



# ALTERNATIVE DISPUTE RESOLUTION



Dr. Jessica Bregant

Spring 2026

5326: Alternative Dispute Resolution Survey  
 Spring 2026 ❖ MW 2:30-4:00 ❖ Room 310

**Instructor**

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**Office Location:** 343Q

(turn left as soon as you enter the suite,  
 then keep walking until you would run into  
 the wall; 343Q will be to your left)

**Office Hours:** TBA

*And by appointment*

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## I. Logistics

### (No) Required Text

There is no required textbook for this course. Instead, required readings will be posted to the course Canvas page.

### Course Description

The vast majority of day-to-day disputes are resolved (formally and informally) without litigation. This survey course focuses on introducing students to some of the most common processes involved in so-called “alternative” dispute resolution, including negotiation, mediation, and arbitration. In addition to the legal foundations of these processes, the course emphasizes psychological insights and practical strategies for lawyers.

A core component of this course is simulation exercises, in which students get the chance to try out techniques and strategies for themselves. To ensure that all students get the most out of these exercises, a large part of the course grade is based on students’ preparation for and participation in every class session. Missing class without prior notice, or missing several classes even with prior notice, will make it difficult to successfully complete the course. The remainder of the course grade will be based on short written assignments and a final exam.

There are no prerequisites for this course.



## II. Course Policies

### Participation

Your participation is the most important element of this class! Full participation means not only engaging fully with the materials and simulations, but coming to class fully prepared to do so.

*Simulation Exercises.* It is vitally important that you prepare for all of the exercises. If you are not prepared, you will not benefit from the chance to practice your skills. More importantly, however, you will be denying your classmates the chance to practice *their* skills; the exercises depend on all parties being prepared. If something happens and you cannot prepare before class, please let me know as soon as you can so I can reassign your simulation partner(s) to someone who is prepared. **Trying to muddle through without preparation is not acceptable, and it will result in a grade penalty.** If you are paired with someone who is unprepared, let me know.

*Class Discussion and Readings.* You are responsible for the assigned reading for every class session. I will cold call during class discussions if necessary, but I hope that we can have a rigorous discussion without that. As with everything else, if you need to be excused from the discussion because you are unprepared, please let me know.

*Attendance.* I expect you to be fully present -- physically and mentally -- for every class (see also the below info on Zoom Policies, should we need to hold any classes virtually). Your classmates and I will be counting on you for the exercises and the discussions. If you need to miss class for any reason, please let me know in advance. If you already know you will need to miss more than 3 class sessions, please talk to me now. Failing to notify me in advance of class absences will result in a grade penalty except under extraordinary circumstances.

### Zoom Policies (IF NEEDED)

*Cameras.* This class is heavily participatory, and you will need to have your camera on for every simulation. In general, I expect your camera to be on for every class session. I know that things happen, and you are of course welcome to turn off your camera if you need to, but I'd like the default state to be cameras on, please. If this is going to present a problem for you, please let me know as soon as possible.

There are two main reasons for this policy. First and most importantly, your experiences in simulations are already going to be fairly different over Zoom than they would be if we could meet in person. To help you get the most out of the exercises, it's important that we do our best to simulate the in-person experience the best that you

can. Second, it is very difficult to lead a discussion in a sea of black squares. I'd consider it a personal favor if you could keep your cameras on as much as possible.

*Backgrounds, etc.* Virtual backgrounds are permitted -- encouraged, even! Just ensure that your background is classroom appropriate, minimally distracting, and does not change too often during a single class period (such changes can themselves be very distracting). I'd love to see thematic backgrounds for the negotiation exercises!

Otherwise, please treat the Zoom as much like a physical classroom as possible. Eating and drinking are fine, but try to avoid getting up and moving around frequently. I will record each class session and post the video to for anyone who misses a class, but no other recordings or photographs are allowed unless you have the explicit permission of the person being recorded. Please respect the privacy of your classmates.

*Pets, kids, and other distractions.* When we're on Zoom, many of us are sharing "classroom" space with loved ones big and small. Please don't worry about it if your loved one inserts themselves into class! Obviously this has limits, and I may ask you to turn off your camera in extreme situations, but in general, I consider seeing adorable creatures (human and otherwise) one of the unexpected bonuses of life on Zoom. I will also probably ask you to introduce your "guests"--if you would prefer that I not do that, just send me a quick email or chat in the Zoom.

### **Late Assignments**

Late assignments will receive no credit. Reflection reports are due on the course site by 11:59 pm Central on the due date. Other assignments are due at the beginning of class on the due date.

