

Mediation Skills Syllabus Spring 2025

Room: 210

Professors: Cindy Moulton and Michael Hawash

Professor Moulton is a distinguished trial lawyer with over 30 years of experience.

Professor Hawash is a distinguished mediator and trial lawyer with 30 years experience.

Time: T/Th 2:30-3:50 P.M.

Email: cmoulton@moultonwilson.com; michael@houstonmediation.com As noted below, we will generally communicate through these email accounts.

Phone: 713-824-8066 (Cindy) and 713-658-9004 (Michael)

Texts

Getting to Yes, Negotiating Agreement Without Giving In, Roger Fisher and William Ury—ISBN: 978-0143118756

Never Split the Difference, Chris Voss—ISBN: 978-0062407801

*Please note these readings will be discussed early in the semester and plan accordingly.

Course Description

Dive into the world of alternative dispute resolution with this immersive, skills-based course focusing on mediation advocacy. Learn about the process of mediation, then engage in real-life simulations using mediation techniques. In addition to traditional mediation, you will also be introduced to the emerging field of Early Dispute Resolution (EDR), as an alternative to the traditional mediation model. Students will actively participate in a mock EDR and two simulated mediations, including an advanced mock mediation hosted at the Texas Justice Center conducted by seasoned mediators. This course offers students the hands-on opportunity to immerse themselves as legal counsel in very realistic scenarios that come from real world disputes.

Learning Objectives/Goals/Outcomes

The goals of this class are to:

1. Gain a foundational understanding of mediation and Early Dispute Resolution (EDR);
2. Develop the skills and understanding needed to plan, prepare for, and effectively represent clients in mediation;
3. Learn and develop presentation and negotiation skills and techniques;

4. Familiarize oneself with the role of mediation in the judicial process, especially in locales like Harris County where mediation is often mandated before trial;
5. Engage in practical simulations and derive insights from expert guest speakers including accomplished mediators, lawyers, and former judges.

Instructional Mode (IM)

This course is designated as a face-to-face course, which means classes are in person by default. If necessary, designated classes may be held via Zoom to accommodate scheduling needs or unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a Zoom link will be provided.

Expectations and Guidelines

Attendance: Due to the collaborative nature of this course, punctuality and regular attendance are vital. It is recommended you enroll only if you foresee minimal absences. Though four missed sessions are permissible without penalty, exceeding this may affect your grade and may necessitate make up or home assignments. Nevertheless, prioritizing consistent attendance is more valuable than the grade impact.

Class Participation. Students are expected to meaningfully participate in class discussion, group break-out sessions, and colloquy/Q & A with guest speakers; and to be attentive. Computers should be used only for notetaking and should otherwise be closed. Participation counts for 15% of the final grade.

Assignments

Date	Description
January 14, 2025 (T)	Introductions; Syllabus review; Introduction to Alternative Dispute Resolution (ADR)
January 16, 2025 (Th)	The Steps of Mediation Mediation Considerations
January 21, 2025 (T)	cont'd Mediation Considerations/Steps Handouts, PowerPoints (Mediation Overview)
January 23, 2025 (Th)	Review Mock Mediation Cases
January 28, 2025 (T)	<i>Getting to Yes, Negotiating Agreement Without Giving In</i> discussion BATNA, LATNA, WATNA, ZOPA Risk Analysis and Decision Trees (Silver Decisions/Eperoto) BRING LAPTOPS
January 30, 2025 (Th)	<i>Never Split the Difference</i> discussion Introduction to Early Dispute Resolution (EDR) (Hawash)

February 4, 2025 (T)	A Deeper Dive: The Four Steps of EDR (Hawash)
February 6, 2025 (Th)	Mock EDR (Hawash) Steps 1-3 (homework)
February 11, 2025 (T)	Mock EDR (Hawash) Step 4 Self-evaluation/feedback re: EDR
February 13, 2025 (Th)	Review Mock Mediation Cases; prepare for discovery
February 18, 2025 (T)	Discovery Advocate Ethics in Mediation (Hawash)
February 20, 2025 (Th)	Discovery due to other side Openings and settlement agreements
February 25, 2025 (T)	Damages
February 27, 2025 (Th)	Discovery responses due Review case packets – memos, demonstratives, settlement sheets, develop facts, Q & A about cases
March 4, 2025 (T)	Q & A about cases – in class work day (meet individually w students)
March 6, 2025 (Th)	NO CLASS
March 18, 2025 (T)	Introduce mediators/backgrounds; discuss openings, mediation memos, and mediation prep GUEST SPEAKER – Jim Reiman https://reimanadr.com
March 20, 2025 (Th)	Mediation memos due before class; Practice openings w demonstratives
March 25, 2025 (T)	Practice openings cont'd (negotiation)
March 27, 2025 (Th)	Mock Mediation – Guest Mediators – Austin Campbell, Mike Wilson, Felicia Harris Hoss, Heather McFarlane
April 1, 2025 (T)	Self-evaluation and feedback re: Mock Mediation Introduction to Final Mediation Cases, Review/assignment of teams & roles; Discovery
April 3, 2025 (Th)	GUEST SPEAKER – Richard Flake http://flakeadr.com/about-rick/
April 8, 2025 (T)	Work on finalizing discovery responses
April 10, 2025 (Th)	Begin work on mediation memos and demonstratives
April 15, 2025 (T)	GUEST SPEAKER – Jeff Abrams https://internationalmediator.com
April 17, 2025 (Th)	Mediation memos due before class Practice openings

