COURSE NAME: Alternative Dispute Resolution

COURSE NUMBER: 8732

PROFESSOR: Mary Kay Kisthardt

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: Civil Procedure

COURSE BOOKS: Riskin, Dispute Resolution and Lawyers
Fisher & Ury, Getting to Yes

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:
Exam 50 %, Dispute Analysis paper 30%, class work and short papers 20%

SUMMARY DESCRIPTION OF COURSE: This is an overview course on the roles lawyers play in dispute resolution. It includes theoretical material on interviewing and counseling, negotiation, mediation, arbitration and other court-connected and private processes as well as simulated exercises.

COURSE CONTENT: See attached course syllabus

RELEVANCY OF COURSE FOR CAREER PURPOSES: Alternative dispute resolution processes like mediation and arbitration are no longer considered “alternative”, they are well ingrained in the legal system. Regardless of the area of practice attorneys today are expected to be familiar with them.
This course will focus on various dispute resolution processes including interviewing and counseling, negotiation, mediation, arbitration, and mixed processes such as the mini-trial. In addition to acquainting you with these processes, my objective is to familiarize you with some skills in using them and give you some experience in how to help a client choose or build the most appropriate dispute resolution or prevention process.

The class will include lectures, demonstrations (video-tape and live), discussions and simulations. The length of the reading assignments varies. I expect you to be fully prepared for each class. It is important that you keep up with the assigned reading as the exam will be closed book and it will be difficult to catch up on missed reading at the end of the semester. In some classes, we will be conducting simulations and it is essential that everyone be present. I expect to be contacted concerning any absence. A student with an unexcused absence may be ineligible to take the final examination.

A short written assignment due on November 11 will also be required and will count for 30% of your final grade. An additional 20% of your grade will be based on other written assignments, simulated exercises assigned during the semester, class participation and preparation. The final exam will be worth 50% of your grade.

Below you will find the reading assignments for the course. I will attempt to adhere to the schedule but truthfully, some variation from it has been the norm. You will always be advised in advance concerning your required reading for the next class.

We will use the Riskin & Westbrook 3rd edition text on *Dispute Resolution and Lawyers* (Text). *Getting to Yes* is also required.

Class 1
INTRODUCTION
An overview of ADR
Text 12-34, 57-62

Class 2
THE ROLES OF LAWYERS
Text 62-72, 77-90, 98-103, 129-133,152-155, 854-861
Class 3  THE ATTORNEY – CLIENT RELATIONSHIP:
INTERVIEWING
Text 103-112, 137-152

Class 4  THE ATTORNEY – CLIENT RELATIONSHIP:
COUNSELING
Text 112-117, 121-128, 134-137

Class 5  NEGOTIATION
Overview
Text 157-173
Strategies & Tactics: Adversarial
Text 173-190

Class 6  NEGOTIATION
Strategies & Tactics: Problem Solving
Fisher & Ury, Getting to Yes
Text 193-198, 203-206

Class 7  NEGOTIATION
Thompson v. Decker Negotiation Exercise 282-285

Class 8  MEDIATION - Introduction
Text 286-309
Stages of the Process
Text 334-348
Mo. Rev. Stat. 435.014 (handout)

Class 9  MEDIATION
Lawyers as Mediators
Text 368-378
Red Devil Dog Lease Exercise, 501-502

Class 10  MEDIATION
Representing Clients in Mediation
Text 393-398, 409-416, 495-501

Class 11  ARBITRATION
Law and Practice of Private Arbitration
Text 506-511, 651-670
Med. – Arb.
Text 762-765
Private Judging
Text 760-762
Class 12  MIXED PROCESSES / COURT ANNEXED PROCESSES
Text 684-692
Early Neutral Evaluation
General Order, W.D. Mo. Early Assessment Program Memo, EAP Report (handouts)
Text 718-722
Court Annexed Mediation
Text 692-714
Summary Jury Trial
Text 715-716

Class 13  PRIVATE PROCESSES
Mini Trial
Text 756-760
Ombuds
Text 767-770

RECENT INNOVATIONS & ADAPTATIONS
Collaborative Law
Text 773-775
Partnering
Text 776-780
Online Dispute Resolution
Text 780-789

Class 14  CASE ANALYSIS PRESENTATIONS
Mo. Sup. Ct. Rule 17 (handout)

Disabled Student Services
UMKC endeavors to make all activities, programs and services accessible to students with disabilities. A Campus Coordinator for Disabled Student Services is available to arrange for reasonable accommodations. If you need accommodations, it is important that you contact the Coordinator as soon as possible to arrange for providing appropriate documentation and the prescribing of reasonable accommodations in the classroom and for exams. For information call (816) 235-5696. Speech and hearing impaired use Relay Missouri, 1-800-735-2966 (TT) or 1-800-735-2466 (Voice.) For questions or further information, see Adela Fleming in the Law School Administrative Suite.