



THE OHIO STATE UNIVERSITY

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MORITZ COLLEGE OF LAW

## **PROGRAM ON DISPUTE RESOLUTION**

CERTIFICATE IN DISPUTE RESOLUTION GUIDELINES, 2017-2018

### **Program Faculty:**

Amy Cohen

Sarah R. Cole – Director, Program on Dispute Resolution

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L. Camille Hebert

Katrina Lee

John B. Quigley

Nancy H. Rogers

Joseph B. Stulberg

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### **Program Adjunct Faculty:**

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Hon. Stephen McIntosh

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## **CERTIFICATE IN DISPUTE RESOLUTION OVERVIEW & REQUIREMENTS**

The Certificate in Dispute Resolution distinguishes those students who graduate from Moritz with advanced knowledge and practical experience in the area of dispute resolution.

The Certificate Program is open to all students in good academic standing at the College of Law. In order to receive the Certificate, a student must fulfill **both** of the following requirements:

1. Earn 15 course credits at the College of Law that have been approved as part of the Certificate Program by the faculty administrator and the Associate Dean for Academic Affairs.
  - a. The student must take either the Mediation Clinic and Seminar or the Multiparty Mediation Clinic.
  - b. The student must also earn credit in an approved dispute resolution seminar, in which the student completes a substantial and high quality scholarly paper in the dispute resolution field. This seminar requirement may be fulfilled by writing a seminar paper in the Medication Clinic and Seminar,
  - c. The student may earn up to 3 credit hours through their work as a staff member or editor of the *Ohio State Journal on Dispute Resolution*.
  
2. AND, successfully complete 112 non-credit externship hours.
  - a. These hours should involve work resolving disputes, expanding comfort level in and exposure to different dispute resolution processes, teaching about dispute resolution, or conducting research and consultation on dispute resolution.
  - b. The 112 hours may be completed through a single placement or through a series of activities during the summers and/or the student's career at the College of Law.
  - c. Either the Langdon Fellow in Dispute Resolution, Bill Froehlich ([froehlich.28@osu.edu](mailto:froehlich.28@osu.edu)) or the Director of the Program on Dispute Resolution, Professor Sarah Cole ([cole.228@osu.edu](mailto:cole.228@osu.edu)), may approve activities that a student wishes to engage in to satisfy the externship requirement.

The Certificate in Dispute Resolution is a separate document from the J.D. diploma. A notation regarding the Certificate will be made on the transcript of grades for the J.D. degree in the same manner as the notation for honors.

## **DISPUTE RESOLUTION COURSES**

### **Required Courses:**

- 1) Mediation Clinic and Seminar or Multiparty Mediation Clinic
- 2) An approved dispute resolution seminar, which may include the Mediation Clinic and Seminar, in which the student completes a substantial and high quality scholarly paper in the dispute resolution field

### **Elective Courses offered during the 2017-2018 academic year:**

<b>Course Name</b>	<b>Faculty</b>	<b>Additional Notes</b>
1. Business Negotiations in a Global Environment	Lee	Summer in Oxford
2. Dispute Resolution Processes: Theory & Practice	Deason	
3. Design of Dispute Systems	Stulberg	
4. International Business Arbitration	Deason	
5. International Dispute Resolution	Quigley	
6. Issues in Arbitration	Cole	This is a 3 credit course
7. Lawyers as Leaders	Stewart	1 Certificate credit
8. Legal Negotiations	Lee	
9. / Legal Negotiations & Settlements	Stulberg	
10. Litigation and ADR Research	Gatz	
11. Mediation Clinic and Seminar	Cole / Froehlich	ADR Seminar option
12. Multiparty Mediation Clinic	Stulberg / Froehlich	
13. Negotiation and Mediation Advocacy	Lawrence	Spring Break Course
14. Resolving Community Civil Rights Disputes	Lum	
15. Seminar on Middle East Conflict	Quigley	ADR Seminar requirement
16. Special Education Advocacy	Colker	2 Certificate credits

### **Elective Courses NOT offered during the 2017-2018 academic year:**

- 1) Alternative Dispute Resolution in the Work Place
- 2) Commercial and Labor Arbitration
- 3) Comparative Dispute Resolution\*
- 4) Comparative ADR (Summer in Oxford Program)
- 5) Disability Discrimination (1 credit toward the Certificate)
- 6) Dispute Resolution in Employment (spring break course)
- 7) Ethics & ADR Seminar \*
- 8) Inter-Ethnic Conflict Resolution Seminar
- 9) International Dispute Resolution
- 10) Issues in Arbitration (2 Credit Seminar)\*
- 11) Jurisprudence and ADR Seminar
- 12) Labor Law, Labor Arbitration and Collective Bargaining Negotiation (2 credits toward the Certificate)
- 13) Law and Psychology (3 credits count toward the Certificate if certain requirements met)
- 14) Law and Social Science

