

## **Alternative Dispute Resolution (LEX 7016-001, CRN 25530)**

### **Scope:**

This course deals primarily with mediation and arbitration, with some limited treatment of negotiating tactics. It is interactive and experimental. The focus is on disputes in which lawyers typically participate, not on disputes where the outside facilitator comes from some other discipline. I will use a variety of classroom exercises to provide some experience in mediating and arbitrating and in observing the performances of others. I will experiment with some use of videos. We will also examine some ADR theory and the legal framework in which it operates.

### **Web Site:**

Please check my web site at [www.law.wayne.edu/mcintyre](http://www.law.wayne.edu/mcintyre) for updates and copies of some handouts.

### **Course Materials:**

Text: Folberg, Golann, Kloppenberg, and Stipanowich, *RESOLVING DISPUTES: THEORY, PRACTICE, AND LAW*, Aspen Publishers (2005) ("Casebook").

### **Class Participation and Grading:**

Regular attendance and class participation are expected. Role playing is an essential part of the course. In accordance with the Academic Regulations, frequent absence, tardiness, or nonparticipation will result in a lower grade or loss of credit.

Role playing and similar class performances will count approximately 25% of the grade. You get full credit for a role-playing performance if you are in attendance and make a good faith effort. You will receive a grade penalty if you miss more than one role-playing exercise. Unusually strong performances may result in additional credit.

You are required to keep a typed class journal in which you critique the class and the lessons learned from the role-playing performances of your classmates and answer certain assigned questions. Journal entries generally should be submitted within a week of the class. They count approximately 25% of the grade. There will be a penalty if any journal entries are missed. I will inspect the journals early in the course to see if you are on the right track. You are limited to one journal page per class. The final exam counts for the remaining 50% of the grade in the course. Please understand that it is not possible to do a simple average of the three components of the grade because two of the components are largely on a pass-fail basis.

**Office Hours:**

My office is located in the Room 3235. I usually can be reached there at the following times, but an appointment will guarantee my availability. You can leave word on my answering machine by calling (313) 577-3944 or call my secretary, Olive Hyman, at (313) 577-0088.

Monday: 1:30 p.m. – 3:30 p.m.  
Tuesday: 10:30 a.m. – 11:00 a.m.  
Wednesday: 1:30 a.m. – 3:30 p.m. (with exceptions)  
Thursday: 10:30 a.m. – 11:00 a.m.

**Schedule:**

This course meets on Thursdays at 4:00 p.m. — 6:00 p.m. in Room 2261. Enrollment is limited.

**Examination:**

An *open book* examination of two (2) hours will be given at the end of the course. It counts 50% of the grade. Students may take with them into the examination any books, outlines or notes they have used during the semester. The exam will include an essay dealing with some dispute and some short-answer questions. The exam is tentatively scheduled for Thursday, May 3, at 1:30 p.m.

**Assignment for First Week:**

Topic: Dispute Resolution: What's It All About?

Class Activity: Arbitration and Mediation Exercise, materials for which will be distributed in class.

Reading: Casebook, pp. 1-16.