 25 - Dec 1: Thanksgiving Recess; Dec 2: Reading Day*

**EMAIL COMMUNICATION:** Students must use their MasonLive email account to receive important University information, including communications related to this class.

**ATTENDANCE:**

Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), he or she should immediately contact the Assistant Dean, Student Academic Affairs. There is no substituted work available for this course (see AR 4-1.2).

The instructor will track attendance by visually surveying the class in Zoom. If you are not present for at least 75 percent of a session, you will be considered absent from that session (AR 4-1.1). Should technical difficulties arise, please call in using the Zoom telephone number.

**CLASS RECORDINGS PROHIBITED:**

No portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera (AR 4-2.2). Any exceptions to this policy must be expressly permitted in writing by me. Requests to access a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

**EXAM CONFLICTS:** In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination. All requests for extensions or rescheduling of deadlines will be processed through the Assistant Dean, Student Academic Affairs, whose decision will be final.

**ACADEMIC INTEGRITY:** It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

**CLASSROOM ACCOMMODATIONS:** Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <https://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at [ods@gmu.edu](mailto:ods@gmu.edu) or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

## **ADDITIONAL SCHOOL POLICIES AND RESOURCES:**

### **STUDENT HONOR CODE**

### **ACADEMIC REGULATIONS**

**UNIVERSITY LIFE:** University Life provides student support resources such as **Counseling and Psychological Services** (<https://caps.gmu.edu/>), **Student Health Services** (<https://shs.gmu.edu/>), and the **Student Support and Advocacy Center** (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>