## **EXTERNSHIP ACTIVITIES**

The 112 hour non-credit externship component requires students to complete work resolving disputes, expanding comfort level in and exposure to different dispute resolution processes, teaching about dispute resolution, or conducting research and consultation on dispute resolution. The 112 hours may be completed through a single placement or through a series of activities during the summers and/or the student's career at the College of Law. *Hours can be earned through voluntary or compensated activities.* Hours generally are not awarded for activities required for a class and/or that receive an academic credit.

Some sample externship hour opportunities are attending and/or participating in:

### **Qualifying Student Activities**

- Dispute Resolution and Youth (DR&Y)
- Journal on Dispute Resolution Symposium
- Lawrence Negotiation Competition and related Negotiation Workshop (Fall)
- Representation in Mediation Competition (Winter)
- Research for faculty
- Schwartz Lecture on Dispute Resolution (Spring)
- Student Mediation Program
- Truancy Mediation Project
- Volunteering as a mediator or facilitator for class exercises (e.g. LRW or Negotiations)
- Writing for Mayhew-Hite Newsletter
- Other approved dispute resolution related lectures/workshops

### **Qualifying Activities Outside of Moritz**

- Attendance at a local, state, regional, or national dispute resolution related meeting or conference, e.g.,
  - Ohio Mediation Association
  - ABA Dispute Resolution Conference
- Better Business Bureau
- Franklin County Small Claims Court
- Franklin County Domestic Relations and Juvenile Court
- Law firm dispute resolution work
- Ohio Commission on Dispute Resolution
- Ohio Department of Education
- Preparation of dispute resolution-themed article for publication
- Prosecutor's Office or Small Claims Court mediations (if not for class requirement)

This is not meant to be an exclusive list of activities that satisfy the externship requirement. If you have a question regarding whether an activity can be counted toward the externship hour requirement, please contact Professor Sarah Cole ([cole.228@osu.edu](mailto:cole.228@osu.edu)) or the Langdon Fellow, William Froehlich ([froehlich.28@osu.edu](mailto:froehlich.28@osu.edu)).

## **CERTIFICATE COURSES 2017-2018**

### **Oxford Course 2017**

#### **Business Negotiations in a Global Environment**

**Professor Katrina Lee**

**3 Credits**

Lawyers increasingly find themselves in global legal practices. This highly interactive course will offer a basic introduction to negotiations theory, approaches, and strategy, and give students opportunities to put negotiations concepts into practice in simulated business negotiations in the contemporary global legal landscape. Students will work on developing and improving self-awareness as a negotiator as well as creativity, persuasion, problem-solving, and listening skills. Students will engage in simulated negotiations and participate in debrief discussion, and will be expected to prepare out of class for simulations. A familiarity with negotiations theory or international business is not a prerequisite.

### **Fall 2017**

#### **7106 – Legal Negotiations and Settlements**

**Professor Joseph B. Stulberg**

**Monday 4:20-7:00 p.m.**

**3 Credits**

This course systematically blends theoretical analysis with performance skill training. The goal of the course is to strengthen each student's ability to be an effective, thoughtful self-reflective practitioner.

Topics examined include: the relationship of the negotiation process to democratic theory; principled, distributive, and problem-solving theories of negotiation; diversity dynamics in conducting cross-cultural negotiations; theory and strategies for conducting multiparty negotiations; representing clients in a facilitated negotiation; and ethical responsibilities for lawyer-negotiators.

Course enrollment accommodates 50-60 students. Professor Stulberg is joined by three adjunct professors who themselves are practicing lawyers or judges. The class format combines large group lecture/discussion led by Professor Stulberg with small section discussion/simulation work guided by one of the four professors. Graded work includes two short analytical papers, three-to-four journal reflections on selected simulations, and a longer essay tied to an analysis of the final simulation assignment and course readings. Participation in the preliminary round of the Lawrence Negotiation competition is a required course component.

**7124 – International Dispute Resolution****Professor John B. Quigley****Tuesday & Thursday 1:30 – 2:45 p.m.****3 Credits**

Disputes that arise between states of the world often require the work of lawyers to avert a more serious breakdown in relations, or to protect the rights of individuals whose interests are involved in the dispute. Disputes can be over a minor matter capable of quick resolution, or they can be over a long-standing issue extending well back in the history of the disputants. This course examines techniques of negotiation, mediation, arbitration, and judicial settlement for resolving such disputes. Simulations will be held of inter-state disputes, in which students will be asked to represent a state or to act as adjudicator. Simulations will be drawn from current and recent cases in the International Court of Justice in which states seek to resolve territorial and resource claims, or the consequences of armed conflicts.

