

*CUMBERLAND SCHOOL OF LAW
AT SAMFORD UNIVERSITY*

**DISPUTE RESOLUTION
INSTITUTE**

OPPORTUNITIES
FOR DEVELOPMENT

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DISPUTE RESOLUTION INSTITUTE

INTRODUCTION:

Clients often seek the assistance of attorneys to resolve disputes. Although the courtroom is a place where this can, and sometimes should occur, attorneys trained only in litigation are likely to miss opportunities to serve their clients in ways other than through litigation. To become as effective at problem solving as they are at litigating, attorneys need training in alternative dispute resolution methods. These methods focus on the identification of realistic goals and the techniques used to efficiently achieve them. Cumberland offers its students an outstanding education, both theoretical and practical; a Dispute Resolution Institute could be a worthy addition.

INTEREST:

A Dispute Resolution Institute would be of interest to those students who wish to do intensive work in dispute resolution, either because they hope to become mediators, arbitrators or work for organizations that provide or utilize such services, or because they hope to become litigators and recognize that dispute resolution skills are essential to the practice of law.

BASIC COURSES:

The three basic courses would likely be Alternative Dispute Resolution (ADR), Arbitration and Mediation. A skills-driven Negotiation course for new admittees or for rising second year students may be appropriate as a Summer offering.

ADVANCED COURSES:

The advance courses would likely be Advanced Mediation, Dispute Resolution Systems Design, Dispute Resolution and Religion and Dispute Resolution in Domestic Relations.

WRITING OPPORTUNITIES:

A limited group of students may participate in a reading group and collaborate with a Faculty or Adjunct Faculty member to write a publication quality paper advancing research and scholarship in ADR.

MEDIATION OPPORTUNITIES:

An externship placement with the Jefferson County District Court Mediation Project would provide students with an opportunity to observe the mediation process and to interact with litigants. Students having their third-year practice card and appropriate training would also be eligible to co-mediate cases.

COURSE DESCRIPTIONS

NEGOTIATION: (presently offered)

This course introduces students to the theory and practice of negotiation by having the students participate in mock negotiations and then use those experiences to consider topics such as tactics; the nature of conflict; integrative and distributive bargaining; overcoming barriers to agreement; lawyer-client relationships; listening, communication, and persuasion; interests, rights and power; and the economic foundation of transactions and contracts.

ALTERNATIVE DISPUTE RESOLUTION: (presently offered)

This course introduces basic processes of dispute resolution (negotiation, mediation and arbitration,) as well as other processes (such as neutral evaluation, mini trials, and summary jury trials). By surveying the full array of processes, this course enables students to analyze and compare various processes' advantages and disadvantages. Students will also be introduced to process design to see ways in which lawyers and parties can go beyond given procedures to create procedures suited to their interests.

ARBITRATION: (presently offered)

This course introduces the arbitration process and its functions. Course work will focus on the many applications of arbitration, including its use in labor, medical malpractice, construction, securities, and commercial matters. Students participate in simulated exercises. Discussion topics include judicial review, enforcement of arbitration awards and the application of the arbitration process to the public and private sectors.

MEDIATION: (presently offered)

This course identifies how mediation fits within the existing dispute resolution process; it analyzes the component parts of mediation; it analyzes the mutuality of negotiation, as well as analyzing the strategies and hurdles of two-party and multi-party mediations.

ADVANCED MEDIATION:

This advanced offering would be for those who have already taken Mediation. Two thirds of the course would focus on the design and management of the mediation process to accommodate resolution of complex cases, class actions, mass torts, multidistrict litigation, international disputes and initiation of facilitated pre-suit negotiations. The remaining one third of the course would cover interdisciplinary aspects of dispute resolution including presentations of

current scholarly works and research on psychology, sociology and economic analysis of mediation.

DISPUTE RESOLUTION SYSTEMS DESIGN:

Students become "process architects" for intra-organizational disputes and conflicts. In recent years, organizations have begun to implement procedures whereby many disputes are resolved through in-house programs. Such programs must be well designed, economical, able to change as the law develops, and applicable to a broad range of disputes that are likely to occur.

DISPUTE RESOLUTION AND RELIGION:

Through case studies, experiential learning and discussion, this course examines the influence of religion, its values and guidelines, on the resolution of conflict. The primary focus is on the Judeo-Christian heritage with an examination of dispute resolution processes in Judaism and Christianity, including traditional approaches utilized by religious groups. The course will center around models and skills for Christian and Jewish congregational conflict intervention.

DISPUTE RESOLUTION IN DOMESTIC RELATIONS:

This course is an advanced study of the processes used to resolve disputes that arise in marriage dissolution, child custody and visitation, and property division. Emphasis is on negotiation and mediation skills in the context of family relationships, though issues and skills related to litigation are also addressed. Because it is an advanced course, practical experience or previous course work in family law, negotiation, mediation or trial practice will be helpful.