



(27:202:513:02) ISSUES IN CRIMINAL JUSTICE
Mediation Training Course (Mediation 1)
3 Credits
Fall Semester 2022

Tuesday
3pm-4:30pm

I. Course Information

Instructor Information:

Location: CLJ 574
Office Hours: by appointment
Email: dweiss@weisslawfirm.net
Instructor: Professor David Weiss

Course Overview:

This course focuses on advanced mediation training, conflict resolution, negotiating techniques for effectively managing and resolving disputes, the rule of law, and the philosophical aspects of mediation. Students will learn to prepare and control complicated mediations while advancing a final resolution, fact-finding, and making strategic decisions. This course features simulated mediations and negotiations to sharpen skills that include, preparation, active listening, collaboration, cultural awareness, and developing options. Upon completing this course and meeting NJ Superior Court requirements, students will be sworn in as municipal court officers and will be able to perform municipal mediations upon court program approval. The course follows the 18-hour Civil Mediation Court Training Guide for State of New Jersey.

Prerequisite: N/A

Course Learning Goals:

1. APPLY advanced negotiation techniques, active listening, collaboration, and option development tactics to all stages of a mediation and negotiation (SLO1);
2. PREPARE an effective mediation opening statement and negotiation plan using advanced principles of negotiations (SLO2);
3. ASCERTAIN the other parties' interests, options through fact-finding techniques (SLO3);
4. ANALYZE case studies and group exercises of disputes in order to identify strategies, gather information while resolving impasses, identify interests, developing options and understanding ethical obligations surrounding conflict resolution (SLO4); and
5. RECOGNIZE the implications of risk, behavior, ethics, cross-culture sensitivities, multi-party disputes, philosophical aspects, and third party issues in negotiation (SLO5).

Required Readings:

- Roger Fisher and William Ury. (2011). *Getting to Yes: Negotiating Agreement Without Giving In*. New York, NY: Penguin Group.
- Dwight Golann. (2009) *Mediating Legal Disputes: Effective Strategies for Neutrals and Advocates*. Chicago, IL: ABA Publishing, American Bar Association.

Course Requirements:

Students are required to read assigned readings and participate in online/classroom exercises and discussions in a manner that reflects familiarity with the readings and previous class sessions. Students are required to access Canvas regularly to stay informed about any changes in lecture topics, assigned readings and other course announcements.

Canvas will be used for all of your assignments, check it regularly. The syllabus, assignments, grading rubrics, and reading assignments will be posted and accepted through Canvas. You are responsible for everything posted on Canvas, whether or not it is mentioned in class. Check Canvas regularly since course assignments, due dates, and our syllabus may be subject to changes.

Course Structure:

Course content will be a mixture of traditional lectures, group exercises, class discussions, guest speakers, video presentations, and on-site visits. Additionally, there will be several online/in-class activities, exercises and assignments. Syllabus may change as the semester continues.

II. Course Schedule

DATE	SLO	Topic	Assignment
Week 1 9/03/21	SLO1, 3, & 5	Introduction and Course overview The Alternative Dispute Resolution ADR. Contrast Negotiation, Mediation, and Arbitration. Universe and the Role of Mediation. The Process in Context.	<u>Read for Next Class:</u> CASE DISPUTE #1 (Including rules and general instructions)
Week 2	SLO 3, 4, & 5	The Stages of Mediation Videotape of Mediation Process In New Jersey Online Class exercise and presentation of simulating the Mediation/Negotiation	<u>Read for Next Class:</u> CH 1 Basic Strategy
Week 3	SLO 2 & 5	Videotape of Mediation Process In New Jersey Group exercise Setting the Stage: Submissions and Scheduling Organizational Conference Call Discussion and Practice Exercise by students Assenting Parties in Exchanging Information. The Mediators Opening Statement. Discussion, Demonstration and Practice Exercise by Students	<u>Read for Next Class:</u> CH 2 The Stages of Mediation
Week 4	SLO 1, 3, & 5	Opening Statements. Caucusing and Shuttle diplomacy Creating Settlement Options and Getting Closure. Mechanics, Practical Considerations and Questions	<u>Read for Next Class:</u> Ch. 3 Before the Mediation Session. Opening Statements Due next class. Quiz 1 online
Week 5	SLO 2, 4, & 5	Mediation in Action: Three Role Plays and Debriefing Role Play 1 – TBD Role Play 2 - TBD *Every student will act as a mediator in one role play	<u>Read for Next Class:</u> Handout #1 on BATNA AND WATNA Section 3 (3.1-3.9)
Week 6	SLO 1, 2, & 5	Getting to Yes: How to Negotiate Agreement Without Giving In. Videotape and Discussion of Interests, Options, Standards and BATNA/WATNA	<u>Read for Next Class:</u> CH 4 Process Obstacles: Positional Bargaining Quiz 2 online
Week 7	SLO 1,2,3, 4, & 5	“ A Mediator’s Tool Box – Skills and Techniques that Come in Handy (and keep the Mediator out of Trouble)	<u>Read for Next Class:</u> Ch 9 Resolving Impasse and Closure