### **Integrity**

As future lawyers, maintaining your integrity is especially important. You are, of course, bound by the [Code of Honor](#) at all times. In the simulations and exercises we do, you are also bound to uphold the "spirit" of the exercise.

*Good Faith Participation.* I expect you to engage in the simulations seriously and attempt to represent the "role" you are assigned. These exercises are, by definition, somewhat artificial, but they have been designed to allow you to practice your skills and experience common issues first-hand. In general, you may add or create facts that add to the realism of the exercise, but you may not add or create substantive facts that strengthen your bargaining position.

*Confidential Role Information.* When an exercise includes confidential information, you are expected to keep that information to yourself and discuss it only with others in your role. If you think you have received the wrong role information (the course site does not always do what I expect), please let me know ASAP. During the simulations, while you may (at your discretion) disclose any information you wish to your counterparts, you may not share the actual documents with one another.

### **Course Site**

I will use the course site for the course to post readings, important announcements, confidential role information for exercises, and other information. You will also use the course site to turn in your reflections. You are responsible for staying up-to-date on the site (through email notifications or some other way). If you have trouble accessing the course page, let me know!



### III. Assignments & Grading

#### Grade Breakdown

- 30% - Participation & Preparation
- 30% - Final Exam
- 30% - Reflections, Mediation Memo & Other Assignments
- 10% - Inter-School Negotiation Practicum

#### Preparation & Participation in Exercises & Simulations

Your *performance* during the exercises and simulations will not be graded, although I will try to observe you as often as I can during the semester and provide feedback. You will also provide feedback to one another after every exercise. When we debrief the exercises in class, you will be able to compare your outcomes to those of your classmates, but relative performance in the exercises will not affect your grade.

NOTE: As discussed above, your *preparation* for the simulations is graded; it is a large part of your participation grade. For exercises, there may be a worksheet or questionnaire to complete ahead of class. Where applicable, those will also count toward your participation grade.

#### Final Exam

There will be a written final exam during the exam period. The exam will include multiple choice questions, short answers, and a few longer essay questions, and it will be open book and open note. I will provide more information about the content later in the semester.

#### Reflections

You will write 3 short reflection reports during the semester. Each one roughly corresponds to a major “unit” of the class. These written assignments are meant to give you a chance to synthesize across exercises and reflect on your experiences. You should *not* recap what happened in class discussion or detail the exercises, except as necessary to make your point (assume the reader is familiar with those things). You *should* formulate some concrete prescriptions for an attorney addressing a similar situation. Generally, you can think of the reflection as a short memo to your future self; what particular issue(s) stood out to you, and what can you do about it in the future? I will provide a list of questions that you can use as a starting point for each report, but you do not have to address any or all of the questions in your report.

Each report should be no more than 1200 words, and it should include a word count at the top. Neither the word count nor the text of any questions you include count against the 1200-word limit. The rubric I will use is below.

Element	Points
<b>Topic(s)</b> Topics are relevant to the skills you are developing in class and useful enough to be applicable to other situations.	4
<b>Insight</b> Reflections are thoughtful and insightful, going beyond what was discussed in class.	12
<b>Prescriptions</b> Prescriptions are concrete and actionable, and there are a sufficient number (based on the topics/insights).	8
<b>Concision</b> Report is within the word limit and does not overly recap or summarize class discussion or exercises.	3
<b>Mechanics</b> Report is sensibly organized and formatted, with evidence of proofreading (i.e., no major spelling or grammatical errors).	3

## Mediation Memorandum

You will serve as the mediator in at least one simulation during the semester. When you serve as mediator, your responsibilities will include drafting a memorandum of agreement that details any agreement(s) that the parties came to during your session.<sup>1</sup> Once you have drafted the memo, you must get the parties (or the parties' representatives) to sign off on it before you turn it in. You may do this a number of ways: (1) print the memo and have both parties actually sign it before handing it in to me in person; (2) get an "okay" from both parties *before* emailing the completed agreement to me with both parties copied on the email -- the parties should let me know if they have not previously approved such an agreement; (3) forward to me an email chain including approvals from both parties. Basically, I am flexible on this, but you must have approval from the parties *before* you "file" the memo with me.

*All mediation memos are due by the last day of class.*

### Mediation Memo Resources:

Sample Memo (from York University)

<https://www.york.ac.uk/media/staffhome/mediation/example3.pdf>

Tips for Writing a Mediation Agreement (from the NC Office of State HR):

<https://oshr.nc.gov/documents/files/memorandum-agreement-writing-tips/open>

<sup>1</sup> If you serve as mediator more than once, you need only submit one memo. If the parties do not reach an agreement, the memorandum should be a status report detailing the sticking points and any areas of common ground.

