

LAW 338

MEDIATION AND LAWYERS:

ADVANCED THEORY AND SKILLS

This document contains a detailed week by week outline of the classes in Mediation and Lawyers: Advanced Theory and Skills. Law 337 is a prerequisite.

Each page has information about the class date, topics, and learning objectives. This information will enable you to follow the progress of the course and assist you in preparing for each class. Your active preparation and engagement will make your experience in the course very meaningful to you as you prepare for the practice of law.

The readings in the course are from the following text. This is an excellent book that you will enjoy. The authors' messages will be food for thought.

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

WEEK – DATE

1 - January 4, 9

TOPIC

1. Introduction of course, students and instructor
2. Overview of course materials, methodology, evaluation and a first mediation test

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, 16, 18, 23, 25(includes 3 bonus mark classes)

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

or

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 demonstration, be able to apply alternative dispute resolution concepts, and evaluate mediator effectiveness, and consider your mediator strengths and weaknesses.

READINGS: Text, Chps. 1-4 as assigned

WEEK – DATE

5, 6, 7, 8 – January 30, February 1, 6, 8, (13, 15 Reading Break) 20, 22, 27, 29

TOPIC

1. Mediation Skills

OBJECTIVES

1. Review important learning points to date and application to mediator skills, and
2. Be able to demonstrate learning/application of the range of mediation skills included on the Mediation Assessment Guide and needed for effective mediation practice

READINGS: Text, Chps 5-9 as assigned

WEEK – DATE

9, 10, 11, - March (5, 7,) 12, 14, 19, 21

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. Work on Introduction. Peer feedback on sessions March 5, 7.

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 with effective introduction.

READINGS: Text, Chps. 10-11 as assigned

WEEK – DATE

12 -- March 26, 28 (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, –April 2, 4

TOPIC

1. Mediation Introduction Writing Project Presentations
2. Course Conclusion

OBJECTIVES

1. Be able to conduct a mediator opening in class with clients based on your writing project results and feedback on mediation assessment.
2. Be able to summarize important learning moments in the course.