

Romanian-American University

Interactive Course on Mediation as an Alternative Dispute Resolution Process

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This course will focus on mediation as an alternative process for resolving disputes. We will consider the place of mediation within the array of dispute resolution mechanisms and will learn the theory and practice of negotiation and mediation. Our classes will include lectures, discussions, and simulated exercises. You will have the opportunity and responsibility to actively participate in the negotiation and mediation exercises and to think about the important policy question of whether you can achieve “justice” in the mediation context. I will be counting on the class members to ensure the success of the course through serious thought and active class participation. There will be course readings to acquaint you with the fundamentals of negotiation and mediation, and to help you think about the question of whether justice can be achieved in the private process of mediation. On the final day, you will have the opportunity to conduct and observe full mediation sessions.



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Syllabus: Mediation as an Alternative Dispute Resolution Process

Class I

Monday, 16 March

Overview of the course; Introduction to dispute resolution processes

In-class exercise: Comparative dispute resolution processes

Reading assignment for Class I¹: Owen Fiss, *Why Settlement?*; Hyman and Love, *If Portia Were a Mediator*, Introduction and Part I, pp. *158-*174 (pages 2-7 of the Westlaw print-out, lower-right corner of page).

Class II

Tuesday, 17 March

Negotiation theory and practice

In-class group discussions

Reading Assignment for Class II:

Read the excerpts from Fisher and Ury, *Getting to Yes*, pp. 1-14, 17-25, 29-37, 40-44, 56-73, 97-106 (quick reading).

Class III

Wednesday, 18 March

Introduction to Mediation: Opening the Mediation; Identifying Interests and Issues

Simulated exercise and in-class discussion of exercise

Reading Assignment for Class III:

The Middle Voice, Chapters 7 and 8, pp. 59-85.

Class IV

Thursday, 19 March

Mediation: Developing Solutions

In class exercises and discussion of problem-solving

Assignment for Class IV:

The Middle Voice, Chapter 9, pp. 87-98

Hyman and Love, *If Portia Were a Mediator: An Inquiry into Justice in Mediation*, Part II (optional), pp. *174-*186 (8-12); Parts III, IV and Conclusion, pp. *186-*193 (12-16)

Class V

Friday, 20 March

Final mediation simulations and reflection

Assignment for Class V:

Prepare for final simulations.

¹ All readings can be found in the course readings packet.