

LAW 338

**MEDIATION AND LAWYERS:
ADVANCED THEORY AND SKILLS**

Evaluation

1. Mediation Skills Evaluation -- 40%

Completion of a videotaped 45 minute mediation session applying effective and appropriate mediation theory and skills in accordance with the Mediation Assessment Guide.

Week of March 21, 2011.

2. Mediation Research/Writing -- 40%

Completion of a mediation research and writing project as approved by the instructor, due no later than **4pm Tuesday, April 5, 2011.**

Research paper length no more than 15 typed pages, double spaced, font 12.

3. Class Participation--20%

Based on attendance and quality of class contributions

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This document contains a detailed week by week outline of the classes in Mediation and Lawyers.

Each page has information about the class date, topic, and learning objectives. This information will enable you to follow the progress of the course and assist you in preparing for each class.

The readings in the course are from the following Text unless otherwise specified:

Picard, Bishop, Ramkay, Sargent, *The Art and Science of Mediation*, (Toronto: Emond Montgomery Publications Inc., 2004)

WEEK – DATE

1 - January 4, 6

TOPIC

1. Introduction of course, students and instructor
2. Overview of course materials, methodology, evaluation

OBJECTIVES

1. Be able to be clear about the course approach, course responsibilities and how the course can meet your expectations.

READINGS: None required but review Law 337 Notes

WEEK – DATE

2, 3, 4 – January 11, 13, 18, 20, 25, 27

TOPIC

1. Foundational Theories and Skills in Mediation – (A) The Analysis of Conflict, (B) Methods for Resolving Disputes, (C) The Assisted Negotiation Process, (D) Mediation Models

OBJECTIVES

1. Be able to define conflict.
2. Be able to identify causes of conflict given a practical problem.
3. Be able to distinguish differing conflict styles and personalities in conflict.
4. Be able to differentiate between dispute resolution and dispute processing.
5. Be able to describe differences and similarities in cooperative, competitive and problem- solving negotiation strategies.
6. Be able to identify the origins of interest-based bargaining and the underlying ideological orientations of this approach to negotiation.
7. Be able to discuss what are essential traits and skills of successful negotiators.
8. Be able to describe the various orientations taken for the mediation process.
9. Be able to express the underlying values and beliefs that underpin each of these orientations.
10. Be able to compare and contrast these orientations with a client-centred model of mediation.
11. From a mediation videotape, mediation demonstration or mediation reading, be able to identify the general mediation orientation being taken.

READINGS: Text, Chps. 1-6 as assigned

WEEK – DATE

5, 6, 7 -- February 1, 3, 8, 10, 15, 17

TOPIC

1. Mediation Skills

OBJECTIVES

1. Be able to identify, learn, and implement the range of mediation skills included on the Mediation Assessment Guide

Readings: Text, Chps 7-9 as assigned

WEEK – DATE

9, 10, 11, - March 1, 3, 8, 10, 15, 17

TOPIC

1. The Mediation Process: Advanced Skills and Processes

The classes will explore and develop the skills and processes used by mediators in the successful resolution of disputes through experiential learning.

OBJECTIVES

1. Given a fact situation and two parties in conflict, be able to conduct a mediation session following the developed terms of the Mediation Assessment Guide.

READINGS: Text, Chps. 10-11 as assigned

WEEK – DATE

12 -- March 22, 24 (no formal classes)

TOPIC

1. Mediation Skills Demonstration Week

OBJECTIVES

1. Be able to conduct an effective and appropriate mediation session following the Mediation Assessment Guide.

READINGS: Review Text, class notes, Mediation Assessment Guide

WEEK – DATE

13, 14 – March 29, 31, April 5

TOPIC

1. Mediation Research / Writing Projects
2. Course Conclusion

OBJECTIVES

1. Be able to share information regarding the mediation research / writing projects.
2. Be able to summarize important learning moments in the course.