April 22, 2025 (T)	Practice openings Mediation Prep
April 25, 2025 (F)	Mock Mediation – Guest Mediator(s) – Elaine Block, Dwight Jefferson, Michael Wilk, Stanley Santire Self-evaluation and mediator feedback Lunch

Grading

Your final grade will be a composite of your participation, preparation, written submissions, performance during the simulation sessions, and reflective self-evaluations.

Here is the detailed breakdown of the grading components:

1. **Class Participation (15%):** This encompasses:
 - o Regular attendance and punctuality
 - o Active engagement in class discussions
 - o Interaction with our guest experts
 - o Open communication with the instructor

2. **Participation and Presentation in EDR (20%):** Your involvement and demonstrative skills during the Early Dispute Resolution simulation will be evaluated.

3. **Skill Evaluation (10%):** This will focus on your mediation abilities, with emphasis on growth and development over the course.

4. **First Mock Mediation:**
 - o Written Materials (10%): Submission quality and relevance
 - o Presentation (10%): Effectiveness in presenting your case during the mock mediation

5. **Second Mock Mediation (35%):** A combined score for both your written submissions and the quality of your presentation during this advanced simulation

Email: We prefer to use our personal emails for communications:

Professor Cindy Moulton: cmoulton@moultonwilson.com
 Professor Michael Hawash: michael@HoustonMediation.com

Office Hours: we are generally available to meet when mutually convenient. Please see us before or after class or email either or us to schedule a mutually convenient time.

Required information from UH Administration

- **Syllabus Changes:** Due to a variety of factors, including class progress, weather, illness, global pandemic, etc., I may need to make modifications to the course syllabus and may do so at any time. Notice of syllabus changes will be announced as quickly as possible in class or through email.
- **Recording of Class:** Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Justin Dart, Jr. Student Accessibility Center](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.
- **Attendance:** UHLC policy requires students to attend at least 80% of class meetings; excessive absences (absent extenuating circumstances) will be considered a lack of preparation and result in a deduction to your final grade.
- **Lateness:** Students entering the classroom late (particularly for face-to-face classes) can be distracting to the instructor as well as to your classmates. Out of respect for everyone, please make every effort to be on time for class. If there is an exceptional situation where an outside commitment or emergency requires you to arrive late, please let me know if possible. Unless you have received permission from me (either before or after class), students are required to attend the entire class session in order to certify their attendance.
- **Accessibility and Accommodations:** UHLC is committed to ensuring that all students enjoy equal access and full participation. If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options.

If you observe religious or cultural holidays that will coincide with synchronous class sessions or conferences, please let me know as soon as possible, so that we may make arrangements.

- **Counseling and Psychological Services:** The University of Houston has a number of resources to support students' mental health and overall wellness,

including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

- **Title IX/Sexual Misconduct:** Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.
- **Diversity, Inclusion and Wellness:** This is an inclusive learning space. At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. Your suggestions are encouraged and appreciated. Please let me know ways to

improve the effectiveness of this course for you personally, or for other students or student groups.

- **Reasonable Academic Adjustments/Auxiliary Aids:** The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

- **Women and Gender Resource Center:** The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

- **Resources for Online Learning:** The University of Houston is committed to student success, and provides information to optimize the online learning experience through our [Power-On](https://uh.edu/power-on/learning/) website (https://uh.edu/power-on/learning/). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.
- **UH Email:** Please check and use your CougarNet email for communications related to this course. Please communicate using the email addresses above for Professors Moulton and Hawash.
- **Security Escorts and Cougar Ride:** UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

- **Honor Code:** The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus. It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.
- **Artificial Intelligence (AI):** Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text.

Other UH Resources

- Non-Discrimination Statement: <https://www.uh.edu/equal-opportunity/anti-discrimination/policies/>
- Center for Diversity and Inclusion: <https://www.uh.edu/cdi/>
- Center for Students with DisABILITIES: <https://uh.edu/accessibility/>
- LGBTQ Resource Center: <uh.edu/lgbtq/>
- Cougars in Recovery: <https://uh.edu/cir/>
- Counseling and Psychological Services: <https://uh.edu/caps/>
- Veterans Services: <https://uh.edu/veterans/>
- Cougar Cupboard: <https://uh.edu/dsa/cougarcupboard/>
- CoogsCare: <https://uh.edu/dsa/coogscare/>
- DACA: What You Need to Know: <https://uh.edu/dsa/resources/daca/>
- Student Health Center: <https://uh.edu/healthcenter/>
- Wellness: <https://uh.edu/wellness/>