

PROGRAM ON DISPUTE RESOLUTION

CERTIFICATE IN DISPUTE RESOLUTION
INFORMATION for 2012-13



MORITZ COLLEGE OF LAW
THE OHIO STATE UNIVERSITY

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CERTIFICATE IN DISPUTE RESOLUTION OVERVIEW

The Certificate in Dispute Resolution distinguishes those students who graduate from Moritz with advanced knowledge and practical experience in the area of dispute resolution. It is awarded to students who have successfully completed the requirements for a J.D. degree and also the special requirements listed below.

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: (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, and (2) successfully complete a 112 hour externship requirement.

As part of the course requirement, a student must take either the Mediation Practicum or the Multiparty Mediation Practicum. The student must also earn credit in an approved dispute resolution seminar, which may include the mediation practicum when it is taught as a seminar, in which the student completes a substantial and high quality scholarly paper in the dispute resolution field. Beyond these requirements, the student can earn his/her course credits in any of the other approved courses and up to 3 credit hours earned as a staff member or editor of the *Ohio State Journal on Dispute Resolution*.

The student must also complete a 112 hour externship requirement. 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. 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. The student should have activities performed for the purpose of meeting this requirement approved by the Langdon Fellow in Dispute Resolution or the Director of the Program on Dispute Resolution, Professor Sarah Cole.

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.

REQUIREMENTS FOR THE CERTIFICATE IN DISPUTE RESOLUTION

To earn the OSU College of Law Certificate in Dispute Resolution, a student must:

- 1) Earn at least 15 credit hours in Dispute Resolution course work. All course work may be counted towards the J.D. degree. A student can earn up to 3 credit hours toward this requirement as a staff member or editor of the *Ohio State Journal on Dispute Resolution*.
- 2) Engage in at least 112 hours of approved externship activity.

REQUIRED COURSES:

- 1) **Mediation Seminar/Practicum*** or **Multiparty Mediation Practicum****
- 2) An approved dispute resolution seminar, which may include the Mediation Practicum when it is taught as a seminar, in which the student completes a substantial and high quality scholarly paper in the dispute resolution field

* The Mediation Seminar/Practicum will be offered during fall semester and taught by Professor Amy Cohen and the Langdon Fellow; this course has a seminar paper requirement.

**The Multiparty Mediation Practicum will be offered spring semester and taught by Professor Josh Stulberg and the Langdon Fellow; this course does not have a seminar paper requirement.

ELECTIVE COURSES:

Students pursuing the Certificate may choose from the courses below to satisfy the remainder of the 15 credit hour requirement. The courses offered during the 2012-13 school year are in bold. The courses that have a seminar paper component 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) **Dispute Resolution Processes: Theory & Practice**
- 6) **Dispute Systems Design Workshop**
- 7) Ethics and ADR Seminar (satisfies professional responsibility requirement)
- 8) Inter-Ethnic Conflict Resolution Seminar
- 9) **International Business Arbitration**
- 10) **International Dispute Resolution**
- 11) Issues in Arbitration*
- 12) Jurisprudence and ADR Seminar
- 13) Law and Psychology (3 credits count toward the Certificate if certain requirements met)
- 14) **Law and Social Science**
- 15) **Disability Discrimination (2 credits count toward the Certificate)**
- 16) **Lawyers as Leaders* (1 or 3 credits count toward the Certificate)**
- 17) **Legal Negotiation**
- 18) **Seminar on Middle East Conflict***
- 19) Negotiation and Mediation Advocacy (Fall break course)
- 20) Dispute Resolution in Employment (Spring break course)
- 21) **Special Education Advocacy (1 to 2 credits counts toward the Certificate)**
- 22) **Litigation and ADR Research**

EXTERNSHIP ACTIVITIES:

A student receives externship hour credit for an experience in the ADR field that he or she is not required to complete for a class and/or does not receive an academic credit for. Students can receive credit for externship hours while performing volunteer or paid activities. See the attached "Externship Service" handout for specific examples.

