



THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

PROGRAM ON DISPUTE RESOLUTION

CERTIFICATE IN DISPUTE RESOLUTION GUIDELINES, 2020-2021

U.S. News and World Report's #2 Ranked Dispute Resolution Program

Program Faculty:

Amy Cohen

Sarah R. Cole – Director, Program on Dispute Resolution

Ruth Colker

Olwyn Conway

Ellen E. Deason

Laura Fernandez

William Froehlich

L. Camille Hebert

Katrina Lee

Emma MacGuidwin

John B. Quigley

Nancy H. Rogers

Joseph B. Stulberg

Charles E. Wilson

Program Adjunct Faculty:

Kwame Christian

Cathy Geyer

Marya Kolman

James K.L. Lawrence

Becky Monroe

Frank Ray

Dan Sandman

Carter Stewart

Terry Wheeler

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
- 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 2020-2021 academic year:

Course Name	Faculty	Notes
1. Digital Dispute Systems	Froehlich	
2. Dispute Systems Design	Geyer	
3. Dispute Resolution Survey	Stulberg	2 week course March 22 to April 2
4. Family and Divorce Mediation	Kolman	
5. Human Rights	Quigley	At least 1 Certificate Credit
6. International Business Arbitration & Mediation	Deason	
7. International Dispute Resolution	Quigley	
8. Lawyers as Effective Communicators	Conway	1 Certificate credit (1L – LP3 course)
9. Lawyers as Leaders	Stewart	1 Certificate Credit
10. Legal Negotiations (spring)	Lee	
11. Legal Negotiations (fall)	Wheeler	
12. Litigation & ADR Legal Research	MacGuidwin	
13. Mediation Clinic (spring)	Froehlich	Can meet ADR seminar requirement
14. Mediation Clinic (fall)	Cole / Froehlich	Meets ADR seminar requirement
15. Mediation of Complex Commercial Disputes	Ray / Sandman	DPIR 1 week course
16. Dispute Resolution in Employment	Lawrence / Christian	Spring break course
17. Resolving Community Civil Rights Conflicts	Monroe	DPIR 1 week course
18. Seminar on Middle East Conflict	Quigley	Meets ADR seminar requirement

Elective Courses NOT offered during the 2019-2020 academic year:

Course Name	Notes
Alternative Dispute Resolution in the Work Place	
Business Negotiations in a Global Environment	Summer in Oxford
Comparative Dispute Resolution	Summer in Oxford
Dispute Resolution in Employment	Spring Break Course
Disability Discrimination	1 Certificate credit
Ethics & ADR Seminar	Meets ADR seminar requirement
Inter-Ethnic Conflict Resolution Seminar	Meets ADR seminar requirement
Issues in Arbitration	Meets ADR seminar requirement
Jurisprudence of ADR	
Labor Law, Labor Arbitration & Collective Bargaining Negotiation	2 Certificate credits
Law and Psychology	Up to 3 Certificate credits
Law and Social Science	
Negotiation and Mediation Advocacy	
Special Education Advocacy	
Transnational Justice	Meets ADR Seminar requirement

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
- 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 2020-2021

Fall 2020

Digital Dispute Systems
Professor William Froehlich
Thursday 9 to 10:50
2 Credits

An entry point for students seeking to consider how technology can assist with the resolution of disputes. Students will engage with fundamental dispute systems design concepts, while working through practical and legal issues which arise in connection with digital dispute systems. Course participants will be expected to embrace a variety of technological tools.

Dispute Systems Design
Professor Cathy Geyer
Monday 5:30 – 8:10
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.

Family and Divorce Mediation
Professor Marya Kolman
Tuesday 3 to 4:50
2 Credits

In this course students will practice skills and techniques used in family and divorce mediation and examine and apply relevant family law and mediation statutes and cases. Students will learn to mediate parenting plans, child support, spousal support, division of assets and liabilities, retirement plans, and divorce tax matters. Ethical issues and best practices will be discussed. This course includes the Ohio Supreme Court Family and Divorce Mediation training curriculum and satisfies the requirements of Rule 16.23 of the Ohio Rules of Superintendence for specialized family and divorce mediation training (approval pending). Prerequisite – Fundamentals of Mediation or equivalent mediation training.

Lawyers as Effective Communicators
Professor Olwyn Conway
Fridays 3 to 4:50
2 Credits (1 credit toward the certificate)
1Ls only!

In this course you will develop the effective communication skills needed to become a persuasive advocate through the use of improvisation and theatre exercises. Throughout this course you will develop several essential lawyering skills such as deep and nonjudgmental listening, the ability to adapt to changing information, building your credibility with an audience, and the flexibility to see and use status while developing your personal presence. In the first half of the semester we will use improvisation exercises to develop the skills of listening, trusting your instincts, and adapting to change. Over the course of the second half of the semester, you will develop a toolkit for persuasive and effective communication using theatrical techniques such as non-verbal communication, vocal technique, and understanding and using the concept of personal objectives and motivations to communicate effectively with others. Throughout the semester, we will apply these skills to various lawyering scenarios, including client interviews, negotiations, and oral arguments. In order to achieve these outcomes and develop these skill sets you will choose a mode of communication for a final presentation based on a client case file and apply what you have learned. At the end of the semester, you will do a presentation for the class and receive structured adjustments during the presentation to help increase your persuasiveness.

