

Syllabus
Mediation 461A Spring, 2013
Meets 10 Wednesdays from 6:30 p.m. until 9:45 p.m.
Starting February 13, 2013
Professor Geoffrey Thomas
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- Texts: (1) Mediation: The Art of Facilitating Settlement
(Pepperdine School of Law)
(2) The Practice of Mediation
(Douglas Frenkel and James Stark)

This 2-unit course will focus on developing the practical skills and techniques of mediating civil disputes. There will be one or more opportunities each week in class to take part in preparing and implementing a mediation strategy. Actual mediators and advocates in mediations will appear as guest lecturers and share their experiences and insights.

The weekly reading and practice assignments are as follows:

- 1) February 13: *Introduction to dispute resolution approaches*
Peruse Sections 1, 2 and 3 of Pepperdine text and Chapters 1, 2 and 3 of Frenkel & Stark text, focusing on negotiation theory and roles of mediators.
In class, we will review last semester's take-home final exam, discuss model answers, and engage in mediation exercise #1.
- 2) February 20: *Evaluative versus facilitative styles of mediation*
Read Sections 3 and 4 of Pepperdine text and Chapters 2, 3 and 5 of Frenkel text.
In class, do mediation exercise #2.
- 3) February 27: *Preparing to mediate*
Re-read Section 4 of Pepperdine text. Read Chapter 4 and re-read Chapter 5 of Frenkel text.
In class, do mediation exercise #3.
- 4) March 6: *More on the "evaluative" bargaining approach*
Re-read Section 4 of Pepperdine text and Chapter 3 of Frenkel text.
In class, do mediation exercise #4.
- * March 13: No class. Spring break.
- 5) March 20: *More on the "facilitative" approach to bargaining*
Re-read Section 4 of Pepperdine text and chapter 3 of Frenkel text. Read chapter 9 of Frenkel text.
In class, do mediation exercise #5.

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- 6) March 27: *Convening the opening and developing information*
Read Sections 7, 8 and 9 of Pepperdine text and chapters 5, 6 and 7 of Frenkel text.
In class, do mediation exercise #6.
- 7) April 3: *Framing the issues and dealing with impasse*
Re-read Section 9 and read Section 10 of Pepperdine text. Read chapter 10 of Frenkel text.
In class, do mediation exercise #6.
- 8) April 10: *Concluding the mediation*
Re-read Section 10 and read Section 11 of Pepperdine text. Read Chapter 11 of Frenkel text.
In class, do mediation exercise #8.
- 9) April 17: *The ethics of mediation*
Read Chapter 12 of Frenkel text.
In class, do mediation exercise #9.
- 10) April 24: *Review course materials and prepare for final exam*
In class, do mediation exercise #10.

Grades: 50% will be based on the open book final and 50% based on class participation.