EXTERNSHIP SERVICE 2012-13

The 112 hour externship requirement for the Certificate in Dispute Resolution 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 second and third years 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:

Moritz College of Law Student Activities

- Participation in Dispute Resolution and Youth Program (DR&Y)
- Participation in the Truancy Mediation Project
- Attendance at JDR Symposium
- Attendance at final rounds of Lawrence Negotiation Competition and Representation in Mediation Competition
- Attendance at Schwartz Lecture on Dispute Resolution
- Attendance at other approved ADR related lectures/workshops
- Participation in intra-school and/or Regional ABA Representation in Mediation Competition
- Participation in Lawrence Negotiation Competition activities including lecture, workshop, and intra-school/regional competition
- Research for Faculty
- Mayhew-Hite Newsletter

Activities Outside Moritz College of Law

- Work for Franklin County Small Claims Court and/or Domestic Relations and Juvenile Court
- Work for the Ohio Commission on Dispute Resolution
- Work for the Ohio Department of Education
- Mediating for the City Prosecutor or Small Claims Court
- Work for the Better Business Bureau
- Law Firm Work
- Preparation of ADR themed article for publication
- Attendance at local, state, regional, or national ADR related meeting, conference, etc...

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 or the Langdon Fellow.

CERTIFICATE COURSE OFFERINGS 2012-2013

Fall 2012

8189.07 - Mediation Practicum

Professor Amy Cohen and Langdon Fellow

Mondays and Tuesdays, 4:10 PM – 6:00 PM

4 credits

The Mediation Practicums provide opportunities to develop skills as a mediator, along with basic study of mediation law and policy issues. The course is offered in two formats. The Mediation Practicum is a combination of a seminar and a mediation clinic involving practical experience mediating cases in Small Claims Court and other forums. Students planning to take either practicum must ensure that their schedules permit them to spend one afternoon per week, Monday through Thursday, mediating cases. There is a mandatory weekend mediation training program, usually held on one of the first weekends of the semester.

7112 - Dispute Resolution Processes: Theory & Practice

Professor Sarah Rudolph Cole

Tuesdays and Fridays, 1:30 PM - 2:45 PM

3 credits

Dispute Resolution Processes: Theory and Practice surveys the basic processes and variations with an emphasis on the lawyer as an advocate for clients. Skill building is practiced through simulation exercises. The course is especially appropriate for a student who wants to take only a single dispute resolution course. Other students use it as an introduction to the field.

7194 - Disability Discrimination

Professor Ruth Colker

Wednesdays and Thursdays, 10:10 AM-11:00 AM; Friday 10:10 AM - 12:00 PM

4 Credits

This four credit course primarily covers the Americans with Disabilities Act (ADA). Students will learn about Title I (employment discrimination), Title II (public entity discrimination) and Title III (public accommodation discrimination) under the ADA. Students interested in learning about the Law of Special Education should take Special Education Advocacy. In addition, students will learn how to conduct an accessibility audit. They will work with the OSU ADA Coordinator, Scott Lissner, to conduct an accessibility audit of an OSU building and seek to have their recommendations implemented. One day of the week for this course will be a two hour segment in which students will learn skills related to conducting an accessibility audit and negotiation. The other two days of the course will be devoted to standard case law material. The course will count towards two credits of the Certificate in Alternative Dispute Resolution. The enrollment is limited to twenty students. The final grade for this course will be based

primarily on the work on the accessibility study and a 48 hour self-directed take-home exam.

7009 - Advanced Legal Research: Litigation and ADR

Professor Stephanie Ziegler

Thursday 2:55 PM – 3:45 PM

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. There is no assigned textbook. Required and optional readings may include reserve materials and internet publications. Grades will be based on classroom participation, several in-class assignments, and a final project.

Winter 2013

8189.06 - Multiparty Mediation Practicum

Professor Joseph B. Stulberg

Mondays and Tuesdays 8:20 AM - 10:00 AM

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. Students who take this course **MUST** have at least one weekday afternoon (1:00-4:00 p.m.) and one weekday evening (5:30-8:30 p.m.) (excluding Friday) free for clinic activity. In addition, each student must participate in the mandatory performance skill training program that will take place at the law school on Friday, January 11, 2013 from 4:00-7:30 p.m., and Saturday, January 12, 2013 and Sunday, January 13 2013 from 9:00 a.m. – 5:00 p.m.

