



FALL 2025 COURSE SYLLABUS

Course Number: 348-002
Course Title: Alternative Dispute Resolution
Credit Hours: 2
Meeting Time(s): THUR 6:05P-8:05P
Meeting Mode: ON CAMPUS
Exam Time(s): N/A
Exam Mode: N/A
Prerequisite(s): N/A
Corequisite(s): N/A

Instructor(s):
Hernando Otero

Contact Info:
hotoero@gmu.edu

Reading(s) & Supplement(s):

No textbook is required. All materials will be provided through CANVAS. That said, if you need to consult a reference book, the following should be available through the school library:

- Menkel-Meadow, C. J., et al. (2018). Dispute resolution: Beyond the adversarial model (4th ed.). Aspen Publishers.
- Folberg, J., Golann, D., Stipanowich, T. J., Reynolds, J., & Schmitz, A. J. (2021). Resolving disputes: Theory, practice, and law (4th ed.). Aspen Publishing.

Course Overview

This course explores Alternative Dispute Resolution (ADR) through a vibrant blend of art, film, and immersive practice. Designed for students passionate about resolving commercial and regulatory conflicts beyond the courtroom, it equips them with the practical skills to navigate arbitration, mediation, and negotiation in both domestic and international contexts. Rooted in creative advocacy, the course invites students to step outside traditional frameworks—learning through podcasts, theater improvisation, movie scenes, and other unexpected mediums that spark insight and deepen understanding. It's an experiential, discussion-driven journey that challenges students to think critically, communicate accessibly, and advise with confidence.

Course Learning Outcomes

With this course, students will:

- Critically evaluate dispute contexts and client interests to determine the most appropriate ADR pathway.
- Translate complex ADR concepts into accessible, actionable guidance for clients.
- Demonstrate practical proficiency in ADR mechanisms to make confident, context-driven decisions.

Grading Policies

Attendance:

Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences:

Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Grading:

Students will be evaluated based on the following components:

- Preparation and participation in class sessions (30%).
- Written assignment – explaining ADR in plain language (20%).
- Video scene written analysis (20%)
- Final take-home paper (30%).

Participation & Preparation:

This course consists of thirteen weeks of classes organized in an equivalent number of course modules. Each module features discussion forums, practical exercises, or mock scenarios that require students to carefully prepare assigned materials and actively participate in class. Class attendance together with participation will constitute a significant portion of the final grade.

Use of Technology & AI:

The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Course Schedule & Assignments

The course schedule may change based on our pace and collective interest in certain topics. Additionally, I will try to schedule an opportunity for us to attend a live mediation, which may fall outside class hours due to logistical constraints. Finally, we may also host a guest speaker and have to adjust our schedule accordingly.

Class 1 – August 21

Topic: Introduction to Alternative Dispute Resolution

Podcast: Serial Podcast, Season 3, Episode 1: “A Bar Fight Walks into the Justice Center.” Serial Productions, 20 Sept. 2018. Available at: <https://serialpodcast.org/season-three/1/a-bar-fight-walks-into-the-justice-center>

Assignments:

- Discussion forum: reality TV.
- Required reading takeaways.

Class 2 – August 28

Topic: Introduction to Alternative Dispute Resolution

Readings: Kahneman, Daniel, and Patrick Egan. Thinking, fast and slow. Vol. 1. New York: Farrar, Straus and Giroux, 2011.

Assignments:

- Discussion forum: How to work with clients.
- Required reading takeaways.

Class 3 – September 4

Topic: Mediation

Readings: IFC Compliance Advisor Ombudsman, Getting Started with Dispute Resolution, 2018

Assignments:

- Discussion forum: What types of disputes are best suited to be mediated? Why can't parties negotiate?
- Required reading takeaways.

Class 4 – September 11

Topic: Mediation

Readings: Susskind et al. “Improvisation and Mediation: Balancing Acts,” 2005

Assignments:

- Discussion forum: What soft skills are required to get parties committed to mediation?
- Required reading takeaways.

Class 5 – September 18

Topic: Mediation

Communication Workshop

Class 6 – September 25

Topic: Mediation

Readings: Thaler, Richard H., and Cass R. Sunstein. *Nudge: Improving decisions about health, wealth, and happiness*. Penguin, 2009

Assignments:

- Discussion forum: What rules and processes apply to the mediation process? How helpful are they?
- Required reading takeaways.

Class 7 – October 2

Topic: Negotiation

Readings: Fisher & Ury, chapters 3, 4, 5

Assignments:

- TBD.
- Required reading takeaways.

No Class – Fall Break – October 9

Class 8 – October 16

Topic: Negotiation

Readings: Fisher & Ury, chapters 6, 7

Assignments:

- TBD.
- Required reading takeaways.

Class 9 – October 23

Topic: Observation Exercise

Mediation Observation

Class 10 – October 30

Topic: Arbitration

Readings: ICSID Cases – consultation periods (e.g. *Tulip Real Estate and Development Netherlands B.V. v. Republic of Turkey*, ICSID Case No. ARB/11/28).

Assignments:

- What are hybrid clauses? Do they work?
- Required reading takeaways.

Class 11 – November 6

Topic: Arbitration

Readings: ICC Commission on Arbitration & ADR reports on facilitating settlement in international arbitration and effective conflict management.

Assignments:

- Discussion forum: Can arbitration and mediation coexist? How?
- Required reading takeaways.

Class 12 – November 13

Topic: Dispute Boards

Readings: Sulser, Patricia O., and Cyril Chern. "Keeping Public Private Partnership Infrastructure Projects on Track: The Power of Multistakeholder Partnering Committees and Dispute Boards in Emerging-Market Infrastructure Projects." 2013 (pp. 21-39).

Assignments:

- “Other” ADR presentations.
- Required reading takeaways.

Class 13 – November 20

Topic: Student Presentations

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

[Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:](#)

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)