VERMONT LAW SCHOOL
MEDIATION

Spring 2022
Oakes 208

Adjunct Professors:
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Friday, 3/18/2022 (2:10 pm - 6:00 pm)
Saturday, 3/19/2022 (8:30 am - 6:00 pm)
Friday, 4/1/2022  (2:10 pm - 6:00 pm)
Saturday, 4/2/2022 (8:30 am - 6:00 pm)

I.  Textbooks and Class Materials:

II.  Course Description:
THIS IS AN INTENSIVE COURSE TO BE OFFERED OVER THE COURSE OF 4 DAYS.
See dates and times above. This course will explore the characteristics that distinguish mediation from other forms of dispute resolution, the roles of neutrals and advocates in mediation, and the negotiation, communication and problem-solving skills commonly applied in successful mediations. We will draw on insights and research from a range of disciplines including law, economics, psychology, and neuroscience. We will conduct mediation simulations and debrief each simulation with interactive reflections on the experience. We will explore how the mediation process is shaped to meet the requirements of each dispute and how obstacles to agreement can be overcome.

III.  Assignments:
PLEASE NOTE THAT THE ASSIGNED READING IS SIGNIFICANTLY FRONT-LOADED. Please plan accordingly. Most of the reading for this class is intended to be completed prior to the first weekend. This will help you, and your working group partners, to get the most out of the exercises.

a.  Assignment for First Weekend:
Read this syllabus carefully (also available on TWEN).
Read Mediation Skills and Techniques, Chapters 1-7.

b.  Remote Mediation Simulation:
To be conducted between Weekend #1 and Weekend #2, roles and working groups t/b/d.

c.  Assignment for Second Weekend:
Read Mediation Skills and Techniques, Chapters 8-11, review Appendices.

d.  Written Assignments: all due April 17, 2022. See details below.
Journal, Weekend #1;
Journal, Weekend #2; and
Final Course Reflection.
Written Assignments

You will be expected to complete two Journal assignments (one for each weekend) and a Final Course Reflection Paper. All will be due by midnight, Sunday April 17, 2022.

Written assignments must be typewritten, double-spaced and in MSWord format (.doc or .docx, NOT WordPerfect). They should be submitted by email to tad@markspowers.com and to adam@markspowers.com, and the document should be named as follows: (your last name).(your first name).(name of document). For example: Jones.Alice. 1st Journal

Your Journal entry for each weekend should address the following, in 500-700 words PER JOURNAL ENTRY:

For each weekend’s Journal Entry, answer the following questions regarding at least two of the simulations you participated in:

**Roles:** Which roles did you play in the simulations? Who played the other roles?
**Skills:** What mediation or negotiation skills did you use? What skills did others use?
**Lessons:** What was your most important learning from the simulation or exercise? What surprised you? What challenged you the most? What worked? What didn't work? What would you have done differently? Why?
**Readings/Discussion:** Relate readings or class discussion to your chosen simulations or exercises.

Your Final Course Reflection should be no more than 1000 words, addressing:

- What are the greatest advantages/strengths of mediation as a process?
- What are its greatest drawbacks?
- What are your most significant strengths and weaknesses as a participant in mediation, as a mediator, or as a party or advocate?
- How are mediation skills most likely to be useful in your own future?

IV. **Goals:**

This Mediation Seminar is an intensive, interactive, skills course designed to:

- teach you the theory, principles and practice of mediation as a neutral-facilitated negotiation;
- explore the range of contexts in which mediation is commonly used to resolve disputes;
- introduce skills and techniques essential to mediating disputes;
- provide experience in the mediation setting through role plays and exercises;
- build skills in the areas of facilitation advocacy, problem-solving and decision-making;
- allow you to improve your advocacy skills by better understanding the roles, strategies and techniques of mediators;
- help you recognize and handle ethical issues in mediation;
- introduce you to alternatives to mediation; and
- allow you the opportunity to explore your individual style, reaction and attitude toward conflict and dispute resolution.
V. **Course Requirements:**
You will be expected to read, write, discuss and perform in this course. You will be required to apply what you learn through participation in simulated exercises. Specifically, you will be expected to:

- attend all scheduled classes on time, prepared and ready to participate in the exercises and discussion;
- complete all the assigned reading;
- take part and contribute to in-class discussions;
- be self-reflective on your own negotiation and communication skills, be open to feedback and be prepared to offer constructive comment and critique to your classmates;
- participate in assigned virtual mediation simulation outside of scheduled class time; and
- complete written assignments.

VI. **Grading:**

There is no final examination in this class.

One half of your grade will be based on class participation and your development and application of skills in simulations and debriefs (not on the objective results of exercises). In contributing to classroom discussions (without monopolizing class time), students will be expected to draw on the text and their experiences in classroom simulations, as well as relevant life experiences.

One quarter of your grade is based on your Journals, graded on:

1. analysis;
2. application of theory, readings and practice principles;
3. self-reflection and self-critique;
4. originality of observations; and
5. professionalism, grammar and organization.

One quarter of your grade is based on your Final Course Reflection, graded on:

1. analysis;
2. application of theory, readings and principles;
3. professionalism, grammar and organization.

VII. **Attendance:**

We will begin promptly, so **plan on arriving 5 minutes early**. If you arrive after the start time, you will be marked late. This Seminar is a skills-building class. Your learning depends on the efforts and commitment of all of us: your professors, you and your fellow students. Because you will be playing roles as advocates, neutrals and clients, the learning of the whole class depends on your participation. To learn to mediate, advocate, negotiate and facilitate in a mediation setting, you must do it; you cannot develop skills without attending class and doing exercises.
Attendance at all class sessions is mandatory.

VIII. A Note on Confidentiality and Exercises:

It is a basic premise of this course that the best way to learn mediation and facilitation is to do it. During the course, you will be role playing parts as attorneys, clients and mediators in order to understand and experience mediation and negotiation dynamics from different perspectives.

Most of the problems rely on confidential instructions that are specific to the particular role you will be playing. You will often be working with a partner or with other groups on the same "side" of a problem (for example, a client and her attorney or co-defendant). Please do not share confidential instructions about a problem with others, even if they are on your "side". And, because it is difficult to design and refine effective negotiation problems for a course such as this, please do not share the written instructions with students not taking this Seminar. Your honesty, integrity and ethical conduct are expected and appreciated in this and all matters in this class.