

SYLLABUS

WESTERN STATE COLLEGE OF LAW

MEDIATION 461A

SPRING 2023

CLASSROOM L811

Tuesdays from 2:00 p.m. – 4:00 p.m.*

***Please See Class Calendar for Specific Dates and Reading Assignments**

Professor Matthew R. Bogosian, Esq.

E-Mail: mattbogosianesq@gmail.com

Website: <https://mediationestate.com>

Cell: (818) 319-2339

Required Textbook:

Moore, Christopher W., *The Mediation Process – Practical Strategies for Resolving Conflict*, Fourth Edition, Jossey-Bass, 2014.

Course Learning Objectives:

1. Develop an understanding of the mediation process as an alternative to other dispute resolution processes—e.g., litigation, arbitration and direct negotiation.
2. Develop an understanding of the role of a mediator as an unbiased, neutral third party and the ethical requirements and limitations of mediators.
3. Demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately fashion creative strategies for resolution both as a mediator and as a client representative involved in a mediation.
4. Demonstrate the ability to communicate, both orally and in writing, in a manner appropriate for a mediator to effectively convey offers of settlement without offending the recipient of the offer and without inflicting damage upon the relationship between the parties involved in an underlying conflict. This includes using a proper level of tone, style, diction, grammar, punctuation and detail appropriate for participants' unique factors, circumstances, cultural backgrounds, religious beliefs, customs, needs and sensitivities.
5. Demonstrate (a) the ability to identify unique power dynamics before, during and after mediation; (b) the ability to develop strategies to create an equitable playing field to ensure mutually beneficial and lasting results; and (c) the ability to both anticipate and reduce the potential impact of buyer's remorse that could later unravel an apparent settlement.

Grades:

This is a skills course with an emphasis on demonstrating knowledge and application of the principles of mediation through lectures, in-class exercises, role playing, debriefing and analysis. Being present and actively engaged is required. Seventy-Five Percent (75%) of your grade will be based upon class participation, which includes end-of-semester mock mediations with you playing the roles of mediators, clients and client representatives. In addition, you will be given a take-home final exam representing twenty-five percent (25%) of your grade.

Extra Credit:

It is the professor's practice in this class to offer learning opportunities by which students can earn extra credit. Such opportunities will be assigned as agreed in advance between each student and the professor. Extra credit is not guaranteed.

Absence Policy:

This skills class puts a premium on being present and participating in discussions. Being habitually late to class interrupts the class and may impact your overall participation grade. Absence from an entire 2-hour class may have a significant impact on your participation grade. Absence beyond a single 2-hour class must be excused by your professor. If you anticipate an absence, please work with your professor in advance.

Assigned Reading:

Students will be expected to be familiar with the assigned reading. The professor employs both lecturing and the Socratic Method—i.e., questions. **It is expected that outside preparation will consume a minimum of two hours for every one hour in class. For this course, you will therefore be expected to spend at least four hours in preparation for each class.**

Class Calendar and Reading Assignments (There will be no class on 2/21/23 and 3/14/23):

Week 1: 1/17/23	Preface, Part One and Chapter 1
Week 2: 1/24/23	Chapter 2
Week 3: 1/31/23	Chapter 3
Week 4: 2/7/23	Chapters 4 and 5
Week 5: 2/14/23	Part Two and Chapters 6 and 7
Week 6: 2/28/23	Chapters 8 and 9
Week 7: 3/7/23	Part Three and Chapters 10 and 11
Week 8: 3/21/23	Chapters 12 and 13
Week 9: 3/28/23	Chapters 14, 15 and 16
Week 10: 4/4/23	Chapters 17 and 18
Week 11: 4/11/23	Chapter 19 and Resources A-D
Week 12: 4/18/23	Divorce Mediation Guide (https://mediationstate.com)
Week 13: 4/25/23	None – Mock Mediation
Week 14: 5/2/23	None – Mock Mediation (Final Exam Distributed)

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."