**7127 – Design of Dispute Systems****Professor Joseph B. Stulberg****Monday & Wednesday, 8:45 – 10:00 a.m.****3 Credits**

This is a course to prepare students to design new forums for particular disputes and also to design, or modify, disputing systems for series of disputes. Students will examine particular systems, assess their strengths and weaknesses, and make proposals for change. Where appropriate, students will interact with a client with a particular problem to solve. A prior or concurrent course in dispute resolution is recommended for students taking Design of Dispute Systems.

**8189.07 - Mediation Clinic and Seminar****Professors Sarah Cole & William Froehlich****Tuesday & Thursday, 9:10 – 11:00 a.m.****4 Credits**

The Mediation Clinic and Seminar provides opportunities to develop skills as a mediator, along with basic study of mediation law and policy issues. The course combines the features of a regular law school class, a clinic, and a seminar. For the clinical component, students will receive skills training through role plays and exercises, and then serve as a mediator for the Franklin County Small Claims Court and other forums. Students planning to take the course must ensure that their schedules are open to mediate cases at least *one weekday afternoon and one weekday evening per week*, Monday through Thursday. The afternoon and evening do not have to be on the same day. *There is a mandatory weekend mediation training program, which will be held the weekend of August 25 to 27.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester. This course may satisfy the seminar requirement for graduation and the paper requirement for the Certificate in Dispute Resolution. Students who have taken the Multiparty Mediation Clinic may not take this course. This is a limited enrollment course.

## **Resolving Community Civil Rights Disputes**

**Professor Grande Lum**

*Distinguished practitioner in residence course, time to be announced*

**1 credit**

This highly interactive course focuses on multi-party negotiations, working in teams, group decision-making, and negotiating on behalf of organizations to solve complex problems, specifically when there are communities divided by civil rights disputes. In the context of both real case studies and simulations, we will address diverse public policy issues, including civil rights, racial justice, economic inequality. The goals of the class are twofold, for students (1) to acquire a theoretical base through which to analyze, prepare for, participate in and facilitate more complex, multiparty negotiations, and (2) to expand skills through deeper examination of various actual negotiation cases and complex simulations.

### Spring 2017

#### **7009 – Litigation and ADR Research**

**Professor Paul Gatz**

**Wednesday, 2:55 – 3:45**

**1 Credit**

Litigation and ADR Research provides students with an introduction to litigation- and ADR-related materials and advanced training on the finding and utilization of these materials. Topics covered will include form books, court rules and jury instructions, arbitrator and mediator research, trial technique research, interdisciplinary resources, and other topics useful in litigation and ADR settings.

#### **7106 – Legal Negotiations**

**Professor Katrina June Lee**

**Thursday 9:10 a.m. – 12:00 p.m.**

**3 Credits**

This highly interactive course is designed to familiarize students with theories, skills and ethics involved in legal negotiations. Through simulations and role-play exercises, students will gain first-hand experience in applying negotiation techniques. This course will aim to provide students with tools to prepare for, conduct, and analyze negotiations. Topics covered will include creating and claiming value; barriers to agreement and ways to overcome them; client relationships; negotiation power; litigation settlement issues; the role of culture, gender and race in negotiation; ethical dilemmas; and using third-party neutrals. Required readings will be assigned. The course will have no final exam. Students will be evaluated based on factors including assigned writings, class participation, and preparation and performance related to various simulations and exercises.

**7109 – International Business Arbitration****Professor Ellen E. Deason****Monday & Wednesday 8:45-10:00 a.m.****3 Credits**

Arbitration is the most important process for the resolution of business disputes in the international context. This course examines the intersecting roles of private contracts, national legislation and court decisions, and international treaties. Topics include the duties and selection of arbitrators; international arbitration procedures and the influence of national litigation systems; and challenges to arbitral awards and enforcement by national courts. Students will negotiate and draft an arbitration agreement. This course is appropriate for students with an interest in business transactions as well as in litigation.

**7112 – Dispute Resolution Processes: Theory & Practice****Professor Ellen Deason****Monday & Wednesday 1:30-2:45 p.m.****3 Credits**

This dispute resolution course surveys theories of the basic processes – negotiation, mediation, arbitration – and variations, along with the law that governs them. Skill-building is practiced through simulation exercises. The course is distinct from other dispute resolution course offerings in that it emphasizes lawyers' roles in representing clients: as a counselor (helping clients decide on appropriate approaches to resolving disputes and planning for them in structuring business relationships) and as an advocate (representing clients in dispute resolution processes). This course is especially appropriate for students who seek an introduction to the field and for those interested in developing skills central to representing clients.

