Overview

The Mediation Clinic is designed to orient students to major issues in the intersection between law and informal dispute resolution. Students in the Mediation Clinic serve as mediators in cases referred to PINS Diversion in Nassau County. The PINS system is designed to help families whose children skip school, run away from home, or disregard their parents’ authority. In New York, these children are referred to as “persons in need of supervision”; nationally, they are called “status offenders” because the laws they break only apply to minors. For many years, the Family Court handled PINS cases. PINS children were frequently removed from their homes and placed in foster care.

Recently, there have been efforts to change how PINS cases are handled. Most significantly, parents looking to file a PINS petition with the Family Court must first try to solve their family’s problems with community-based services. We call this PINS Diversion because a family, otherwise headed for court, is steered down a different path – one designed to avoid the need for court involvement in the future. But in order to take advantage of the community resources offered through PINS Diversion, families must first be able to access their own strengths and capabilities. This is where mediation can help. By providing a safe and confidential setting for families to talk about difficult issues, mediation can help families in crisis begin to communicate with each other and make decisions about their future.

Students in the Mediation Clinic will complete an intensive 5-day mediation training before the semester begins. This training will be conducted by a N.Y.S. certified trainer. Students will receive certificates of completion, which qualify them to apply to serve as apprentice mediators in any of the 62 Community Dispute Resolution Centers (CDRCs) in New York State. Following the training, students will begin to observe and co-mediate cases with families participating in Nassau County’s PINS Diversion Program – Family Solutions.

Each student will meet with Prof. Hershman for supervision for one hour each week. During supervision, we will process your cases individually, reflect on your practice, address any concerns you might have, and work on a plan for the further development of your skills.

Students will also participate in Case Rounds once a week, on Fridays. This is your time to talk to each other about what you are experiencing in your mediations – what trends you’re seeing, what challenges you might be facing, what positive developments you’ve noticed. It is also a time to reflect and think together as a group about solving problems, giving and receiving professional advice, and exploring how our values influence our professional norms and skills.

Finally, students will attend a two-hour seminar once a week, on Tuesdays. The topics and reading assignments for these seminars are outlined below. As a general overview, the
course is divided into four sections: 1) How we as mediators work, 2) The world in which we work, 3) Other actors and how we interact, and 4) A look at the big picture.

If this sounds like a lot of work – it is. But it is my hope that this hard work will result in one of the most valuable experiences of your law school career. Through your Clinic work, you will learn new skills, develop a new understanding of conflict and what it means to “help”, collaborate with professionals from different disciplines, and reflect on what it really means to be a client-centered lawyer. It is my experience that the more you put into a clinic; the more you get in return. So work hard, mediate diligently, reflect – and, most of all, enjoy!

Credit Awarded
For successfully completing the Clinic, you will receive 6 credits. Your satisfactory participation will also fulfill the law school’s Writing II requirement.

Class Attendance
You are required to attend all seminar, case round, and supervision sessions.

If you are not going to be able to attend a class session due to illness, emergency, or extraordinarily important personal circumstance, please contact Margot Rivera (contact information below) with as much advance notice as possible.

If you are not going to be able to attend a supervision session, please take it upon yourself to switch your session with another member of the class. If you are unable to work something out with another student, please contact me directly to reschedule.

If you miss more than three classes (including supervision sessions), I may lower your final grade appropriately or ask you to withdraw from the course.

Evaluation
Please refer to the Evaluation Criteria and Rubric included in Appendix B of your Clinic Manual. You will be graded on your mediation skills; interaction with clients and other individuals involved in clients’ cases; mediation practice management; clinic-related projects and research; initiative and reflective skills; weekly class seminar preparation and participation; and evidence of professional responsibility.

Course Materials
The only book that you will need for this course is:


Additional class materials will be posted on the Course Materials Portion of the Clinic’s TWEN site or distributed in class.

TWEN
The Clinic will have a TWEN site on which announcements and course materials will be posted and discussion will be invited.
**Contact Information**

I am available to you and happy to answer any questions that you have. There are no silly questions.

You should feel free to contact me in person, via email, office phone, or cell phone.

My office is in the Clinic Building. Feel free to stop by at any time. If I can’t meet with you at that moment, we will set up another time to talk. Remember, you will each have one hour each week to meet with me one-on-one during supervision. This might mean that I am not available at a certain time because I am meeting with another student. While I am more than happy to discuss things outside of supervision, part of being a lawyer is learning to prioritize and it is crucial that we be respectful of other people’s time.

My email is lisa.hershman@hofstra.edu. My telephone extension is 3-7108 and my cell phone is 516-398-5643.

If I do not answer my phone or return email right away – don’t fret – I will get back to you as soon as possible. If it is an emergency, please call.

My assistant, Margot Rivera, sits at the front desk of the Clinic Building. She is a great help and will most likely be able to answer any administrative questions (re: forms, scheduling, timesheets, etc.) that you may have. Her telephone extension is 3-5934 and her email is eudofina.m.rivera@hofstra.edu. If you can’t get in touch with me in my office, by phone, or by email – and it’s an emergency – call Margot. She will find me and make sure that I get right back to you.

**Course Schedule and Assignments**

All clinic trainings, seminars, case rounds, and events currently scheduled are listed below. For the training and the seminar sessions, please have the reading assignment prepared for that day’s class. I am currently in the midst of scheduling some additional field trips for the Clinic, so the schedule below, including dates and reading assignments, is subject to change. I will keep you posted as to any changes if and when they occur.

**PART I: HOW WE WORK**

**Monday, August 11 – Friday, August 15**

Mediation Training

Time: 9 a.m. to 5 p.m.

