ALTERNATIVES TO LITIGATION – PROFESSOR BUSH
COURSE SYLLABUS – SPRING 2018
Class Time: Thursday, 2-5 pm
(Readings are from Riskin & Westbrook text [RW4 OR RW5, as below], and Course Materials [CM] books I-III [in Copy Room] and Added Mater. [on TWEN].)

Week 1:
Introduction to “ADR” Processes
Reading: Bush, Dispute Resolution: The Domestic Arena, 1-22 (posted on TWEN)
Identifying Goals: Client Interviewing—Principles
Reading: RW4, 11-19, 66-74 [RW5, 7-14, 43-49]; Bush, Client-Centered Lawyering Skills (posted on TWEN)

Week 2:
Identifying Goals: Client Interviewing—Skills Exercise
Reading: Same as previous
Matching Tools to Goals: Process Choice, Private and Public
Reading: CM I, 16-77 (circled page numbers), plus handout

Week 3:
Adjudication: Process Features and Effects
Reading: CM I, 105-157 (un-circled page numbers)
Adjudication: Matching Effects to Goals – Private and Public
Reading: Same as previous

Week 4:
Adjudication: Skills Exercise – Public Policy Process Advocacy
Reading: Same as previous, plus handout
Arbitration: Process Features and Effects – the “Mirror” of Adjudication
Reading: CM II, 141-222, RW4, 369-79 [RW5, 391-401]

Week 5:
Arbitration: Process Features and Effects – Private and Public Goals
Reading: Same as previous, plus additional articles posted on TWEN.

Week 6:
Arbitration: Puzzles and Ethics – the “Essence” of “Classical Arbitration”
Reading: Same as previous
Arbitration: Skills Exercise – Private Client Process Counseling
Reading: Handout

Week 7:
Arbitration: Legal Doctrine and its Impact
Arbitration: “Formalized Arbitration” -- Features and Effects
Reading: CMII, 238-269; plus additional articles posted on TWEN

Week 8:
Negotiation: Process Features and Effects – “Classical” and “Modern” Negotiation
Reading: RW4, 117-67 [RW5, 113-154]; Fisher & Ury, Getting to Yes [posted on TWEN]
Negotiation: Skills Exercise – the Different Approaches Compared
Reading: Handout

Week 9:
Negotiation: Process Limits – Why Negotiation Fails and What to do Instead
Reading: CMIII (pages TBA)
Mediation: Process Features and Effects – “Evaluative” and “Facilitative” Mediation
Reading: RW4, 205-18 [RW5, 211-25], CM III (pages TBA)

Week 10:
Mediation: Process Features and Effects – “Evaluative” and “Facilitative” Mediation
Reading: RW4, 230-48 [RW5, 234-51], CM IV (pages TBA)
Mediation: Process Limits – the Critique of Mediation (and ADR)
Reading: CM III (pages TBA)

Week 11:
Mediation: “Alternative ADR” – “Transformative” Mediation
Reading: CM III (pages TBA)
Mediation: Transformative Mediation – Process Features and Effects
Reading: same as previous

Week 12:
Reading: Handouts
Mediation: Process Choice “Squared” – Mediation Models, and Private and Public Goals
Reading: same as previous

Week 13:
Hybrid Processes: Process Features, Effects and Limits
Reading: RW4, 502-06, 520-27, 564-75 [RW5, 509-14, 527-32, 556-68]
ADR Ethics – Mediators, Arbitrators, Judges (and Lawyers)
Reading: RW4, 266-86 [RW5, 306-21], CM III (TBA)

Week 14:
ADR Processes: Process Choice or Process Priority?
Reading: Bush, “Imaginary Conversation” [posted on TWEN]
ADR Processes: Process Tools or Process Values?
Reading: RW4, 20-44, 576-90 [RW5, 569-84].

Review Session:
Course Conclusion and Sample Exam Review
Reading: Handout (Bush, Process Choice Checklist)