7106 - Legal Negotiations and Settlements

Professor Joseph B. Stulberg

Mondays 4:20 PM – 7:00 PM

3 Credits

Study of the theory, law, and practice of transactional and settlement negotiations. Selected topics include: relationship of bargaining concepts to democratic theory; adversarial versus problem-solving negotiating frameworks; distributive versus integration negotiating issues; comparison of bargaining dynamics and advocate strategies deployed in 2-party negotiations and multi-party negotiations; representing clients in a facilitated negotiation; and ethical dilemmas for negotiators. Class structure

integrates theoretical analysis with performance skill-building exercises. Targeted simulations occur during scheduled class time.

7109 - International Business Arbitration

Professor Ellen E. Deason

Mondays and Wednesdays 8:45 AM-10:00 AM

3 Credits

The course examines the theory and practice of international business arbitration. Students will become familiar with the procedures used in international arbitration, with reference to how they compare to domestic U.S. practice. They will examine the intersecting roles of private contracts, international treaties, national legislation and court decisions, and public and private international institutions. In addition to normal classroom discussion, students will participate in two negotiation exercises that will involve them in strategic choices and planning for dispute resolution. First, students will negotiate the selection of arbitrators for an arbitral panel. Second, students will negotiate and draft an arbitration clause for an international commercial relationship.

Topics covered include: Problems in international litigation that create motivation to arbitrate; the authority of arbitration tribunals; duties and selection of arbitrators; international arbitration procedures and the influence of national litigation systems; enforcement of arbitral awards by national courts; challenges to arbitral awards; and drafting arbitration agreements.

This course is appropriate for students with interests in business transactions as well as in litigation.

7124 - International Dispute Resolution

Professor Amy J. Cohen

Mondays and Tuesdays 1:30 PM - 2:45 PM

3 Credits

Examines procedures for resolving international disputes (negotiation, mediation, arbitration, judicial settlement), how they operate in contemporary disputes, and how law governs their use.

7127 - Dispute System Design Workshop

Professor Nancy Hardin Rogers

Mondays and Wednesdays 1:30 PM -2:45 PM

3 Credits

This is a course to prepare you to design new processes for particular disputes and also to design, or modify, disputing systems for series of disputes. It will be like a legal clinic in the sense that you will have a client with a particular problem to solve. It will differ from most legal clinics in the sense that you will not represent the client or perform legal work for the client but instead will serve as a process or systems designer. 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.

7509 - Special Education Advocacy

Professor Ruth Colker

Thursdays 3:55 PM - 6:35 PM

3 Credits (2 Credits towards Certificate if student receives a placement, 1 otherwise)

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.

Two hours of certificate credit will be granted if a student receives a placement, and one hour otherwise.

8815 - Law and Social Science

Professor Tanya J. Poteet

Tuesdays 4:55 PM – 6:45 PM

2 Credits

This course introduces students to the use of social science evidence by legal practitioners and courts at all levels. Such evidence is used, for example, in cases involving issues of trademark infringement, obscenity, discrimination, identification of criminal offenders, potential jury prejudice, eyewitness reliability, sexual assault, self-defense, dangerousness, and the fashioning of remedies. Despite its now common use, scientific evidence poses fundamental issues and recurring challenges for the law. In this course, we will examine the methodology of social science research and various uses and challenges of using such research in the law.

The goal of this course is to provide a foundation for law students to become sophisticated consumers and critics of social science evidence, equipping them to

recognize issues raised by the use of social science in the law, and providing a foundation in empirical analysis that complements doctrinal analysis in law.

8896.27 – Seminar on Middle East Conflict

Professor John B. Quigley

Fridays 10:10 AM -12:00 PM

Analysis of the Israeli-Palestinian conflict from the standpoint of legal issues involved, using this conflict as an example of international conflicts. Papers may deal with particular legal issues or with dispute resolution issues.

8964 - Lawyers as Leaders

Professor Garry W. Jenkins

Thursdays 10:10 AM-12:00 PM; Fridays 11:10 AM-12:00 PM

3 Credits (3 Credits towards certificate if student writes a DR paper, 1 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 in dispute resolution 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.