

**MEDIATION**  
**George Mason University Antonin Scalia Law School**  
**Course Description and Syllabus**  
**Spring 2023**  
**Wednesday, 11:20 am until 1:20 pm**

**Adjunct Professors:** Brian Hirsch, [bhirsch3@gmu.edu](mailto:bhirsch3@gmu.edu), 703-867-8298, and Renee Kostick Reynolds, [rreynol@gmu.edu](mailto:rreynol@gmu.edu), 703 298-7702

**Required Text:** Dwight Golann and Jay Folberg, *Mediation, The Roles of Advocate and Neutral*, 4<sup>th</sup> Edition, 2022

**Recommended Text:** Roger Fisher and William Ury, *Getting to Yes, Revised Edition*, 2011

**Course Objective:** This course will focus on the theories and skills involved in the mediation process. Students will observe Harvard University mediation videos. Students will practice dispute resolution and mediation skills and will use these skills in various role play exercises, simulation activities, and interactive lectures. The class will focus on both the perspective of the neutral party/mediator working with parties who are trying to resolve a dispute in mediation and the attorney representing the client. The course will also address the roles of bias, emotions, gender, race, and culture in mediation, as well as ethical issues.

**Course Policies:** Regular and timely attendance and completion of all reading assignments are mandatory in order to receive full credit for this class. **Active participation is essential in order to learn the skills and concepts that make up this course. You are expected to attend and participate in all scheduled classes.** Excused absences will be granted in the case of a medical or family emergency, illness, or religious holiday. It is the student's responsibility to inform me in advance if you will be absent from class. It is also the student's responsibility to collect information distributed during your absence. All assignments must be submitted on time. Any assignments submitted late will result in a significant impact on the grade. Because the course is interactive and experiential, we may alter the syllabus to reflect class interests and to enhance learning opportunities.

**Writing Assignments:** Each student will be required to keep and bring to class a typed conflict resolution journal throughout the semester. The journal entries should be concise and thoughtful rather than rambling. Each week you will be required to make at least one entry that is relevant to topics discussed during a previous class. The journal entry may be in the form of an insight that you have gained regarding a specific issue. Each student will be required to submit one typed entry with no advance notice given on two separate class days during the semester. Submitted entries should be at least one typed page. **Your entire typed journal must be submitted at our last class (12 entries). A final 10 page research paper will be due on Wednesday, April 26, 2023 no later than noon, submitted by email. Final paper outlines must be submitted in class by Wednesday, March 29, 2023.**

Other writing assignments that may be assigned and graded include drafting and orally presenting a mediator's introductory statement, drafting a detailed settlement agreement, and drafting a client memo.

**Grading:** Grading will be based upon class attendance and participation (35%), short writing assignments (30%), and the final research paper (35%).

**Learning Outcomes:** During the course and by the end of the course, students will:

- Demonstrate knowledge of the basic principles of negotiation and mediation;
- Learn and practice dispute resolution skills and apply these skills in regular role play exercises;
- Learn the basic similarities and differences between negotiation, mediation, arbitration, collaborative law, and litigation and be able to discuss the pros and cons of each ADR method;
- Be able to apply the course information and negotiation/mediation skills learned to real world situations; and
- Have a greater appreciation and understanding of the roles bias, emotions, gender, race, and culture play in negotiation and mediation.

### **SPRING 2023 SYLLABUS**

January 18, 2023	Introductions, Origin of Disputes, Negotiator Styles, pages 3-26
January 25, 2023	Negotiation, pages 27-50
February 1, 2023	Barriers to Settlement, pages 51-70
February 8, 2023	Mediation Process, pages 73-100
February 15, 2023	Processes of Mediation, pages 101-121 <b>Mediation Observation Week, no class on February 16 due to watching Harvard mediation videos</b>
February 22, 2023	Process Skills, pages 123-144
March 1, 2023	Emotional Issues/Cognitive Forces, pages 145-166
March 8, 2023	Merits-Based Barriers, pages 167-191

March 15, 2023	NO CLASS – spring break
March 22, 2023	Representing Clients: Prep, pages 195-221,
March 29, 2023	Representing Clients: Process, pages 223-248; <b>Final Paper Outlines due</b>
April 5, 2023	Specific Applications, pages 251-272, pages 286-289
April 12, 2023	Court Connected Mediation/Policy Concerns, pages 291-324
April 19, 2023	Ethical Issues, pages 363-380, <b>Last Class/Review Class, Journals turned in</b>
April 26, 2023	<b>Final paper due by noon</b>