

Alternative Dispute Resolution

Spring 2009

Dedman School of Law at SMU

Tuesday / Thursday, 9:00 – 10:15 a.m.
Room 107 Florence Hall
Adjunct Instructor Will Pryor

Course Outline

All TEXT references are to Goldberg Sander Rogers Cole, DISPUTE RESOLUTION: NEGOTIATION MEDIATION & OTHER PROCESSES (Aspen: 5th Edition, 2007)

Occasionally handouts may be available at www.willpryor.com

Thursday, January 8: Class 1

Introduction: Course overview and expectations, the exam, etc.
A brief history of Alternative Dispute Resolution (ADR), the Texas experience, and current status

Text: 3-12

Texas ADR Statute available online at:

<http://www.tmr.org/PDF%20Files/Statute-new.pdf> (easier to just Google “Texas ADR Statute”)

Tuesday, January 13: Class 2

Negotiation: Strategy & Tactics

Text: 17-42

Getting To Yes: Chapters 1-5

Role Playing Exercises to be Distributed

Thursday, January 15: Class 3

Negotiation: Style

Text: 44-70

Getting to Yes: Chapters 6, 7, 8

Tuesday, January 20: Class 4

Negotiation: Ethics

Text: 70-87

Role playing exercises to be assigned

Thursday, January 22: Class 5

Negotiation: Case Evaluation

Text: 363-370

Role playing exercises to be distributed

Tuesday, January 27: Class 6

Mediation: Introduction

Text: 107-115; 147-158

Handout: Sample Mediation Order (Dallas County)
 Sample "Rules for Mediation" (Dallas County)
 Appendix E Uniform Mediation Act

Thursday, January 29: Class 7

Mediation: the Role of the Neutral
Qualifications, the “40 hour training course”, etc.

Text: 116-137; 139-143

Sunday, February 1: SUPER BOWL!*

Tuesday, February 3: Class 8

Mediation: the Role of the Neutral (continued)

Text: 143-147; 428-436

Role playing exercises

Thursday, February 5: Class 9

Mediation: Current Issues: Confidentiality & Privilege

Text: 441-473

Appendix F National Standards for Court-Connected Mediation Programs

Tuesday, February 10: Class 10

Mediation: Current Issues: Regulation, Supervision and Good Faith

Text: 158-197

Appendix H Model Standards of Conduct for Mediators

Texas Ethical Guidelines for Mediators, www.texasadr.org

Texas Mediator Credentialing Committee Final Report, Texas Supreme Court

**A special note about February: “What can you do? What can you ever do? Let me recommend the chicken pot pie”.
--from *Jack’s Skillet*, by Jack Butler**

Thursday, February 12: Class 11

Mediation: The Judicial Perspective

Guest judges share their recent and current judicial experience with mediation referrals: is it working? Why and why not?

Text: 389-428

Handouts: State & Federal Current Statistics

Final Report of the Advisory Committee on Court Annexed Mediation (Texas Supreme Court)

Tuesday, February 17: Class 12

Mediation: Advocacy in the Mediation Process

How do good advocates take advantage of the mediation process, and use it for their client's benefit?

Text: 355-363

Thursday, February 19: Class 13

Mediation: Advocacy in the Mediation Process (continued)

Guest panel of experienced advocates discuss the good and the bad

Tuesday, February 24: Class 14

Family Law

Unique application of ADR concepts to Marriage Dissolution and Child Custody Disputes

Text: 479-509

Appendix G Model Standards of Practice for Family and Divorce Mediation

Video: "Don't Forget the Children"

Thursday, February 26: Class 15

Family Law

Panel discussion

Tuesday, March 3: Class 16

Collaborative Law

Guest: Larry Hance

Text 373-375

Thursday, March 5: Class 17

Arbitration: Introduction & Overview

Text: 213-248

Appendix B Federal Arbitration Act

Appendix C Uniform Arbitration Act

Appendix D Revised Uniform Arbitration Act

Handouts: Texas Arbitration Statute
Commercial Arbitration Rules

Spring Break – Yes!

Tuesday, March 17: Class 18

Arbitration: Current Issues: Consumers beware!

Readings to be assigned

MARCH MADNESS BEGINS—Men’s & Women’s NCAA Basketball Championship Tournaments begin this week—have you filled out your bracket?*

Thursday, March 19: Class 19

Arbitration: Current Issues (continued): due process and statutory claims

Text: 248-284

Tuesday, March 24: Class 20

Arbitration: Current Issues (continued)

Judicial review, ethics

Text: 284-297

Thursday, March 26: Class 21

Arbitration: Drafting Arbitration Agreements
Guest Panel Presentation

AAA Handout on Drafting Arbitration Agreement
Appendix A Dispute Resolution Clauses

Tuesday, March 31: Class 22

Arbitration: the Real World

Guests from AAA and JAMS (tentative)

Thursday, April 2: Class 23

Arbitration: Employment and Workplace ADR
Guest Panel Discussion

Text: 253-284

**Tuesday, April 6: Texas Rangers Season & Home Opening Game!
1:05 p.m. vs. CLEVELAND ***

**Tuesday, April 7: Class 24: NO CLASS (WRITTEN ASSIGNMENT
IN LIEU OF CLASS)**

Designing Dispute Resolution Systems

Text: 301-354

Thursday, April 9: Class 25

Connecting With Integrity: The Role of Apology and Client Counseling
Guest: Lee Taft

Text: 137-139

Article handout: The Commodification of Apology, Lee Taft

**Sunday, April 12: The Masters Final Round from Augusta, Georgia
(also Easter)***

Tuesday, April 14: Class 26

Public Policy & International Dispute Resolution

Text: 513-529

Thursday, April 16: Class 27

Public Policy & International Dispute Resolution (continued)

Text: 531-567

Tuesday, April 21: Class 28—Last Class!

Review, the exam and unsolicited career advice

EXAM: Friday, May 1, 2009: 8:30 a.m.

***these items obviously have nothing to do with the class; I just point them out because I consider them important**