

FLORIDA A&M UNIVERSITY COLLEGE OF LAW

Fall 2016 Semester

Course Syllabus (Preliminary)

Mediation Theory & Practice

Wednesdays – 6:00 pm to 8:30 pm
3 credit hours

Professor Sam Mandelbaum*

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Required Coursebook –

Frenkel & Stark, The Practice of Mediation: A Video Integrated Text (Second Edition) (Wolters Kluwer/Aspen Publishing, 2012), ISBN: 978-1454802198

Course Objectives –

This course is designed to expose students to the concepts, skills and practical applications of mediation in a broad range of situations and cases. As the mediation process becomes more central and dominant in U.S.-litigation and dispute resolution, the course requires some “unlearning” of the dominant advocacy role of lawyers in traditional legal education, litigation and American popular culture. Students in this highly interactive course will attain understanding of the mediation process, the role and ethical demands of the mediator, and the place of mediation in the world of dispute resolution. During the semester, students will develop the skills of mediation through video observations, participations in mock mediations and engaging in simulated role-plays. Actual mediators and advocates in mediations will appear as guest lecturers and share their experiences and insights.

Examinations & Grading –

This course will have a take-home mid-term examination on the theory and practice of mediation, which is fully open book. During the latter part of the semester, students will engage in a series of mock mediations, role-plays, hands-on exercises, discussions and analysis. The final course grade shall be determined based upon the following:

50% - Mid-term examination grade

50% - Performance in mock mediations and role-plays (based upon enumerated criteria)

In addition, a “bonus” may be given to students who demonstrate strong class participation and preparedness, with a one-step grade increase to a student’s calculated course grade. For example, if a student’s course grade is a “B,” the award of a bonus will enhance the final course grade up to “B+.”

* LL.M. (Georgetown); Florida Supreme Court Certified Mediator; Florida Bar Board-Certified Civil Trial Litigator; Florida Bar Board-Certified International Lawyer; Proctor-in-Admiralty (certified by United States Maritime Lawyers Association)

Class 1 – August 10, 2016

Administrative Matters

Chapter 1, pp. 1-20 (Coursebook) – *Read for first class.*

- “So you want to study mediation?”
- Introduction to effective mediation skills.

Class 2 – August 17, 2016

Chapters 2 and 3 (Coursebook)

- Negotiations and Why They Fail.
- The Role of the Mediator

Class 3 – August 24, 2016

Chapters 4, 5 and 6 (Coursebook)

- Preparing to Mediate
- The Mediation Process
- Beginning the Mediation and Developing Information

Class 4 – August 31, 2016

Chapter 7 (Coursebook)

- Expanding Information

Class 5 – September 7, 2016

Chapters 8 and 9 (Coursebook)

- Framing Negotiation Issues
- Generating Movement and Problem-Solving

Class 6 – September 14, 2016

Chapters 10 & 11 (Coursebook)

- Bargaining and Dealing with Impasse
- Concluding Mediation

Class 7 – September 21, 2016

Chapters 12 & 13 (Coursebook)

- Mediation Ethics
- Representing Clients in Mediation

Class 8 – September 28, 2016

Distribution of take-home Mid-Term Examination (Tentative)

Class 9 – October 5, 2016

No reading assignment
MOCK MEDIATIONS & ROLE-PLAYS

Class 10 – October 12, 2016

No reading assignment
MOCK MEDIATIONS & ROLE-PLAYS

Class 11 – October 19, 2016

No reading assignment
MOCK MEDIATIONS & ROLE-PLAYS

Class 12 – October 26, 2016

No reading assignment
MOCK MEDIATIONS & ROLE-PLAYS

Class 13 – November 2, 2016

No reading assignment
MOCK MEDIATIONS & ROLE-PLAYS

Class 14 – November 9, 2016

Final Class and Review