This course is an advanced study of the issues involved in mediation and negotiation advocacy. Recognizing that mediation is a facilitated negotiation the class will focus on the following topics: the conflict resolution continuum: the life cycle of litigation; effective communication in negotiation; methods of resolution; macro and micro considerations for the design of a settlement and many other elements of mediation advocacy. Students will examine case studies and participate in simulated exercises and discussion on issues in mediation advocacy. Perspectives from experienced mediators will provide “real world” lessons to this advanced class.

Faculty:

Elizabeth W. Trachte-Huber

Required Reading Materials (see assignments below):

Trachte-Huber & Huber, Negotiation & Mediation: Strategies for Law & Business, 2nd Edition 2007, Lexis Nexis (manuscript will be provided as text not available until March 2007—see copy center for materials for class)

Texas ADR Act

Class Expectations:

Attendance: Attendance is required and will be taken for each class. Any student who misses more than 4 hours may not be allowed to complete the course.

Exam Numbers: All students should have an exam number. Use that for paper and in class test.

Brown Bag lunch will need to be brought to class.

Grading Criteria

Class Participation/ Preparedness 25%
In-class Test (last day): 25%
In-class presentation/ paper: 50% (10% outline/ in class and 40% paper)
In-class presentation/ paper detail

Each student will identify a different topic related to mediation or mediation advocacy and develop a brief outline and presentation for class discussion. The outline will be developed into a paper which will be due January 26 no later than 10 am. (This paper may be turned in to the A.A. White Dispute Resolution Center OR Professor Stephen K. Huber’s office at the Law Center.)

The topic must be selected by Tuesday January 9 and provided to the instructor. (Topics will be selected on first come, first serve basis so there are NO overlapping topics.)

An outline will be presented during class on Friday January 12 and should include:

I. Topic
II. Summary of Topic
III. Preparation for Response to Q & A from class
IV. Grading for Outline presentation
   a. Clarity of Topic
   b. Completeness of outline
   c. Ability to respond to questions
   d. Brief presentation on topic (10 minutes)
V. Work Product should include a written outline which will be turned in at the end of class on January

A paper will be turned in on January 26 with the following requirements. At least 7-10 pages with evidence of the following:

- Research on topic evidenced by footnotes and bibliography (demonstrate you read something outside class related to the topic you selected)
- Application of matters discussed in class (reference to class discussion or guest speaker on matter)
- Papers will be graded on clarity, style and substance (spelling counts—please proofread)

Topics (suggested—alternatives may be suggested):

- Confidentiality in Mediation
- Defining “Good Faith” Negotiation
- Victim Offender Mediation
- Farmer Lender Mediation
- Mediation of a “Famous Case”—format to be discussed
- Settlement Law Topics
- Admissibility of Settlement Discussions

**Monday January 8 10am- 4pm**

Class I:
- Introductory Exercise
- Course Expectations
- Conflict Management & Analysis
- Conflict Theory
- Communication in Mediation & Negotiation
- Exercises & Role Plays

Assigned Readings: Chapter 1, 10 Text, Texas ADR Act

**Tuesday January 9 10am- 4pm**

Class II:
- Negotiation- The HEART of Mediation
- Negotiation Theory
- Negotiation Exercises
- Negotiation Process
- Exercises & Role Plays

Assigned Readings: Chapter 4, 6 Text

**Wednesday January 10 10am- 4pm**

Class III:
- Mediation Process & Practice
- Mediators Opening Statement
- Advocates Opening Statement
- Exercises & Role Plays

Assigned Readings: Chapter 7, 8 Text

**Thursday January 11 10am- 4pm**

Class IV:
- Settlement Considerations
- Mediation Advocacy
- Ethical Consideration in Mediation
Exercises & Role Plays

Assigned Readings: Chapter 13, 15 Text

**Friday January 12 8am- 12 noon**

Class V:
- Mini Class Presentations
- Wrap-Up Topics in Mediation Advocacy
- In-Class Test (1 Hour)

Assigned Readings: Chapter 11 Text