

Syllabus of the course [Global Perspectives on ADR](#) - Introductory Track

MEDIATION AND OTHER METHODS TO FOSTER DEMOCRATIC DIALOGUE

Professors James Coben, Kinga Göncz, Csilla Kollonay Lehoczky, Lela Love, and Dana Potockova

July 5, 2004, Monday

Breaks will be scheduled during each class period.

9:00-12:15 Introduction and Course Overview

Principles of Dispute Settlement Lecture and general discussion examining assumptions about dispute settlement, analyzing various dispute settlement methodologies, and exploring the role of mediation within that context.

The Voluntary Resolution of Disputes Group exercise designed to illuminate the principles and dynamics underlying negotiation. The nature of the outcome, the importance of structuring the process, the role of information, preferences and priorities, the rationale of establishing trade-offs, the difference between interests and positions, and the facilitators and inhibitors of consensus-building will be stressed in the analysis.

12:15-1:30 LUNCH

1:30-2:10 *Professor Csilla Kollonay Lehoczky*

2:15-4:15 Library and Computer Lab Tours:

Group A: Library (2:15-3:15); Computer Lab (3:15-3:45)

Group B: Computer Lab (2:15-2:45); Library (3:15-4:15)

7:00 Welcoming Cocktail Party at Kerepesi Dorm

■ Reading:

Getting to Yes, Fisher, Ury and Patton

Taking Charge/Managing Conflict, Stulberg, pp. 5-27, Chapters 2 and 3 Supplemental Reader for Day 1:

Images of Justice, Love, 1 Pepperdine Dispute Res. J. 29 (2000), p. 1

Dispute Resolution Processes, from Conducting the Mediator Skill-Building Training Program, Stulberg and Love (Michigan Supreme Court 1997), p. 5

Constructive Responses to Conflict in Emerging Democracies, Shonholtz, Partners for Democratic Change/UNDP Conference Paper (2-14-01), p. 9

Intervenor Orientations & Related Tasks and Outcomes, chart from *Mapping Mediation*, Kovach and Love, 3 Harv. Neg. L. Rev. 71, 107 (1998), p. 18

Process Continuum (chart), p. 19

■ Assignment: **Cross-cultural interviews.**

Working in groups of 4 or more, with students from as many different countries as possible, students will discuss and determine the most important similarities and differences between the national negotiating styles and other ways of resolving conflicts of the countries and cultures represented in the group. Each student should write short (maximum of 500 words -- approximately 2 typewritten pages, double-spaced and using standard fonts and margins) summary describing lessons learned from this conversation. **The written assignment is due in class on Friday, July 9th.**

July 6, 2004, Tuesday

9:00-12:15

Overview of Mediation An examination of the various functions the mediator fulfills and the types of traits/interpersonal skills required of the persons discharging these functions.

Beginning the Mediation Conference An examination of the impact of different seating arrangements. Participants will examine the components of an opening statement. Interpersonal skills with regard to eye contact, language use, and creating a structured but comfortable environment will be the focus of the analysis that follows.

12:15-1:30 LUNCH

1:30-2:10 *Professor Kinga Göncz*

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 31-68, Chapters 4, 5 and 6

■ Supplemental Reader for day 2:

Mediator Orientations, Strategies and Techniques, Riskin, Alternatives (1994), p. 24

Applying Collaborative Processes in Former Communist Countries, Göncz and Shonholtz, IAP2 (First Quarter 2000), p. 28

July 7, 2004, Wednesday

9:00-12:15 **Accumulating Information and**

Framing Interests and Issues

12:15-1:30 LUNCH

1:30-2:10 *Professor Kinga Göncz*

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 69-94, chapters 7 and 8

■ Supplemental Reader for Day 3:

Training Mediators to Listen, Love, 38 *Family and Conciliation Courts Review* 27 (2000), p. 32

Constructing Understanding, Agendas, and Agreements: The Building Blocks, Appendix A from *Training Mediators to Listen*, p. 40

July 8, 2004, Thursday

9:00-1:10

Mediator Strategies for Generating Settlement Lecture, discussion, and exercises examining the rationale of various settlement strategies that a mediator can use to move the parties towards agreement. Analysis will highlight persuasive techniques for moving parties from impasse to settlement.

2:30 TOUR OF PARLIAMENT

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 95-106, chapter 9

■ Supplemental Reader for day 4:

Mediation as Parallel Seminars: Lessons from the Student Takeover of Columbia University's Hamilton Hall, Liebman, 16 *Negotiation Journal* 157 (April 2000), p. 41

Intercultural Communication and the Organizing Facets of Culture, Dodd, *Dynamics of Intercultural Communication*, 36-45 (Brown and Benchmark 1987), p. 55

Managing Differences, from *Mediation Skills Training Manual* (Mediation Center for Dispute Resolution 2000), p. 65

Ruminations on the 'Culture' of Law: Recognizing an Inevitable Influence on the Evolution of Dispute Resolution Alternatives, Coben, Volume 2, No. 1 *Journal of Alternative Dispute Resolution in Employment* 4 (Spring 2000), p. 70

July 9, 2004, Friday

9:00-1:10

An Exploration of Justice and Dispute Resolution Processes Qiu Ju (a movie) (approximately 100 min.)

