MEDIATION PRINCIPLES/PRACTICE 2016-- PROF. BUSH -- COURSE POLICIES

Course Description, Requirements and Learning Outcomes:

This is an experiential, skills course that will introduce students to mediation theory, principles and practice skills at a basic, generic level, and will also address some of the specifics involved in mediating family and workplace conflicts, as well as key ethical dilemmas faced in mediation practice. Specific topics addressed in the course can be found in the Course Syllabus.

The course will address these topics through lectures, discussion, demonstrations, skills exercises and coached simulations, and weekly reflective journals. It is a highly experiential, “hands-on” course. Therefore, please note: this course will allow - and require – you as a student to participate in practice exercises and simulations in class.

The course will also require significant out of class reading and writing assignments (as per the Syllabus). These assignments are required for the substance of the course, as well as for compliance with an American Bar Association requirement that you spend at least six hours per week, on average, outside of class studying for this 3-credit course. This is in addition to the three hours a week we spend in class. (The ABA has a formula for determining the requirement. In other courses, the required number of out-of-class hours may be different.)

Through your work in the course, you will gain a basic familiarity and competence in the principles and skills needed for mediation practice - skills which are also of great value in many other areas of lawyering and client counseling (as we will discuss in the course). These skills are included in Category 6 of the Law School’s Learning Outcomes for Graduating Students, including: (d) negotiating, (e) counseling clients, (f) interviewing, (j) working collaboratively, (c) recognizing ethical dilemmas, and (k) learning from experience through self-critique.

Class time & location:

Thursdays, 2:10 pm – 5:00 pm, Room TBA.

Professor Bush contact information:

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1 Unless otherwise announced.
Course Text (available for purchase at the Hofstra University Bookstore, OR online at http://www.transformativemediation.org/proddetail.php?prod=2cTMSB-paperback

- Folger, Bush & Della Noce, eds., Transformative Mediation: A Sourcebook (2010, ISCT)
- In addition to the Course Text, you will receive a Course Manual at the first class meeting that will be used throughout the semester.
- For certain classes, additional articles will be assigned as reading and posted on TWEN.

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 “Mediation Principles and Practice, Fall 2016”. 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 Syllabus posted on TWEN. They are listed on a class by class basis for the 14 classes of the semester. Most of the assignments are in the Sourcebook text or Course Manual, but some additional reading will be assigned in the form of articles posted separately on TWEN. Be sure to check your email regularly for class notices.

Attendance & Lateness – PLEASE READ CAREFULLY:

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

- Because this is a skills practice course, your ability to learn and perform the skills being taught in each class will depend on your cumulative practical learning from every previous class. It will be impossible to “make up” for missed classes by studying others’ notes, and there will be no podcasts because demonstrations and exercises make up a major part of the course. Therefore, I will expect perfect attendance unless there is a documented medical reason for an absence (or a serious family emergency). Unexcused absences will affect your grade in the course, as discussed further below.

- Apart from any impact on your grade, all faculty are required to mention that 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 three-credit class in order to get credit for the course, according to NY and ABA rules.

- I will provide dated sign-in sheets for each regularly-scheduled class. Your signature on these sheets shall presumptively determine your attendance at any given class.
• Under the NY and ABA rules, 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.

**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.

**Grading – PLEASE READ CAREFULLY:**

This is a graded course. However, your final grade will be based only upon:

(1) the level of your consistent and on-time class attendance,\(^2\)

(2) the level of your preparation, attentiveness, and active participation in each class, including discussions and exercises, and

(3) the timely submission and overall quality of your weekly written “journal” assignments (approximately 2-4 pages/week).

But you will not be graded on the level of skill you attain during the semester in your mediation practices.

There is no final examination or paper in the course. Since this is a skills course, there is no grading curve applicable in this course. The only limit on your grade is your performance on the above three numbered criteria.

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\(^2\) As noted above, because of the cumulative nature of learning in this skills course, I expect perfect attendance unless absence is due to a medical or family emergency. Furthermore, **perfect attendance is particularly important in the first seven weeks of the course**, since your basic skills learning will not be complete until the end of those seven weeks. Therefore, absences during that period will affect your grade more than absences during subsequent weeks, though all unexcused absences will affect your grade to some degree.

**PLEASE NOTE:** If you are taking this course as a co-requisite for the Mediation Externship, you MUST have perfect attendance in the first seven weeks of this course, because this will serve as your basic training for the actual mediating you will do in the Externship.