

Alternative Dispute Resolution
LAW 348 (CRN#23247)
Spring 2024

Yijia Lu
vlu25@gmu.edu

COURSE SCHEDULE/MEETING TIMES:

Tuesday 6:05pm - 8:05pm

OFFICE HOURS: after class

STRONGLY RECOMMENDED TEXT:

Folberg, Golann, Stipanowich, Reynolds & Schmitz, *Resolving Disputes: Theory, Practice, and Law* (3rd/4th edition)

COURSE OVERVIEW/DESCRIPTION:

This course provides an introduction to various forms of alternative dispute resolution mechanisms –negotiation, mediation, arbitration, and their hybrid forms. Theoretical discussions will be supplemented with in-class simulation exercises to help you understand their differences. About a third of the classes will focus on the latest development in ADR including the presentation and discussion of your research topics. Two guest lectures will be scheduled.

LEARNING OUTCOMES:

- Understand the differences of major ADR mechanisms
- Appreciate various styles of negotiation
- Experience various forms of ADR mechanisms through simulations
- Appreciate how psychology affects the dispute resolution process
- Learn, Research and Write about the latest developments in ADR

BASIS OF EVALUATION & ASSESSMENTS:

- Class attendance & participation 10%
- 3 reflection papers (500 words max for each paper; this can be about anything that you have read in the casebook, learned in class and/or observed in simulations) 15%
- Research paper and presentation 75%
 - 15pts for relevance
 - 15 pts for research
 - 15 pts for analysis
 - 15 pts for writing
 - 15 pts for presentation

INSTRUCTOR EXPECTATIONS AND COURSE RULES/STRUCTURE:

Please come to each class having completed all assigned readings.

COURSE SCHEDULE:

(please refer to Blackboard for the latest version)

The first ten classes will introduce the three main methods of ADR. Simulation exercises will be conducted in each class to help you experience various methods of resolving disputes.

Two guest lectures will be scheduled (date/venue TBA)

<p>Class 1: Overview (pp. 1-25) [Jan 16]</p> <p>Class 2: Negotiation - Psychology (pp. 29-44)</p> <p>Class 3: Negotiation I - Style (pp. 45-71 + excerpt)</p> <p>Class 4: Negotiation II – Style (same as last week)</p> <p>Class 5: Mediation – Overview (pp. 185-209)</p> <p>Class 6: Mediation – Skills I (pp. 227-253)</p> <p>Class 7: Mediation – Skills II (pp. 254-268)</p> <p>Class 8: ADR in Criminal Law (excerpt)</p> <p>Class 9: Arbitration – Overview (pp. 427-456)</p> <p>Class 10: Arbitration – Law of Arbitration pp. 509-532</p> <p>All Reflection Papers Due 4/1</p>
<p>Class 11: Guest Lecture 1</p> <p>Class 12: Guest Lecture 2</p> <p>Class 13: Student Presentation & Conclusion</p> <p>4/20 Research Paper Due</p>

Spring Recess (Mar 4-10); Last Day of Spring Class (Apr 22); Reading Days (Apr 23)
EMAIL COMMUNICATION: Students must use their MasonLive email account to receive important University information, including communications related to this class.

ATTENDANCE:

Regular and punctual attendance are 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), he or she should immediately contact the Assistant Dean, Student Academic Affairs. There is no substituted work available for this course (see AR 4-1.2).

The instructor will track attendance by visually surveying the class in Zoom. If you are not present for at least 75 percent of a session, you will be considered absent from that session (AR 4-1.1). Should technical difficulties arise, please call in using the Zoom telephone number.

CLASS RECORDINGS PROHIBITED:

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 (AR 4-2.2). Any exceptions to this policy must be expressly permitted in writing by me. Requests to access a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

EXAM CONFLICTS: In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination. All requests for extensions or rescheduling of deadlines will be processed through the Assistant Dean, Student Academic Affairs, whose decision will be final.

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

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 <https://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.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

UNIVERSITY LIFE: University Life provides student support resources such as **Counseling and Psychological Services** (<https://caps.gmu.edu/>), **Student Health Services** (<https://shs.gmu.edu/>), and the **Student Support and Advocacy Center** (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>