



CEU SUMMER UNIVERSITY

Nádor u. 9., Budapest, Hungary 1051

Tel.: (36 1) 327 3069, 327 3811

Fax: (36-1) 328-3698 or (36-1) 327-3124

E-mail: summeru@ceu.hu

Website: <http://www.ceu.hu/sun>

Legal Studies

MEDIATION AND OTHER METHODS TO FOSTER DEMOCRATIC DIALOGUE

July 3-14, 2006

*In co-operation with Benjamin N. Cardozo School of Law, New York
and Hamline University School of Law, Minnesota*

Course Director: **Lela P. Love**, Kukin Program for Conflict Resolution, Benjamin N. Cardozo School of Law/Yeshiva University

Faculty: **Janos Wagner**, Director of Partners Hungary
Dana Potockova, Conflict Management International, Prague
Joseph B. Stulberg, The Ohio State University Moritz College of Law, Columbus, Ohio

Lela P. Love is Professor of Law and Director of the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law/Yeshiva University. Professor Love has served as a mediator, arbitrator, and dispute resolution consultant in a variety of community, family, commercial and public disputes. In 1993, she was awarded a citation by the City of Glen Cove for successfully mediating a long-standing dispute between the city and its Salvadoran community. Professor Love serves on the Council of the Section of Dispute Resolution of the American Bar Association. She has assisted the State of Florida, Michigan and Louisiana in developing mediation programs. She received her J.D. from Georgetown University in 1979, her M.Ed. from Virginia Commonwealth University in 1975, and her B.A. from Harvard University in 1973. She has written extensively about dispute resolution topics.

Janos Wagner, Director of Partners Hungary (TBA)

Dana Potockova received a Masters in Dispute Resolution from Pepperdine University School of Law (USA), a Masters in Peace Studies from the University of Notre Dame (USA), and a Masters in Social Policy from Charles University (Czech Republic). A former Fulbright scholar, she is the co-founder of the Czech Association of Mediators. As the principal of Conflict Management International, she is currently a consultant for dispute resolution systems design and a conflict resolution trainer and teacher. She has served as a trainer for Partners for Democratic Change in the Czech Republic where she also facilitated public meetings in situations involving ethnic tension.

Joseph B. Stulberg is the John W. Bricker Professor of Law and the Associate Dean for Academic Affairs and Professional Relations at The Ohio State University Moritz College of Law. He earned his J.D. from New York University School of Law and his Ph.D. in philosophy from the University of Rochester. Professor Stulberg has worked in the area of dispute resolution in a variety of contexts since 1973. He directed the Community Dispute Services of the American Arbitration Association, has mediated significant policy controversies at a state and national level, led the initiatives of the Supreme Court offices in the states of Florida and Michigan to develop and implement the required mediator training programs for their comprehensive court-annexed mediation programs, and has trained mediators nationally and internationally. He has written extensively in the area of dispute resolution.

COURSE OBJECTIVES

This course is designed to facilitate the exchange of ideas and cooperative projects among academics, professionals and students in the East and West who are pursuing the study of conflict and conflict resolution processes. The program, set in the context of Central and Eastern Europe's emerging democracies, will focus on mediation, democratic dialogue, and restorative justice, as well as other consensual methods for addressing and resolving conflict and promoting understanding between peoples.

CEU participants will be joined by American law students to explore these topics. The course will offer multi-national perspectives and examples as well as enable students to critically examine the challenges of the design and delivery of ADR (appropriate dispute resolution) initiatives in multiple contexts, including countries where the "rule of law" is emerging.

Through lecture, discussion, demonstration and role-play, students will be introduced to mediation theory and skills and examine the impact of culture and context on the mediation approach adopted. Examples will focus on mediation models and scenarios from both the United States and Central and Eastern Europe. The task of translating hostile and adversarial communication into building blocks of collaborative dialogue will be explored, as well as the mediator's role in identifying, framing, and ordering the issues in dispute. Analysis will highlight persuasive techniques for moving parties from impasse to settlement. Special attention will be directed to the ethical dilemmas faced by mediators, particularly challenges to a mediator's impartiality, and the potential for abuse of discretion and power. The course also will examine a variety of strategies to foster and support democratic and constructive dialogue, particularly focusing on "high-conflict" situations involving inter-ethnic tensions. Students will study efforts in Central and Eastern Europe to promote meaningful democratic dialogue in times of national and international crisis. Participants should come prepared for a highly interactive learning experience.

WEEK ONE

MONDAY

Principles of Dispute Settlement and Introduction to Negotiation Theory

Lecture and general discussion examining assumptions about dispute settlement, analyzing various dispute settlement methodologies, and exploring the role of mediation within that context. A small group negotiation exercise will illuminate the principles and dynamics underlying voluntary dispute settlement procedures. The class concludes with a lecture on the role of mediation and consensual dispute resolution processes in developing democracies.

TUESDAY

An Overview of the Mediation Process and Related Mediator Skills. Beginning the Mediation Conference

A demonstration of a mediator at work will be followed by an examination of the various functions the mediator fulfills and the types of traits/interpersonal skills required of persons discharging these functions. A presentation on how mediators create a constructive environment and open a session will be followed by practice. The class concludes with a lecture summarizing the use of collaborative dispute resolution processes in former communist countries.

WEDNESDAY

Listening Constructively to Disputing Parties and Crafting a Discussion Agenda

Lecture and interactive exercises will focus on fact-gathering, note-taking and questioning techniques. The task of translating hostile and adversarial communication into building blocks of collaborative dialogue will be explored, as well as the mediator's role in identifying, framing and ordering the issues in dispute.

THURSDAY

Dealing Effectively with Diversity and Generating Movement Towards Understanding and Agreement

Discussion, analysis and exercises focusing on interpersonal and communication skills critical to facilitating dialogue in contexts in which issues of cultural, gender and ethnic diversity are pervasive.

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. An afternoon presentation on case studies from Hungary will explore the dynamics of multi-party and multi-ethnic disputes.

FRIDAY

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. The class will view and analyze a movie portraying a variety of conflict resolution processes.

WEEK TWO

MONDAY

Meeting Separately with the Parties and Working with a Mediation Team

An examination of the purposes and strategies of meeting in caucus sessions with the parties.

Discussion and analysis of strengths and weaknesses of a co-mediation approach and the principles guiding the effective execution of team mediation. Practice will follow.

TUESDAY

Using Facilitation to Foster Democratic and Constructive Dialogue

An examination of the relationship between facilitation and mediation and of the tasks and tools used by facilitators. Practice will follow.

WEDNESDAY

Bringing Closure to Sessions and Capturing Agreements between Parties

Participants will review procedures for closing a mediation session and drafting mediation agreements.

THURSDAY

Ethical Considerations in Mediation

Discussion and exercises focusing on ethical dilemmas faced by mediators, particularly challenges to a mediator's impartiality, and the potential for abuse of discretion and power. A critical review of a mediation session will follow. A working lunch will follow class in which Professor Potockova from the Czech Republic will explore study and business-building opportunities in the field of conflict.

FRIDAY

Pulling the Pieces Together: Final Mediation Simulations

Participants will conduct a mediation session and analysis will follow the completion of each simulation. Course closure and evaluation.

Non-discrimination policy statement

Central European University does not discriminate on the basis of – including, but not limited to – race, color, national and ethnic origin, religion, gender or sexual orientation in administering its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.