

MEDIATION CLINIC FALL 2026

In-Person Learning (221) • Monday 12:00 pm – 1:50 pm
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The Mediation Clinic Program

The Mediation Clinic allows students to develop and use mediation skills through regular and frequent practice with actual parties under the supervision of experienced mediators in the Superior Court of Orange County. The purpose of the Clinic is to provide students with an opportunity to work with real litigants who have filed various types of civil cases but focusing on guardianship and probate matters. The students will interact with practicing attorneys, judges, and other court officers.

The Mediation Clinic requires students to serve as mediators in court (remotely) and to attend class each week. To complete the necessary requirements, each student will:

- (1) Complete 120 hours of court-related clinical work, including approximately 26 court connected mediations, mediation observations, and mediation training for litigants;
- (2) Attend court (remotely) at least twice each week;
- (3) Write a weekly journal assignment about their mediation experiences during the semester;
- (4) Complete the applicable court paperwork at the opening and closing of each mediation;
- (5) Record their clinic hours on a time sheet to be submitted at the end of each week; and
- (6) Attend class on Mondays prepared to discuss their mediation experiences from the previous week.

Court Rules

Students will dress appropriately for court and be punctual. Remote appearances are court appearances, and the appropriate decorum is expected. Do not use cell phones while on remote court calls or in the presence of litigants, this includes but is not limited to, checking calls, texts, and the time. It is recommended that students wear a watch to court. Do not bring food or drinks to your mediation. Additionally, students should conduct mediations from a secure, private space without distractions, and refrain from using additional devices.

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 Room 276. 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 Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Grading

Students will be evaluated on full participation in the mediation clinic including: (1) weekly writing assignments; (2) prompt and regular court attendance; (3) professionalism; (4) class participation, including feedback for classmates; and (5) preparedness and willingness to mediate.

This class should be treated like a job or externship. Students serve as court mediators and are required to be present on their assigned days. If a student must miss court for a non-emergency illness, the student must provide **24 hours' notice**.

Assignment Submission

Weekly writing assignments must be submitted no later than **5:00 pm on Saturday** for mediations completed during the week. Please submit weekly journals via email.

Course Syllabus (subject to change)

Initial Class: Introduction to Court Mediation; Student and Faculty Expectations

Discussion of court-based mediations, including the benefits of resolving a dispute through mediation rather than having the Court impose its decision.

Discussion of Court requirements and conduct.

Second Class: Introduction to Settlements, Case Types, and Other Court Documents

Discussion of court paperwork and necessary documents – pre-mediation agreement,

stipulations, demographic information, and evaluations.

Overview of various case types and applicable law. Understanding how to draft settlement agreements.

Case rounds

Third Class: *Goals & Interests of the Parties; Questions and Active Listening*

Understanding the frames, context, and goals of each party, and how it affects the process and outcome.

Discussion on active questioning and listening techniques to: understand the goals and interests of the disputants; establish authority and trust as a respected neutral; and, build relationships in mediations.

Case rounds

Fourth Class: *Don't be Afraid to be Yourself*

Letting your personality shine through while maintaining authority and professionalism. Using your personality to form connections with the parties.

Conducting mediation online versus in-person, and important skills for online mediation.

Case rounds

Fifth Class: *Fairness vs. Reality*

Discussion of perceptions of fairness and realism as essential parts of mediations. Recognizing the fairness trap: what's right and what's possible. Managing expectations of the parties.

Case rounds

Sixth Class: *Bargaining Power as a Tool*

Bargaining power & powerlessness: recognizing and using each as a catalyst towards resolution.

Case rounds

Seventh Class: *Neutrality and Personal Biases*

Recognizing and becoming aware of biases at the table – yours and theirs.

Mid-semester review of clinical experiences.

Case rounds

Eighth Class: *Recognizing and Learning from Mistakes*

Recognizing negotiation errors and remediation of their effect on the negotiation process. Learning from our mistakes.

Case rounds

Ninth Class: *Facilitating a Productive Apology*

Addressing the roles of anger, forgiveness, and apology in mediation.

Case rounds

Tenth Class: *Working Through Barriers*

Strategies for resolving impasse: What are barriers to settlement? What have students learned about how to resolve their own daily conflicts from their mediation experiences?

Case rounds

Eleventh Class: *Emotional Responses*

Understanding and addressing the emotions experienced in mediation.

Case rounds

Twelfth Class: *Cross-Cultural Sensitivities*

Cultural differences and their effect on the mediation process.

Case rounds

Thirteenth Class: *Use of Transformative Sessions*

Exploring the transformative style of mediation; transforming relationships between parties and their views toward conflict; using transformative moments to help avoid future conflict.

Case rounds

Final Class: *Conclusion & Final Reflections*

IMPORTANT INFORMATION REGARDING COURT SESSIONS

Recording/Texting/Screen-Capture: It is important that each student understands the expectations of privacy not only among the incarcerated/detained youth, but also the expectations of privacy for one another. For this reason, this clinic course is operated under a **ZERO TOLERANCE POLICY** for any student who records, initiates a recording, initiates a screen-capture, shares a recording, shares a screen-capture of any of the incarcerated/detained youth or of any of their fellow students or instructor in this course. Such behavior will result in the immediate expulsion of said student from this course along with the resultant failing grade. Moreover, this behavior will be reported to the Dean's office for immediate disciplinary action.