



THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

PROGRAM ON DISPUTE RESOLUTION

CERTIFICATE IN DISPUTE RESOLUTION GUIDELINES, 2016-2017

Home of the 2016 U.S. News and World Report's #1 Ranked Dispute Resolution Program

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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 taking 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) or the Director of the Program on Dispute Resolution, Professor Sarah Cole (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

*The Mediation Clinic and Seminar will be offered in Fall 2016 and Spring 2017. The Multiparty Mediation Clinic will not be offered during the 2016-2017 academic year.

Elective Courses:

Students pursuing the Certificate may choose from the courses below to satisfy the 15 credit hour requirement. Courses offered during the 2016-17 academic year are marked in *underlined in italics*. Courses that fulfill the seminar requirement are marked with an asterisk *.

- 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 (2 credits count toward the Certificate)
- 6) Dispute Resolution Processes: Theory & Practice
- 7) Dispute Resolution in Employment (spring break course)
- 8) Dispute Systems Design Workshop
- 9) Ethics & ADR Seminar *
- 10) Inter-Ethnic Conflict Resolution Seminar
- 11) International Business Arbitration
- 12) International Dispute Resolution
- 13) Issues in Arbitration*
- 14) Jurisprudence and ADR Seminar
- 15) Labor Law, Labor Arbitration and Collective Bargaining Negotiation (2 credits count toward the Certificate)
- 16) Law and Psychology (3 credits count toward the Certificate if certain requirements met)
- 17) Law and Social Science
- 18) Lawyers as Leaders* (3 credits count toward the Certificate if student writes an ADR-focused paper, 1 otherwise)
- 19) Legal Negotiations
- 20) Litigation and ADR Research
- 21) Mediation Clinic and Seminar*
- 22) Multiparty Mediation Clinic
- 23) Negotiation and Mediation Advocacy (spring break course)
- 24) Seminar on Middle East Conflict*
- 25) Special Education Advocacy (2 credits toward Certificate if student receives a placement, 1 otherwise)

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) or the Langdon Fellow, William Froehlich (froehlich.28@osu.edu).

CERTIFICATE COURSE OFFERINGS 2016-2017

Fall 2016

7106 – Legal Negotiations

Professor Ellen Deason

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. It is relevant to students planning either a transactional or a litigation practice.

Topics examined include: 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 Deason is joined by three adjunct professors who themselves are practicing lawyers or judges. The class format combines large group lecture/discussion led by Professor Deason with small section discussion/simulation work guided by one of the four professors. The grade in the course will be based on a combination of short analytical papers, journal reflections on selected simulations, a final take-home essay, and class participation. Participation in the preliminary round of the Lawrence Negotiation competition is a required course component.

7124 – International Dispute Resolution

Professor John B. Quigley

Tuesday, Wednesday & Thursday 10:10 – 11:00 a.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 – Dispute Systems Design
Professor Nancy H. Rogers
Monday & Thursday, 8:45 – 10:00 a.m.
3 Credits

This is a course to prepare you to design new forums for particular disputes and also to design, or modify, disputing systems for series of disputes. You will examine particular systems, assess their strengths and weaknesses, and make proposals for change. Where appropriate, you will interact with a client with a particular problem to solve. During the course, you will apply to practical problems what you have already learned about dispute resolution, search for new ideas for resolving challenging new disputes, and apply what designers have learned from past experience. A prior or concurrent course in dispute resolution is recommended for students taking Design of Dispute Systems.

7500 – Disability Discrimination
Professor Ruth Colker
Wednesday & Thursday, 8:45 – 10:00 a.m.
3 Credits

The course will emphasize the acquisition of knowledge of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, Individuals with Disabilities Education Act, and Fair Housing Amendments through traditional statutory and case law analysis. Students will complete a practical exercise as well as take a take-home exam.

8189.07 - Mediation Clinic and Seminar
Professors Amy Cohen & William Froehlich
Tuesday & Wednesday, 3:55 – 5 :45 p.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 first or second weekend of the semester.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester. This course satisfies 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.

8889 – Labor Law, Collective Bargaining and Arbitration

Professor Sarah Cole

Monday, Tuesday & Wednesday, 1:30 – 2:40 p.m.

4 Credits (2 toward the certificate)

This course will address substantive and practical aspects of modern labor law. The course will begin with an examination of the definition of employees and employers under private sector labor law. It will then address issues of union organizing and employer speech and protections that exist for workers' protests and concerted activity, as well as limitations on employer responses to organizing and concerted activity. The class will then discuss selection of a union representative and organizing without an election. The course will also address the duty to bargain collectively, including the scope of that duty, economic weapons and other methods of impasse resolution, as well as legal constraints on concerted activity. Finally, the course will focus on the process of negotiating and drafting a collective bargaining agreement and then how disputes about the terms of the agreement are resolved (through the grievance arbitration process).

Spring 2017

7009 – Litigation and ADR Research

Professor Paul Gatz

Thursday 10:10 a.m. – 11:00 a.m.

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

Monday 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.

8189.07 - Mediation Clinic and Seminar

Professors Ellen Deason & William Froehlich

Monday & Wednesday, 3:55 a.m. – 5 :45 p.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 first or second weekend of the semester.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester. This course satisfies 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.

8896.11 – Seminar: Issues in Arbitration**Professor Sarah Cole****Tuesday, 3:55 – 5:45 p.m.****2 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 Garry W. Jenkins****Wednesday 10:10 – 11:00 a.m. & Thursday 10:10 a.m. – 12:00 p.m.****3 Credits** (3 credits toward Certificate if student writes a dispute resolution paper, 1 credit otherwise)

For generations, lawyers and people with legal training have used their skills to reach positions of influence in all spheres of public and private life. Combining readings on leadership theory, simulation exercises, and relying extensively on case studies featuring lawyers who have become successful leaders, this course develops a descriptive and normative picture of successful leadership in business, government, and the nonprofit sector. Through the cases and exercises, students will gain experience analyzing issues, exercising judgment, and making difficult decisions – the hallmarks of skillful leadership. The objective of the course is to help students think more broadly about leadership, increase their appreciation for the variety of leadership roles people with legal training may achieve throughout their careers, and prepare for positions of leadership themselves. Students who take this course must participate in the mandatory, one-day leadership development workshop to be held on a Saturday (morning and afternoon), with the specific date to be announced on the first day of class. Students taking this course will receive one hour of credit toward the Certificate if they do not write a paper on a dispute resolution topic and receive 3 credits if they do write a paper on a dispute resolution topic.