Place: Law School, Rm. 243 (M, T, W, F); Faculty Lounge (Th)

*Reading assignment:*

**Monday, August 18**
All Clinic Orientation Program  
Time:  5:10 to 6:00 p.m.  
Place:  Faculty Lounge  

*Reading assignment:*  
Mediation Clinic Manual  

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**Tuesday, August 19**
Clinic Seminar  
Time:  2:10 to 4:00 p.m.  
Place:  HLC  

*Topic:*  Training Review and Course Introduction  
A Brief Introduction to Culture and Cognition  

*Reading assignment:*  

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**Friday, August 22**
Computer Training  
Time:  10:30 a.m. to 12:00 p.m.  
Place:  HLC  

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**Tuesday, August 26**
No Seminar  

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**PART II: THE WORLD IN WHICH WE WORK**

**Friday, August 29**
Make-up Seminar  
Time:  10:30 a.m. to 12:20 p.m.  
Place:  HLC  

*Topic:*  Alternative Dispute Resolution (ADR)/Mediation Overview  

*Reading assignment:*  
Tuesday, September 2
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

**Topic:** PINS – The Legal & Political Context

**Reading assignment:**
N.Y. Fam. Ct. Act, Art. 7 (pay close attention to § 735)


Friday, September 5
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: Clinic Conference Room

PART III: OTHER ACTORS AND HOW WE INTERACT

Tuesday, September 9
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

**Topic:** Untangling the Web of Professional Responsibility – Legal, Mediation, & Social Work Ethics

**Reading assignment:**

AFCC Model Standards of Practice for Family and Divorce Mediation (2000). Retrieved on July
- Preamble: A Lawyer’s Responsibilities
- Rule 1.6: Confidentiality of Information
- Rule 2.4: Lawyer Serving as a Third Party Neutral
- Rule 8.4: Misconduct
  NB: California, Maine, and New York are the only states that do not have conduct rules that follow the format of the ABA Model Rules of Professional Conduct. New York follows the predecessor ABA Model Code of Professional Responsibility. California and Maine have developed their own rules.

- Preamble
- Preliminary Statement
- Canon 1 and related Ethical Considerations and Disciplinary Rules (paying special attention to those related to Provision of Non-Legal Services)


Friday, September 12
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

Tuesday, September 16
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

*Topic:* Transformative Mediation and Social Work – Theories of Change

*Reading assignments:*
Dorothy J. Della Noce & Hugo C.M. Prein, “The Case for Transformation: A Review of
Theoretical and Empirical Support.” In J.P. Folger and D.J. Della Noce (eds.), *The Handbook of Transformative Practice: Relational Approaches to Conflict Intervention.* (forthcoming 2008)


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**Friday, September 19**
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

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**Tuesday, September 23**
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

*Topic:* Perspectives on Interdisciplinary Practice – Walking the Walk & Talking the Talk

*Reading assignment:* TBD

* This class session will be conducted as a joint case conference with social workers from the Family Solutions program and, possibly, psychology graduate students. The purpose of the class is to explore how professionals from different disciplines bring specific viewpoints and knowledge to bear on a single case. We will discuss potential barriers and opportunities for collaboration across disciplines.

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**Friday, September 26**
Visit to MercyFirst Residential Treatment Center
Time: TBA
Place: 525 Convent Road, Syosset, NY 11791

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**Monday, September 29**
No Mediations – Erev Rosh Hashana

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**Tuesday, September 30**
No Seminar and No Mediations – Rosh Hashana
Friday, October 3
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

*** Sign up for mid-semester simulation (1 hr) and critique (1 hr) ***

Tuesday, October 7
Mid-semester Simulation and Analysis
Time: TBD
Place: TBD

Reading assignment:

*If anyone would like to view the DVD of the Purple House mediation, on their own time, please see me.*

Wednesday, October 8
Erev Yom Kippur – No Mediations

Thursday, October 9
Yom Kippur – No Mediations

Friday, October 10
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

PART IV: THE BIG PICTURE

Tuesday, October 14
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

*Topic:* Reflective Practice – Advanced Topics in Transformative Mediation

*Reading assignments:*


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**Friday, October 17**
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

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**Tuesday, October 21**
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

*Topic:* Widening the Lens – Examining Different Models, Practices, and Applications of Mediation

*Reading assignment:*


Reading as necessary to prepare for small group presentations.

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**Friday, October 24**
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

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**Tuesday, October 28**
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

**Topic:** The Promise of Mediation? – Thinking Critically About Process and Practice

**Reading assignment:**


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**Friday, October 31**
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

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**Monday, November 3**
Clinic Open House
Time: 3:00 to 6:00 p.m. (students will take shifts)
Place: TBA

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**Tuesday, November 4**
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

**Topic:** Justice and Mediation

**Reading assignments:**


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**Friday, November 7**
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

Tuesday, November 11
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

Topic: Telling Stories – Prep for All Clinic Story Hour

Reading assignment:
Stefan Kreiger & Richard Neumann, Essential Lawyering Skills, Ch. 13.

Friday, November 14
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

Monday, November 17
All Clinic Story Hour
Time: 5:10 to 6:00 p.m.
Place: TBA

Tuesday, November 18
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

Topic: Where Do We Go From Here? – Considering Systemic Issues and Reform

Reading assignment:


Friday, November 21
Case Rounds
Time: 10:30 a.m. to 12:00 p.m.
Place: HLC

Tuesday, November 25
Clinic Seminar
Time: 2:10 to 4:00 p.m.
Place: HLC

Topic: Semester Reflections and Celebration Lunch

Wednesday, November 26 – Friday, November 28
No Mediations and No Case Rounds - Happy Thanksgiving!

Wednesday, December 3
Last Day of Mediations

Friday, December 5
Last Day to Turn in Paperwork

HAPPY WINTER BREAK!! THANK YOU FOR ALL YOUR HARD WORK!