		Looping Exercise: Reframing and asking questions, demonstration, discussion and Fish Bowl Exercise	Read Handout #2 Quiz #3
Week 8	SLO 3, 4, &5	Authority and Power Issues Mediation Demonstration (Guest TBD)	<u>Read for Next Class:</u> Online quiz opens Read CASE DISPUTE #3
Week 9			<u>Read for Next Class:</u> Section 6 (6.1-6.5)
Week 10	SLO 3 & 5	Role Play Students: Law Office Escapades and debriefing. How to deal with disclosure, party's rights, liabilities and ethics. Conducting Complex Mediations	<u>Read for Next Class:</u> Ch. 10 Ethics Quiz #4
Week 11	SLO 1, 2, 3, & 4	Venting in Mediation: A Catalyst or Impediment to Resolution? Ethics Issues and Review of Mediation Standards of Conduct – Interactive Discussion on Interplay of legal ethics issues Quiz on 18-hour Civil Mediation Court Training Guide online	<u>Read for Next Class:</u> <u>Ch. 12 Advocacy at Specific Stages</u> Final Quiz before getting sworn in will be online*
Week 12	SLO 3 & 4	Ethics Continued Role Play – Commercial Problem –with Micro-Interventions Role Play by students – Difficult Issues – Impossible Gaps and Debriefing	Swearing In Ceremony at Hudson County courthouse (Jersey City, NJ) or Essex County courthouse (Newark, NJ) – TBD*^
Week 13	SLO 1, 3, & 5	Role Play by students – California Feuding and debriefing. Role Play by students – Bank Card Processing – Finance/Contract Dispute	Observations of Mediations must be done during this week*
Week 14	SLO 2, 3, 4 & 5	Mediation Demonstration – Condominium Dispute Fact Pattern with focus on Environmental, Contingent reserve and Construction Issues – Emphasis on How to Organize the Process - Exercising Judgement – It's Complicated – Explanation of misperceptions based on large scale studies Personalized Feedback on Openings, Impasse Breaking, Documenting Resolution; Each student will perform and receive constructive feedback	<u>Read for Next Class:</u> PRESENTATION PACKETS Getting to Yes Book Review Due

Week 15	SLO1, 2, 3, 4, & 5	Preparation for Real Mediations, Mentor Requirements. Careers in Mediation, The Business and Practice of Mediation or online	
Week 16 FINALS	SLO 2, 3, 4, & 5	FINAL Paper Due	

*subject to court approval

^This swearing in may be outside of standard class time and will be based on the court's schedules and it will be the student's responsibility to arrange with the court if necessary if one cannot comply with schedule. In addition, it is the student's responsibility to travel to court house.

III. Grading

The final grade will be assessed based upon performance on the following:

1. Attendance, Class Participation and Courthouse Observation (40%) SLO 1-5
2. Assignments (10%) SLO 3, 5
3. Quizzes (10%) SLO 3, 5
4. Simulations (20%) SLO 3, 5
5. Final Project (20%). SLO 2-5

Assignments (10%): You will have a book review on the book, *Getting to Yes*. It will be graded on a 100 point scale. You will submit written feedback forms for student mediation simulations throughout the semester when assigned.

Quizzes (10%): You will have 4 online quizzes will be graded on a 100 point scale.

Simulations (20%): You will participate in multiple simulations throughout the semester.