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 106-122, chapter 10

■ Assignment

1) Officer Li in *Qiu Ju* does several things that might be considered poor performance according to the mediator training and reading you have had in this course. Describe three moves Officer Li makes that

have a negative impact on moving the dispute towards resolution. 2) Think back to the scene where the village chief Wang Shantang fulfills his obligation to make a monetary payment to Qiu Ju by throwing the money at her feet. If you were a mediator assisting these two parties and you witnessed this exchange, how would you respond? **The written assignment is due in class on Tuesday, July 13th** (maximum of 500 words/approximately 2 typewritten pages, double-spaced and using standard fonts and margins).

July 11, 2004, Sunday

10:00-4:00 BOAT TRIP TO SZENTENDRE (optional)

July 12, 2004, Monday

9:00-1:10 **Considerations and Strategies in Dealing with Complex, Multi-Ethnic Cases**

Professors will "accompany" participants through a conflict analysis to determine the propriety and nature of a mediation intervention in a multi-party, multi-ethnic community conflict. Elements of the analysis will include: party identification; ripeness for intervention; mediator qualifications relevant for effective service; and pre-dispute entry issues and responsibilities. In small groups, participants will analyze a case study to develop performance skills for conducting a multiparty mediation. Elements of the analysis will include: structuring the sessions, capitalizing on role of advocates and spokespersons, planning considerations when cultural diversity is present, and using translators effectively.

■ Supplemental Reader for Day 6:

Ethnic Minorities in Hungary: Democracy and Conflict Resolution, Göncz and Gesko. 552 *Annals of the Am. Academy of Pol. And Soc. Sci.* 28 (July 1997), p. 73

A Tale of Two Cities, Love and McDonald, *Dispute Resolution Magazine* (Fall 1997), p. 79

Multi-Party Public Policy Mediation, Susskind, *Dispute Resolution Magazine* (Fall 1997), p. 82

July 13, 2004, Tuesday

9:00-1:10

Facilitation Skills and Techniques to Foster Constructive Dialogue An examination of the relationship between facilitation and mediation and of the tasks and tools used by facilitators. Practice will follow.

■ Supplemental Reader for day 7:

Practice Guidelines for Co-Mediation: Making Certain That "Two Heads Are Better Than One", Love and Stulberg, 13 *Mediation Quarterly* 179 (Spring 1996), p. 86

Meeting Facilitation, Barkai, p. 92

2:30 TOUR OF COURTS

July 14, 2004, Wednesday

9:00-1:10 Discussion and exercises regarding the procedure for and components of the construction of a mediation agreement. Strategies for effectively closing a session will be explored and practiced.

Writing an Effective Agreement Discussion and exercises regarding what should or should not be committed to the written agreement. Particular attention will be focused on format, language, "traps" to avoid, and other principles of good drafting.

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 123-133, chapter 11

■ Supplemental Reader for day 8:

The Mediating Future, Shonholtz, 552 *Annals of the Am. Academy of Pol. And Soc. Sci.* 139 (1997), p. 108

July 15, 2004, Thursday

9:00-1:10 **Ethics in Mediation** Discussion and exercises focusing attention on ethical dilemmas faced by mediators, particularly challenges to a mediator's impartiality, and the potential for abuse of discretion and power.

Mediation Review A critical review of a mediation session.

Building A Career in Dispute Resolution Working Lunch (optional): informal discussion and advice regarding study and business-building opportunities in the field of conflict resolution.

■ Reading

Taking Charge/Managing Conflict, Stulberg, pp. 137-168, chapter 12 and conclusion

■ Supplemental Reader for day 9:

Model Standards of Conduct for Mediators (1994), p. 115

Uniform Mediation Act Executive Summary and Text (as approved and adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association); and *comments in opposition to the UMA by the International Academy of Mediators* (as reported in ADRWorld.com, November 6, 2001), p. 121

Misrepresentation in Mediation: Efficacy, Expectations, and Ethical Norms, Coben, Volume 2, No. 3 *Journal of Alternative Dispute Resolution in Employment* 4 (Fall 2000), p. 138

Mediation's Dirty Little Secret: Straight Talk About Mediator Manipulation and Deception, Coben, Volume 2, No. 4, *Journal of Alternative Dispute Resolution in Employment* 4 (Winter 2000), p. 142

■ Recommended but not required

CPR Georgetown Commission on Ethics and Standards in ADR, Rule 4.5.4 (Conflict of Interest) (April 1999), p. 146

July 16, 2004, Friday

9:00-1:10

Reflections and Closure

2:30-4:30 **Final Paper** Students will write an in-class, open-book analysis of their final mediation simulation in which they served as the mediator and respond to other question(s).

■ Preparation: Review mediator training material.

COMPLETION REQUIREMENTS AND GRADES:

For all students, class attendance is mandatory.

For CEU students who are not taking the course for a grade, completion of the program requires that two of the three writing assignments must be submitted.

For students taking the course for a grade, grading will be based on the following:

■ 10% Class attendance and participation. Attendance at all sessions is expected.

■ 90% Written assignments: Cross cultural interview and Qui Ju paper (40%); final paper based on the mediation simulation (50%).