

Professor Tasha Willis

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MEDIATION EXTERNSHIP and PROCESS CLASS SYLLABUS – SPRING 2024

Date	Topic
01/16/24	<p>Introductions:</p> <p>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 mediation schedules and all the ways students can meet their requirements during the semester.</p> <p>Mediation Sign-Up Sheets for Month of June (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 every mediation session you are involved in into your weekly journal. This should include the date, the location and the time. This will allow me to keep track of your mediations, co-mediations and observations. Your journals will be due every two weeks by Sunday at midnight.</p>
01/23/24	<p>Class Discussion: Preparing a Client for Mediation</p> <p>Debrief any of the mediations that may have already been conducted.</p> <p>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?</p>
01/30/24 02/06/24	<p>Debriefing Mediations in Class - Journals due via e-mail by midnight</p> <p>Class Topic: Diversity</p> <p>There will be a movie shown, which will constitute the subject of the diversity written assignment. It is important that students attend this class and the discussion the following week to be able to properly complete the assignment.</p>
02/13/24	<p>Diversity Discussion for Paper Presentation – Journals due via e-mail by midnight</p>
02/20/24	<p>Class Discussion: Confidentiality in Mediation (Pros and Cons):</p> <p>Mediators are expected to maintain confidentiality; what are the pros and cons of maintaining this rule?</p> <p>Debriefing Mediations in Class</p>
02/27/24	<p>Debriefing Mediations in Class -Journal due via e-mail by midnight</p>
03/11/24	<p>Spring Break: any mediations conducted over the break will be debriefed in class on 03/18/24.</p>
03/18/24	<p>Neutrality v. Fairness</p> <p>Mediators are expected to be neutral. 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)?</p> <p>Debriefing Mediations in Class</p>

- 03/26/24 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?
- 04/02/24 Dealing with Uncooperative Parties
 If you have had a chance to conduct your first mediation, 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? The class session will be devoted to answering questions about the final presentation.
- 04/09/24 Debriefing Mediations in Class
- 04/16/24 Advanced Training and Advanced Settlement
 This assignment will run through 11/29/2022
- 04/23/24 **Last Day of Class – Additional Final Project Review and Questions**

MEDIATION EXTERNSHIP ADDITIONAL WRITTEN ASSIGNMENT

***** Students will be assigned a group project during the semester.

Please Note: Class participation will contribute to the 1 credit hour component of this class that is graded. The student journals will account for 50%, the diversity assignment 10% and the group project will count for 40% of the graded hour.

LEARNING OBJECTIVES and OUTCOMES:

Communication Skills –

1. Identify and demonstrate the essential elements for effective listening and responding, questioning and gathering information, and note-taking.
2. Identify and demonstrate appropriate verbal and non-verbal communication.
3. Demonstrate an awareness and understanding of how people process information, make decisions, and communicate.
4. Understand the difference between interests and positions.
5. Understand the role that individual conflict styles and personality types play in communication and conflict.
6. Understand and recognize the positive and negative roles of conflict in the workplace, in families, and in interpersonal relationships.
7. Recognize how communication and conflict can be influenced by one's socioeconomic, racial, religious, ethnic, or social background, and gender, age, or disability status.

Mediation Skills –

1. Understand the differences between and characteristics of mediation, negotiation, arbitration, and litigation.
2. Recognize and be able to explain the advantages of mediation compared to other forms of dispute resolution.
3. Be able to identify the qualities and characteristics of a good mediator as well as appropriate mediator behaviors.
4. Understand how, as a mediator, to build trust, empathy, and rapport with clients while remaining impartial and neutral.
5. Know the stages of mediation and the structure and appropriate content of each stage.
6. Understand how to draft an agreement.
7. Recognize the common obstacles to a successful mediation and how to overcome them.
8. Understand the ethical obligations of a mediator.
9. Recognize the role of confidentiality in mediation
10. Understand when and how to use caucusing in a mediation.
11. Recognize how to overcome roadblocks and difficulties in a mediation, such as if a party walks out, if a party is overly emotional, if a party is inflexible, etc.
12. Understand the role of attorneys in the mediation process.
13. Understand and identify when and how to refer parties to outside resources.
14. Identify when a mediator should report information disclosed in a mediation to outside agencies.