Legal Negotiations
Professor Terry Wheeler
Wednesday 5:30 to 8:10
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.

International Dispute Resolution
Professor John B. Quigley
Wednesday & Thursday 1:30 to 2:45
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.

Mediation Advocacy
Professor Marya Kolman
Monday 5 to 5:50
1 credit hour

This course has not been formally approved by the faculty as of April 1, 2020. Therefore this information is subject to change.

As courts and other programs expand the use of ADR, litigators and other attorneys frequently find themselves representing clients in mediations. In this interactive course, students will consider the different roles attorneys can serve in mediations, and appropriate and effective advocacy techniques for each role. Professional responsibility concerns and other relevant legal and ethical issue will be discussed. Students will also learn and practice skills and techniques used in representing clients in mediations through simulations and role plays.

Mediation Clinic
Professors Sarah Cole & William Froehlich
Monday & Tuesday 9:00 – 10:50 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 (Monday, Tuesday, Wednesday, or Thursday, between 1 and 3:45) per week*, and at least *one evening (Tuesday, Wednesday, or Thursday after 5:45) 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 28, 29, and 30.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester. This course may satisfy the Seminar or Experiential graduation requirement, but not both. This course satisfies the seminar requirement for the Certificate in Dispute Resolution. This is a limited enrollment course.

Mediation of Complex Commercial Disputes
Professors Frank Ray and Dan Sandman
DPIR course scheduled for October 5 to 9
1 Credit

Description forthcoming! Students enrolled in this course may also enroll in Digital Dispute Systems.

Seminar: Ethnic Conflict
Professor John Quigley
Friday 9:00 to 10:50
2 credits

The seminar encourages participants to explore ways to curb ethnic conflict. The seminar focuses primarily on conflicts international in character. A single research paper will be required based on a topic of a participant's choosing.

Spring 2021

Advanced Legal Research – Litigation & ADR
Professor Emma MacGuidwin
Thursday 11 to 11:50
1 Credit

This course focuses on finding and using resources related to litigation and ADR practice, including formbooks and practice guides, dockets and court rules, arbitration rules and decisions, and other primary and secondary sources necessary for litigation and ADR research. Research strategies and resource evaluation will also be covered. The coursework will include a multi-part project and smaller exercises that explore ADR and litigation resources.

Dispute Resolution and Employment
Professors Jim Lawrence & Kwame Christian
Monday to Thursday, Spring Break 2021
2 Credits

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.

Dispute Resolution Survey**Professor Joseph Stulberg****Two-week course scheduled from March 22 to April 2****2 Credits**

This course 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.

Human Rights**Professor John Quigley****Wednesday & Thursday 3 to 4:15****3 Credits**

This course covers the protection of human rights in international law. Topics include: (1) the feasibility of requiring nation states to comply with international standards in the treatment of individuals; (2) the invocation of internationally protected rights in domestic (U.S.) courts; (3) international remedies and mechanisms for the enforcement of rights. Participants will be asked to participate in simulated proceedings in which states disputing a human rights issue attempt to resolve their dispute in an international forum.

International Commercial Arbitration & Mediation**Professor Ellen Deason****Monday & Wednesday 10:45 to noon****3 credits**

Arbitration is the most important process for the resolution of business disputes in the international context and mediation is growing in popularity as a lower-cost consensual process. 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; challenges to arbitral awards and enforcement by national courts; new legal frameworks to encourage mediation; and the combination of mediation with arbitration. Students will participate in simulation exercises, including negotiating and drafting a dispute resolution agreement. This course is appropriate for students with an interest in business transactions as well as in litigation and dispute resolution.

Lawyers as Leaders

Professor Carter Stewart

Wednesday 9 to 11:50

3 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.

Legal Negotiations

Professor Katrina Lee

Tuesdays 1:30 to 4:10

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.

Mediation Clinic

Professor William Froehlich

Monday & Tuesday 3:50 to 5:40

4 Credits

The Mediation Clinic 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 and a clinic. For the clinical component, students will receive skills training through role plays and exercises, and then serve as a mediator for the Franklin County Municipal Court and other venues. Students planning to take the course must ensure that their schedules are open to mediate cases at least *one weekday afternoon (between 1 and 3:45) per week*, Monday through Thursday, and *at least one evening (after 5:45) per week Tuesday 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 January 11, 12 and 13.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester.

Resolving Community Civil Rights Disputes

Professor Becky Monroe

Will meet for one week between 7 to 9 Monday through Thursday and between 1 and 5 on Friday
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.

Seminar on Middle East Conflict

Professor John Quigley

Friday 10 to 11:50

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.