

**Romanian American University**

**2016 Interactive Course on Representation in Mediation**

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Mediation has become a very popular alternative to traditional litigation. In the United States, many courts require that the parties attempt to mediate certain types of cases, usually early in the litigation process. Using an example of a disability discrimination in employment case example, we will explore how to assume the role of the lawyer representing a client in mediation. The course will begin with an overview of disability discrimination law in the United States with some comparison to Romanian law. This course will focus on mediation as an alternative process for resolving disputes. We will discuss the theory and practice of negotiation and how the lawyer's role as a representative in mediation may differ from that in a more traditional negotiation. Our classes will include lectures, discussions, and simulated exercises. You will have the opportunity and responsibility to actively participate in a number of exercises and I will be counting on the class members to ensure the success of the course through serious thought and active class participation. On the final day, you will have the opportunity to represent your client in the mediation of the disability discrimination case that will be the discussing throughout the course and to reflect on those performances.

**COURSE READINGS:**

Excerpts from Fisher and Ury, GETTING TO YES, 1-14, 17-25, 29-37, 40-44, 56-73 97-106;

Selected provisions of the Americans with Disabilities Act;

Romanian Ordinance on Preventing and Punishing All Forms of Discrimination and Amendments

**Representing the Client in Negotiation and Mediation: 23-27 May 2016**

**Reading for Class I:** Selected provisions of the Americans with Disabilities Act; Romanian Ordinance on Preventing and Punishing All Forms of Discrimination and Amendments

**Class I**

**Monday, May 23: 3:00-4:20**

Course Overview; Introduction to Disability Discrimination Law;  
Client Interviewing-Theory and Practice

**Assignment for Class II:**

Read the excerpts from Fisher and Ury, GETTING TO YES, 1-14, 17-25, 29-37, 40-44, 56-73 97-106

Review handout for Class II exercise

**Class II**

**Tuesday, 24 May: 3:00-4:20**

Theory Development and Storytelling

**Reading Assignment for Class III:**

**Continue Reading excerpts** from Fisher and Ury, GETTING TO YES, 1-14, 17-25, 29-37, 40-44, 56-73 97-106

**Class III**

**Wednesday, 25 May: 3:00-4:20**

Negotiation Theory and Practice  
Lecture and In-Class Exercises and Discussions

**Assignment for Class IV:**

Read handout to prepare for tomorrow's exercise

**Class IV**

**Thursday, 26 May: 10:30-12:00**

Representing the Client in Mediation: Identifying Interests, Understanding Goals and Developing an Presenting Potential Solutions

**Assignment for Class V:**

Prepare for final negotiations exercise (details to be provided)  
Identify interests and potential goals of both parties, develop potential solutions and mediation strategy

**Class V**

**Friday, 27 May: 10:30-12:00**

Final simulation and discussion: Mediation of an employment discrimination case