

**ALTERNATIVES TO LITIGATION, PROF. BUSH**  
**COURSE POLICIES 2018**  
**[For week-to-week assignments, see Course Syllabus]**

**Course Description:**

While traditional legal education centers on litigation in court, this course focuses on the wider dispute resolution system of which courts are a part. It examines how Alternative Dispute Resolution (ADR) processes such as negotiation, mediation, arbitration, expert evaluation, collaborative law, along with their combinations and variations that take place outside of the courtroom, function as alternatives and supplements to litigation and judicial dispute resolution. The course traces the history of, and the recent rise of interest in, ADR. It also presents a conceptual framework for understanding the distinctions among ADR processes, and analyzing how each process can be helpful in achieving particular client goals.

The course will examine ADR processes as they are used in areas ranging from family disputes, to business transactions, consumer/business conflicts, and civil rights actions. A major focus of the course is the lawyer's key role as a "process counselor" – that is, an expert adviser who facilitates his/her client's informed choice among dispute resolution options. This course combines theory and practice, including skills exercises in which students practice counseling clients on the choice of an ADR process. On the final exam, students are asked to use their ADR knowledge to analyze a problem of "process choice" for a hypothetical client, and advise the client on his/her options. **This is NOT a writing course.**

**The material studied in this course is related to several Categories of the Law School's Learning Outcomes for Graduating Students, including: Category 1 (a) [Substantive Rules of Law and Policies (Arbitration Law)]; Category 3 (a) – (d) [Sources of Law and the Process of Law Creation and Evolution]; Category 6 [Lawyering Skills, including: (d) negotiating, (e) counseling clients, (f) interviewing, (h) oral advocacy, and (c) recognizing ethical dilemmas; and Category 7 (a) & (b) [Professional Identity and Perspectives].**

**Class times & location:**

Thursdays 2:10 pm – 5:00 pm, Room TBA

**Professor Bush contact information:**

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### **Course Materials:**

- LEONARD L. RISKIN ET AL., DISPUTE RESOLUTION AND LAWYERS (4<sup>TH</sup> OR 5<sup>TH</sup> ABRIDGED ED.)
- COURSE MATERIALS BOOKS I, II, III [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 “Alternatives to Litigation Spring 2018”. 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.

### **Attendance, Participation & 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 (6 hours) in this 3-credit (42-hour) 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.

### **Final Exam, participation and Grading:**

Your final grade will be based upon the grade you receive on your Final Examination, and on your participation in class. Skills exercises will not be graded, but your serious participation in them is required for the course. **This is NOT a writing course.**