

**MEDIATION EXTERNSHIP AGENDA**  
**Fall 2013**

Date                      Topic

**August**

8/27/13                      Introductions:

The initial class will be short and designed to discuss the semester, to clarify issues concerning the finalization of certification from the 40 hour mediation class and to discuss proper professionalism in court. We will also finalize schedules.

Prior to this class, you should have received the "Mediation Sign-Up Sheets" for month of August with instructions on how to sign-up for your selected dates. Please bring the dates you selected with you to class. (Please keep in mind that you will also be free to observe, mediate and co-mediate in other venues that are available to you.) Please log all mediations, which you are involved in into your weekly journal. While I will be attending mediations with you, this will allow me to keep track of your mediations. Your journals will be due every two weeks by Sunday at midnight. The written journals comprise fifty percent of the one hour graded component of the class. The other fifty percent will be based on the following: 1) short written assignments listed below; and 2) a group project.

**September**

9/03/13                      Class Discussion: Preparing a Client for Mediation

Debrief any of the mediations that may have already been conducted during the month of August.

As lawyers, we will represent clients in mediation. How do I prepare myself and my client for a successful mediation? How do I make sure my client has a voice in the process? What are the key components of mediation that I would want to cover with my client prior the mediation session? Additionally, as mediators in the clinic what should you pay attention to when working with lawyers representing clients in mediation.

9/10/13                      Debriefing Mediations in Class - Journals due via e-mail by midnight

9/17/13                      Class Discussion: Dealing with Uncooperative Parties

By now you should have had a chance to conduct your first mediations, have you already had the opportunity to deal with an uncooperative party in mediation? If so, how did you handle the situation? If not, how do you normally choose to handle uncooperative people? Do you envision your general approach as working in a mediation setting? Overall, what do you believe are the best techniques for handling

uncooperative parties during a mediation session? Of all the techniques we discussed in class, which do you believe are best suited to your personality?

Debriefing Mediations in Class

9/24/13      Debriefing Mediations in Class – Journals due via e-mail by midnight

## **October**

10/01/13      Class Discussion: Confidentiality in Mediation (Pros and Cons):

Mediators are expected to maintain confidentiality; what are the pros and cons of maintaining this rule? What does confidentiality governing the process actually mean to the mediator and the parties?

Debriefing Mediations in Class

10/08/13      Debriefing Mediations in Class -Journal due via e-mail by midnight

10/15/13      Neutrality v. Fairness

Mediators are expected to be neutral. What does the definition of neutrality really mean under the statute? What should you do if one party is clearly out-lawyered; agreeing to something that you believe is an unfair agreement; is the process really “fair” for all people (cultural and other “ism” affects on the process)?

Debriefing Mediations in Class

10/22/13      Debriefing Mediations in Class -Journal due via e-mail by midnight

Class Discussion: Circumventing Impasse

Mediators are supposed to be trained to assist parties in circumventing impasse. What are some of the main reasons that lead to impasse in a mediation? What can a mediator do to assist the parties in circumventing impasse? What barriers to settlement have you experienced in your own mediations?

10/29/13      Group Projects Assigned

## **November**

11/05/13      Debriefing Mediations in Class

Detailed Discussion of Group Project

11/12/13      Debriefing Mediations in Class

Instruction for Second Segment of Group Project

11/19/13      Debriefing Mediations in Class

First Group Presentation

11/26/13      Debriefing Mediations in Class

Second Group Presentation

#### MEDIATION EXTERNSHIP ADDITIONAL WRITTEN ASSIGNMENTS

1. Identify your own mediation style, why it works best for you and if it ever changes based on the circumstance.
2. The power of reflection and patience – Have incorporating these skills made you a better mediator – if so, how?

(Both #1 and #2 should be 5 to 6 pages typed and double spaced)

3. Based on one of your own mediations, draft a scenario (like the ones used in your 40 hour class) that you feel would demonstrate to other students what your experience was like. You may add private facts for each side. Remember to change names and court location.

Please Note: Class participation will contribute to the 1 credit hour component of this class that is graded.