## Inter-School Negotiation Practicum (ISNP)

The ISNP is unique chance for you to practice negotiation skills outside of our classroom. You will be paired with students from law schools around the country and given a case file (based on a real case!) to attempt to settle. During the month of March, you will be required to communicate with your counterpart at least once by email, once by phone, and once by video conference. At the end of the exercise, you will write and submit a negotiation report. Your grade will be based on (1) satisfying the requirements of the ISNP and (2) the quality of your final report.

### *ISNP Requirements - Must be completed to receive credit*

- You must register for the ISNP by January 30, 2026. The registration link can be found here: <https://forms.gle/zZfz3NfYtx87dnFp6>. Each student must register individually!
- You must complete the required communications (email, phone, video) by March 31, 2026.
- You must complete the post-negotiation debriefing that will be provided to you by the ISNP organizers.

### *ISNP Negotiation Report*

Your report should be no more than 3000 words (note: that is not an aspiration, it is an upper limit), and it should include: an analysis of the positions and interests of both parties, a brief summary of the progress of the negotiation, the terms of any settlement you reached (or a write-up of the last settlement that was rejected), and a reflection on your performance as a negotiator, including prescriptions for the future.

<b>Element</b>	<b>Points</b>
<b>Concise Summary of Progress &amp; Final Settlement</b>	6
<b>Analysis of Own Client's Positions &amp; Interests</b> Analysis is thoughtful and shows clear understanding of interests, with reference to the facts. Positions are identified and explained.	8
<b>Analysis of Counterpart's Positions &amp; Interests</b> Analysis is thoughtful and shows understanding of positions, with reference to opposing counsel's actions. Interests are considered, including inferences from positions and perspective-taking.	8
<b>Reflection</b> Reflection is thoughtful and honest, with concrete prescriptions that are applicable to future endeavors.	8

## IV. Additional Notes & Policies

### Basic Needs Policy

Your safety and wellbeing is more important than anything going on in class. Please feel free to reach out to me if you need to talk.

Any student who faces challenges securing their food or housing or personal safety is urged to contact the Dean of Students for support. Furthermore, please notify me if you are comfortable in doing so. This will enable me to provide any resources that I can.

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

### 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](http://988lifeline.org).

### Other Campus Resources

- ❖ 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. Here’s their statement:

*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.*

### **Accommodations**

The University Of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center. You should also contact the Law Center's Office of Student Affairs.

If you need other kinds of help or accommodation to be fully engaged with class or with course materials, please come talk with me as soon as possible.

### **AI & LLM Policy**

If used thoughtfully, generative AI and Large Language Models (LLMs), such as ChatGPT, Gemini, NotebookLM, and others, can be useful aids for studying, research, and writing. However, when you submit work to me or present work in class (including answering questions during class discussions), I expect that to be entirely your own analysis. Unless an assignment specifically says otherwise in writing, you may not knowingly use AI or LLMs to generate answers or commentary related to any assessment in this course, nor may you use or rely on answers or commentary generated by someone else. This includes, but is not limited to: submitting AI-generated text; prompting an AI or LLM with course materials to gain assistance; using AI to brief cases for class discussion; and generating outlines or guidelines. Use of AI or LLMs that violates this policy constitutes plagiarism and will be dealt with according to the UHLC Honor Code.

The term "assessment" means any material generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not. It includes, but is not limited to: reflection reports, pre-exercise worksheets, post-exercise feedback to peers, the mediation memo, the ISNP memo, and the final exam.

### **Discrimination & Sexual Misconduct Policy**

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of

discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to [UH System Policies](#):

- ❖ [01.D.07 AREA: Legal Affairs SUBJECT: Anti-Discrimination](#)
- ❖ [SAM 01.D.08 – Sexual Misconduct Policy](#)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

### **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 Dart Center (see “Accommodations” above). If you have an accommodation or permission 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.

### **Names & Pronouns**

Chosen names and pronouns (including non-binary ones such as they/them/their) *must* be respected in my classroom. If you would prefer to use a name that is different than what appears in the registrar’s list for the course, just let me know. Similarly, please feel free to let me know your pronouns.

My pronouns are she/her/hers, and I’d prefer that you address me as “Professor Bregant” or “Dr. Bregant.” “Bregant” is pronounced similarly to the word “pregnant” (minus the first “n”) or to “Beggin” (as in the dog treat brand “Beggin’ Strips”), but I happily answer to most conceivable variants.

I usually address students in class by their first name. If you would prefer to use a name that is different than what appears in the registrar’s list for the course, including (but not limited to) a nickname, just let me know. If I use the wrong name or wrong pronouns in class, *please correct me*, either immediately or after class in person or by email.