



THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

PROGRAM ON DISPUTE RESOLUTION

CERTIFICATE IN DISPUTE RESOLUTION GUIDELINES, 2018-2019

Program Faculty:

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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 Mediation 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

Elective Courses offered during the 2018-2019 academic year:

Course Name	Faculty	Notes
1. Comparative ADR	Cole	Summer in Oxford
2. Dispute Resolution Processes	Stulberg	
3. Dispute Resolution in Employment	Lawrence	Spring Break Course
4. International Dispute Resolution	Quigley	
5. Jurisprudence of ADR	Stulberg	
6. Lawyers as Leaders	Stewart	1 Certificate credit
7. Lawyer as Negotiator	Stulberg	1Ls only
8. Legal Negotiations	Stulberg	
9. Legal Negotiations & Settlements	Lee	
10. Litigation and ADR Research	Zeigler	
11. Mediation Clinic	Cole / Froehlich	Meets ADR seminar requirement
12. Mediation Clinic	Cohen / Froehlich	Can meet ADR seminar requirement
13. Seminar on Middle East Conflict	Quigley	Meets ADR seminar requirement

Elective Courses NOT offered during the 2018-2019 academic year:

Course Name	Notes
Alternative Dispute Resolution in the Work Place	
Business Negotiations in a Global Environment	Summer in Oxford
Comparative Dispute Resolution	Meets ADR seminar requirement
Dispute Systems Design	
Disability Discrimination	1 Certificate credit
Ethics & ADR Seminar	Meets ADR seminar requirement
International Business Arbitration	
International Dispute Resolution	
Inter-Ethnic Conflict Resolution Seminar	Meets ADR seminar requirement
Issues in Arbitration	Meets ADR seminar requirement
Jurisprudence and ADR Seminar	Meets ADR seminar requirement
Labor Law, Labor Arbitration & Collective Bargaining Negotiation	2 Certificate credits
Law and Psychology	Up to 3 Certificate credits
Law and Social Science	
Multiparty Mediation Clinic	
Resolving Community Civil Rights Disputes	<i>May be offered in 2018-19 – TBD</i>
Special Education Advocacy	

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 (DRY)
- 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
- Serving as a volunteer mediator or a staff member working on dispute resolution issues (outside of class) at any venue, including the Better Business Bureau, Franklin County Small Claims Court, Franklin County Domestic Relations and Juvenile Court, the Columbus City Attorney (aka Prosecutor's office)
- Law firm dispute resolution work
- Preparation of dispute resolution-themed article for publication

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 COURSES 2018-2019

Oxford Course 2018

Comparative ADR
Professor Sarah Cole
2 Credits

This course will examine methods of dispute resolution used in other countries and compare them to those employed in the United States. We will explore how differences in culture, religion, history, and legal institutions affect the way people resolve conflicts with readings, video, and simulation exercises. Readings will include materials on dispute resolution processes, cultural differences in conflict resolution, and case studies on practices and developments in other countries and regions. By studying other approaches to dispute resolution, students will discover a fresh perspective on its practice and role in the United States and on the challenges of cross-border applications of dispute resolution.

Fall 2018

7106 – Legal Negotiations and Settlements
Professor Joseph B. Stulberg
Mondays 4 to 6:40
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.

7112 – Dispute Resolution Processes: Theory & Practice

Professor Joseph B. Stulberg

Mondays & Wednesdays 10 to 11:15

3 Credits

This course examines the lawyer's advocacy role in the four primary dispute resolution processes of negotiation, mediation, arbitration, and trial, as well as in such related hybrid-processes as a mini-trial or a summary jury trial. Its goals are to: sharpen a student's understanding of the different values and structure of each dispute resolution process and the advocate strategies and tactics appropriate to each process; enhance one's ability to effectively counsel clients about process choice and a client's participation in it; and strengthen one's performance skills for participating in each process. Targeted simulations occur during scheduled class time. Grading based on class participation and final exam.

7124 – International Dispute Resolution

Professor John B. Quigley

Wednesdays & Thursdays 2:30 to 3:45

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 which states seek to resolve territorial and resource claims, or the consequences of armed conflicts.

8189.07 - Mediation Clinic and Seminar

Professors Sarah Cole & William Froehlich

Tuesdays & Thursdays 11:00 to 12:10

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* (Monday through Thursday) *and one weekday evening* (Tuesday, Wednesday, or Thursday) *per week*. 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 24 to 26.* Because of the intensive training

we've elected to shorten the number of minutes this class meets per week. 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.

Spring 2019

7009 – Litigation and ADR Research

Professor Stephanie Ziegler

Thursdays 2:30 to 3:30

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.

Jurisprudence of ADR

Professor Joseph B. Stulberg

Tuesdays, Wednesdays & Thursdays 4 to 4:50

3 Credits

Disputes vary in shape, intensity and complexity. They arise in multiple settings. We transform some disputes into lawsuits and attempt to resolve them; for others, we develop other “angles of vision” to examine and address them. Whatever the dispute’s format, lawyers strive to help persons resolve differences in ways that are effective, responsive to participant interests, and consistent with fundamental conceptions of fairness and dignity.

Lawyers are problem-solvers. They serve their clients well by systematically helping them analyze their interests, both legal and non-legal, and assessing how best they can achieve their goals.

A lawyer’s ability to analyze and assist clients address these matters presumes familiarity with, and a commitment to, fundamental norms, principles and practices that shape the respective problem solving processes. This course examines the normative values and frameworks that various dispute resolution processes embrace, the professional obligations and opportunities that they endorse, and the practitioner strategies and conduct that they support in helping a lawyer assist parties resolve their concerns.

This course is theoretical in orientation. It complements other Moritz ADR curricular offerings in that it: a) explores the philosophical and ethical foundational norms that shape the structure of ADR processes; b) systematically examines the governing professional norms that guide practitioner conduct in the design and implementation of ADR processes; and c) immerses students

in the close examination of the relevant seminal ADR articles, ‘debates,’ and policy documents in their complete, not edited, versions.

7106 – Legal Negotiations
Professor Katrina June Lee
Thursdays 9 to 11:40
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.

8896.27 – Seminar on Middle East Conflict
Professor John Quigley
Fridays 9 to 10:50
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
Wednesdays, 4:30 to 6:20
2 Credits (1 credit toward the certificate)

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.

8189.07 - Mediation Clinic and Seminar
Professors Amy Cohen & William Froehlich
Tuesdays & Wednesdays 10:15 to 12:05
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* (Monday through Thursday) *and one weekday evening* (Tuesday, Wednesday, or Thursday) *per week*. 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.

Dispute Resolution and Employment
Professor Jim Lawrence
Monday to Thursday, Spring Break 2019
2 Credit

This is a hands-on, intensive course that combines teaching in dispute resolution techniques (such as negotiation, mediation, arbitration and facilitation) with non-labor employment law, including workplace harassment, employment discrimination, disability, and the Family and Medical Leave Act (FMLA). Students will then combine this substantive knowledge with in-class simulation exercises. There are no prerequisites for this course.

Look for an email from the registrar in fall 2018 to register for this course.