



THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

PROGRAM ON DISPUTE RESOLUTION

CERTIFICATE IN DISPUTE RESOLUTION GUIDELINES, 2021-2022

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

Program Faculty:

Sarah R. Cole – Director, Program on Dispute Resolution

Ruth Colker

Olwyn Conway

Ellen E. Deason

Laura Fernandez

William Froehlich

L. Camille Hebert

Katrina Lee

John B. Quigley

Nancy H. Rogers

Joseph B. Stulberg

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 2021-2022 academic year:

| Course Name | Faculty | Notes |
|---|------------------|-----------------------------------|
| 1. Dispute Systems Design | Geyer | |
| 2. Dispute Resolution Survey | Stulberg | 2 week course March 22 to April 2 |
| 3. Family and Divorce Mediation | Kolman | |
| 4. Human Rights | Quigley | |
| 5. International Dispute Resolution | Quigley | |
| 6. Legal Negotiations (spring) | Lee | |
| 7. Legal Negotiations (fall) | Wheeler | |
| 8. Mediation Clinic (spring) | Froehlich | Can meet ADR seminar requirement |
| 9. Mediation Clinic (fall) | Cole / Froehlich | Meets ADR seminar requirement |
| 10. Mediation of Complex Commercial Disputes | Ray / Sandman | DPIR 1 week course |
| 11. Resolving Community Civil Rights Disputes | Smallwood | DPIR 1 week course |
| 12. Seminar on Middle East Conflict | Quigley | Meets ADR seminar requirement |

Elective Courses NOT offered during the 2021-2022 academic year:

| Course Name | Notes |
|--|-------------------------------|
| Business Negotiations in a Global Environment | Summer in Oxford |
| Comparative Dispute Resolution | Summer in Oxford |
| Digital Dispute Systems | |
| Dispute Resolution in Employment | Spring Break Course |
| International Business Arbitration and Mediation | |
| 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 | |
| Litigation and ADR Research | |
| Negotiation and Mediation Advocacy | |
| Resolving Community Civil Rights Disputes | |
| Special Education Advocacy | |
| Transitional 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 2021-2022

Fall 2021

Family and Divorce Mediation

Professor Marya Kolman

Tuesday 4:30 to 6:20

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).

Legal Negotiations

Professor Terry Wheeler

Wednesday 5:30 to 7:20

2 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 3:00 to 4:15

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 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 27, 28 and 29.* 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 4 to 8

1 Credit

Description forthcoming!

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 2022

Dispute Systems Design

Professor Cathy Geyer

Monday 4:30 to 7:10

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 Dispute Systems Design.

Dispute Resolution Survey

Professor Joseph Stulberg

Short Course Scheduled between March 21 and April 10

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.

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 9:00 to 10:50

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 14, 15, and 16.* Time spent in training is credited back through periodic reduction of class meetings throughout the semester.

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.

Resolving Community Civil Rights Disputes

1 credit – time and faculty TBD

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.