

**MEDIATION**  
**George Mason University Antonin Scalia Law School**  
**Course Description and Syllabus**  
**Spring 2024**  
**Wednesday, 11:20 am until 1:20 pm**

**Adjunct Professors:** Brian Hirsch, [bhirsch3@gmu.edu](mailto:bhirsch3@gmu.edu), and Renee Kostick Reynolds, [rreynol@gmu.edu](mailto:rreynol@gmu.edu)

**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 us 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 for the first six classes. The journal entries should be concise and thoughtful rather than rambling. Each of the first six weeks 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. All six entries will be collected in the seventh week and one entry will be selected at random and graded, which will be the same entry for all students. **A final 10-page research paper will be due on Wednesday, April 24, 2024 no later than noon, submitted by email. Final paper outlines must be submitted in class by Wednesday, March 27, 2024.**

A mediated agreement will be drafted by the students based on an in-class role play and will be graded.

**Grading:** Grading will be based upon class attendance and participation (30%), a journal entry randomly selected from six required entries (15%), a mediated agreement (15%), and a final research paper (40%).

**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, litigation and mediation, and be able to discuss the pros and cons of each 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, and culture play in negotiation and mediation.

#### **SPRING 2024 SYLLABUS**

<u>Class #1:</u> January 17, 2024	Introductions, Origin of Disputes, Negotiator Styles, pages 3-27
<u>Class #2:</u> January 24, 2024	Negotiation, pages 29-47
<u>Class #3:</u> January 31, 2024	Barriers to Settlement, pages 49-66
<u>Class #4:</u> February 7, 2024	Mediation Process, pages 69-92
<u>Class #5:</u> February 14, 2024	Processes of Mediation, pages 93-107 <b>Mediation Observation Week, <u>no class</u> on February 14 due to watching Harvard mediation videos</b>
<u>Class #6:</u> February 21, 2024	Process Skills, pages 110-134
<u>Class #7:</u> February 28, 2024	Emotional Issues/Cognitive Forces, pages 135-153 <b>All journal entries due by start of class.</b>
<u>Spring Break:</u> March 6, 2024	NO CLASS – Spring Break
<u>Class #8:</u> March 13, 2024	Merits-Based Barriers, pages 156-181

Class #9: March 20, 2024

Representing Clients: Prep, pages 187-211,  
**Home Away Mediated Agreement Due by March 24, 2024**

Class #10: March 27, 2024

Representing Clients: Process, pages 213-238;  
**Final Paper Outlines due before class**

Class #11: April 3, 2024

Specific Applications, pages 241-274

Class #12: April 10, 2024

Court Connected Mediation/Policy Concerns, pages 308-325

Class #13: April 17, 2024

Ethical Issues, pages 327-343

April 24, 2024

**Final paper due by noon**