**7509 – Special Education Advocacy****Professor Ruth Colker****Monday & Wednesday 1:30 – 2:45 p.m.****3 Credits (2 Credits toward the Certificate)**

The purpose of this course is to prepare students to be an advocate on behalf of children with disabilities. It is a highly practical course in which students are expected to be highly prepared for each class session and be actively involved in the simulations and other class work. Topics include: Initiating a Special Education Case, Child Find, Educational Evaluations and Assessments, the Individualized Educational Program, Early Intervention Services, School Discipline, The Due Process Complaint, and Remedies.

This class will be scheduled to meet once a week for three hours. The third hour will be used for a practical, field component. Each student will be required to attend a diagnostic session at the OSU Speech and Language Clinic or the Nisonger Center where they will observe a child with a suspected disability being tested. They will then have the opportunity to attend the session with the parents of the child to discuss the medical results and possible eligibility for special education services. These sessions will be discussed in class (on a confidential basis) to help students better understand how special education programs are proposed for children with

disabilities through the use of experts in the field. The third hour of class will be used to train students how to attend such meetings and to debrief about their observations after attending such meetings.

The third-hour, practical element of this class will be limited to 8 students. If the class is oversubscribed, additional students may be given the option of taking the class for two hours but not have a practical, field placement. A student on the waitlist may consult with the professor if interested in taking a two-credit version of the course.

**8189.06 – Multiparty Mediation Clinic**  
**Professors Joseph B. Stulberg & William Froehlich**  
**Monday & Tuesday 8:20-10:00 a.m.**  
**4 credits**

This course examines the legal, ethical, and policy issues that arise when using the mediation process to resolve multi-party controversies. Students work with the professor and clinical attorney as neutral interveners in the development of party engagement protocols, problem definition, and mediated negotiations for multi-party disputes. In addition to the applied work, each student must mediate a simulated case that is recorded and reviewed by Professor Stulberg; analyzes and critiques the simulated mediation work of a professional mediator; and writes a targeted analytical paper that examines an important policy issue in the field. Students who have taken the Mediation Practicum/Seminar may not take this course. *In addition, each student must participate in the mandatory performance skill training program that will take place at the law school on Friday, January 19, 2018 from 4:00-7:30 p.m., and Saturday, January 20, 2018 and Sunday, January 21, 2018 from 9:00 a.m. – 5:00 p.m.*

**8896.11 – Issues in Arbitration**  
**Professor Sarah Cole**  
**Tuesday & Thursday 1:30 – 2:45 p.m.**  
**3 Credits**

Issues in Arbitration is a course that focuses on the various legal, policy and ethical issues that arise in arbitration. This course will consider the benefits and drawbacks of arbitration as well as critique current judicial approaches to enforcing arbitration agreements and awards. The course will also provide practical experience in arbitration. Students in the course will participate as a representative/lawyer and arbitrator in simulated arbitration hearings and will draft arbitrator opinions following the hearings.

**8896.27 – Seminar on Middle East Conflict**  
**Professor John Quigley**  
**Friday, 10:10 a.m. – 12:00 p.m.**  
**2 Credits**

Seminar participants will be asked to write a research paper on a topic relating to the Israeli-Palestinian territorial conflict, or to related issues, and to make an oral presentation on that topic at a meeting of the seminar. Topics may be oriented to modes of resolving the conflict, to

particular manifestations of the conflict, or to the history of development of the conflict. Papers may, instead of focusing entirely on the conflict, analyze legal issues raised by the conflict but without primary focus on this conflict, for example, focusing on international institutions that play a role in seeking resolution of such conflicts, or on modes of resolution of such conflicts.

**8964 - Lawyers as Leaders**

**Professor Carter Stewart**

**Tuesday, 4:55 – 6:45 p.m.**

**2 Credits** (1 credit toward the certificate)

Description Forthcoming

**Negotiation and Mediation Advocacy**

**Professor James K.L. Lawrence**

**Monday to Thursday 9:00 a.m. - 4:30 p.m., Spring Break 2018**

**2 Credits**

This hands-on, intensive course combines teaching in dispute resolution techniques (such as negotiation, mediation, arbitration, and facilitation) with in-class simulation exercises and written reflections. There are no prerequisites for this course.

Look for an email in fall 2017 from the Registrar's office with registration details.