

**Mediation
Spring 2023**

Law 279-002

Instructor: Jim Pope
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COURSE SCHEDULE/MEETING TIMES: This course meets on Tuesday evenings from 6:05 p.m. to 8:05 p.m.

AVAILABILITY TO STUDENTS OUTSIDE CLASS MEETING TIMES: You may contact me directly by phone or email if you would like to discuss any issues or concerns that you may have regarding the class.

REQUIRED TEXTS: *Mediation: Principles and Practice*, Kimberly Kovach, (3d ed., 2004). Reference to the Standards of Ethics and Professional Responsibility for Certified Mediators adopted by the Judicial Council of Virginia and found on the Virginia Supreme Court website, and to VA. CODE ANN. Sec. 8.01-576.4 – 8.01-576.12 and Sec. 8.01-581.21- 8.01-576.26, will be made throughout the semester to convey information about the mediation process and to examine current issues regarding its use within the Commonwealth.

COURSE OVERVIEW/DESCRIPTION: This course will focus on the skills and theories involved in the mediation process. Students will develop these skills through active participation in simulated exercises, role-plays, and interactive lectures. Discussions of the theoretical and practical basis for mediation, as well as ethical issues inherent in this practice will play a critical role in this course. Further, special attention will be given to the role of attorneys in mediation.

LEARNING OUTCOMES:

By the end of the course students should have:

- Learned the theoretical basis and legal framework of mediation and recognize when the use of mediation is appropriate.
- Learned to effectively mediate and co-mediate a variety of disputes.
- Learned additional communication skills and enhanced existing skills.
- Learned the relationship of mediation to the court system and the role of attorneys as advocates for clients during the mediation process.

BASIS OF EVALUATION & ASSESSMENTS:

- Due to the experiential nature of the class, including frequent participation in role plays (see Course Policies, below), class participation and application of skills comprises 30% of the grade.
- A conflict journal that will entail a weekly entry that is relevant to topics discussed during the previous class. The entry may be in the form of an insight gained regarding a

specific issue, or an experience either observed or read. Two entries will be submitted during the semester, each with a minimum of one page and maximum of two pages (15% of the grade.)

- A take-home final exam distributed at the conclusion of final class of the semester, and due, by email, at 12:00 noon, on Monday, May 1, 2023 (55% of the grade.)

COURSE POLICIES: A significant part of each class will be devoted to role play simulations and other interactive activities. Class attendance, therefore, is *required*. (See Attendance, below.) Absence or lateness will have a significant negative effect on your grade (excused absences are limited to religious observances, or medical or family emergencies). If you expect to miss a class, you must provide notification to the instructor prior to the class you will miss. Before each role play, you may receive some “confidential information.” Please do not discuss the “confidential information” with your classmates, except during the simulation with your assigned counterpart(s). Students are also expected to do the readings assigned for each class.

ATTENDANCE: Regular and punctual attendance is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), please immediately contact the Assistant Dean, Student Academic Affairs.

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me.

CLASSROOM ACCOMMODATIONS: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

FINAL PAPER/TAKE-HOME FINAL EXAM DELAYS: PAPER AND TAKE-HOME FINAL EXAM EXTENSIONS: Except for instances described in AR 4-4.1(b)(ii), faculty may not grant deadline extensions for final papers or written take-home final exams (i.e. any written assignment that accounts for 50% or more of the final course grade); all authority in this matter is delegated to the Assistant Dean, Student Academic Affairs. Excuses and requests for a deadline extension must be presented, with appropriate documentation, to the Assistant Dean, Academic Affairs. Except in emergencies, deadline extensions must be sought in advance of the scheduled deadline.

SYLLABUS

Assigned Textbook
Mediation: Principles and Practice
By Kimberlee Kovach
(3rd Ed. 2004, West Group)

January 17, 2023	Ch. 1- Overview of ADR Universe (pp 1-25)
January 24, 2023	Chs. 2 and 3 – Mediation Process & Mediation Skills (p. 26 - 74) Read <u>Exercises</u> on p. 74
January 31, 2023	Ch. 4 – Getting to the Mediation Table (pp. 75 – 141)
February 7, 2023	Ch. 5 – Preparation for the Mediation (pp. 142 – 157) <u>Questions for Discussion</u> pp. 155 -157
February 14, 2023	Ch. 6 – Beginning the Mediation, and Demo (pp. 158 – 167) <u>Discussion Questions</u> pp. 175 -178 Journal Assignment Due
February 21, 2023	Ch.6 - Beginning the Mediation, and Roleplay (pp. 168 – 178)
February 28, 2023	Ch.7 – Identification of Issues and Interests (pp. 179 – 192) <u>Exercises</u> pp. 190 – 192. Simulations.
March 7, 2023	Ch. 8 – The Negotiation Process (pp. 193 – 210) <u>Exercises</u> (p. 210)
March 14, 2023	Spring Break
March 21, 2023	Ch. 9 – Neutrality (pp. 211 - 235) <u>Problems for Discussion</u> (pp. 234 – 235)
March 28, 2023	Ch.10 – Finding a Resolution (pp. 236 – 261) <u>Exercises</u> (pp. 258 – 261)
April 4, 2023	Ch. 11 – Confidentiality (pp. 262 - 299) <u>Questions</u> for Discussion (pp. 334 – 338) Journal Assignment Due
April 11, 2023	Ch. 12 – The Mediated Agreement (pp. 339 -386) <u>Questions for Discussion</u> (pp. 385 -386)

April 18, 2023

Ch. 14 – Ethical Considerations (pp. 395 – 428)
Questions for Discussions (pp. 427 – 428)

Take Home Final Exam Due – (Noon, Monday, May
1, 2023, by email)