CLASS PRINCIPLES/POLICIES:
ADVANCED MEDIATION SEMINAR, PROF. BUSH

Course Description:

This course examines the theory and practice of the out-of-court process for addressing disputes known as "mediation". The focus is not only on why lawyers and clients might choose mediation to address their claims, but how the process works to achieve the goals clients are interested in, often better than more formal processes. We study and compare two significantly different versions, or models, of mediation practice, each of which might be the most effective means of helping clients achieve their goals. We also consider critiques of the mediation process, especially on the grounds that it undermines fairness and social justice. In all of this, we look closely at the actual practices of mediators – using videotapes to study and analyze those practices – and we consider how understanding those practices can enhance practical lawyering skills. This is a writing seminar, generally for WC2, but with some places for WC1 (with instructor permission). There is no final exam.

Class times & location:

Tuesdays, 2:10 pm – 4:00 pm, Room 243
(Except for the week of October 21 – see Short Syllabus on TWEN)

Professor Bush contact information:

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Office Hours: by appointment
Secretary: Frances Avnet
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Course Materials:

- FOLGER, BUSH, & DELLA NOCE, TRANSFORMATIVE MEDIATION: A SOURCEBOOK (2010) [Available at the Hofstra Bookstore or online at www.transformativemediation.org, probably for a lesser price)
- COURSE MATERIALS I, II, III, IV, V [Available in the Photocopy Room or on TWEN, as announced in class]
- "HO'S" – Handouts posted on TWEN (see below)

TWEN:

This course will use "TWEN" (The West Education Network), "an online extension of the law school classroom." Important course information, materials, and announcements will be made available / communicated via TWEN. Please sign up for TWEN as soon as possible, using the email address that you check most often, even if it is not your Hofstra email. This course can be accessed as "Advanced Mediation Seminar Fall 2014". If you have TWEN-related questions, please ask one of our librarians at the reference desk for assistance.

Class assignments/readings:

All reading assignments are indicated on the Short Syllabus posted on TWEN, listed on a class by class basis for the 14 classes of the semester. Many of the assignments will be posted as documents (Word or PDF format) on the class TWEN page. You will receive notice of these postings in class and by email. Be sure to check your email regularly for class notices. Writing assignments (see below) will also be posted on TWEN.

Attendance & Lateness:

You are expected to arrive on time and prepared for each class.

Moreover, the rules of the New York State Court of Appeals and the American Bar Association require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of the regularly-scheduled classes in this course. **Thus, you may miss no more than two classes in this 2-credit class.**

I will provide dated sign-in sheets for each regularly-scheduled class. **Your signature (or lack thereof) on these sheets shall presumptively determine your attendance at (or absence from) any given class**. Each student is individually responsible for signing the attendance sheet in. Falsification of sign-in sheets (by, for example, signing another student's name) is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by not attending class, or by failing to sign in, you will be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

The Office of Student Affairs has authority to excuse class absences for religious reasons and in cases of truly compelling hardship. If you wish to claim a particular absence as excused, and thus not counted against your maximum number of allowable absences, you must take that issue up with the Office of Student Affairs – NOT with me or my secretary. **I shall mark an absence as excused if and only if I receive a note or email from the Office of Student Affairs to that effect.**

Lastly, late arrivals are disruptive to the class. For this and other reasons, please make every effort to arrive on time to class.

Email and Office Hours:

My email and office hours are set forth above. For general administrative questions or concerns, please contact my secretary for assistance. For substantive questions or concerns, I ask that you contact me by email, and I will arrange time to talk in person or by phone.

Writing Assignments and Grading:

Your final grade will be based upon the grades you receive on your writing assignments and on your class participation.

If you take the course for WC2, you must write three short papers (6-10 pp. each), on topics that will be assigned by the instructor. These are in the nature of essays, analytical and/or reflective, related to our class discussions. They are not research papers. Your final grade will be based on the average of your grades on all three short papers, and your class participation.

If you take the course for WC1 (subject to instructor permission), you must write a 20-24 page research paper on a subject of our mutual agreement, related to the subjects discussed in the seminar. This is in the nature of a mini-law-review article, complete with sources and citations. Your final grade will be based on the grade you receive on this final paper, and your class participation.

This is a limited enrollment seminar, so there is no mandatory curve affecting the grading in the course. Your performance is the only limit on your grade.