Attendance, Class Participation and Courthouse Observation (30 %): We will be engaging in group activities and in class role-playing where participation is essential in building student skills. You will be required to observe a mediation at the County Superior Court. Attendance is mandatory and crucial to your success in this course. If you miss class, it is your responsibility to identify missed content and turn in missed assignments. Missing more than 2 classes will impact your grade. You will also be required to attend your Swearing in ceremony at the end of the course at Hudson County Superior Court.

FINAL PROJECT (30 %): The final will be a graded and timed in class mediation simulation on a 100-point scale or an exam online. See Canvas for the grading Rubric. This assignment is worth 30% of the final grade.

The following grading scale will be used for this course:

A	90–100%
B+	85-89%
B	80-84%
C+	75-79%
C	70-74%
D	60-69%
F	<60%

Late or Missing Assignment Policy:

Attendance for this course is mandatory. Attendance will be taken at the start of every class. Students are permitted two unexcused absences. Starting with a student’s third unexcused absence, points will be deducted from their final grade. Late assignments will not be accepted without permission and a valid medical or bereavement excuse.

IV. Course Policies

Classroom Rules

All members of this class are required to conduct themselves in an appropriate and professional manner. Laptops are permitted only if disengaged from the internet and other electronic devices should be stored away unless you specifically seek the instructor’s permission. In this class, we may have discussions that challenge our taken for granted assumptions about crime and justice. Students should be prepared to engage honestly and openly about this material and perhaps even examine their own beliefs about the issues. While I am hopeful that the course materials will spark interesting discussion, personal insults or other types of demeaning, disrespectful, or threatening comments toward other class members about their experiences, backgrounds, or statements will **NOT** be tolerated. **NO RECORDING, VIDEOTAPING, OR PICTURE TAKING WITHOUT PERMISSION.**

Academic Integrity

As a member of the Rutgers University community you are not to engage in any academic dishonesty. You are responsible for adhering to basic academic standards of honesty and integrity as outlined in the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students <http://studentconduct.rutgers.edu/academic-integrity>

Your academic work should be the result of your own individual effort, you should not allow other students to use your work, and you are required to recognize and reference any material that is not your own. Violations of the university’s policy will result in appropriate action.

Academic Resources

Students with Disabilities

Rutgers University is committed to providing equal educational opportunity for persons with disabilities in accordance with the Nondiscrimination Policy of the University and in compliance with § 504 of the Rehabilitation Act of 1973 and with Title II of the Americans with Disabilities Act of 1990. For additional information please visit the website <https://ods.rutgers.edu/> or contact the representative for the Newark Campus.

Kate Torres
Coordinator of ADA Services and Academic Support
Robeson Campus Center, Suite 352
350 Martin Luther King Jr. Boulevard
Newark, NJ 07102
Phone: 973.353.5300
Fax: 973.353.5666
E-mail: kate.torres@rutgers.edu
Website: <https://ods.rutgers.edu/>

Psychological and Counseling Services

If you experience psychological or other difficulties as a result of this course, or because of other issues that may interfere with your performance in the course, please contact the university's psychological and counseling service center (<http://www.counseling.newark.rutgers.edu>; 973-353-5805), which is located in Blumenthal Hall, room 101. The center offers a variety of free, confidential services to part-time and full-time students who are enrolled at Rutgers.

If you are interested in finding out more about

- Accelerated Master's Program (B.S. /M.A.)
- Criminal Justice National Honor Society (Alpha Phi Sigma)

Please refer to the School of Criminal Justice website <http://rscj.newark.rutgers.edu/>

Accommodation and Support Statement Rutgers University Newark (RU-N) is committed to the creation of an inclusive and safe learning environment for all students and the University as a whole. RU-N has identified the following resources to further the mission of access and support:

For Individuals with Disabilities: The Office of Disability Services (ODS) is responsible for the determination of appropriate accommodations for students who encounter barriers due to disability. Once a student has completed the ODS process (registration, initial appointment, and submitted documentation) and reasonable accommodations are determined to be necessary and appropriate, a Letter of Accommodation (LOA) will be provided. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at ods.rutgers.edu. Contact ODS at (973)353-5375 or via email at ods@newark.rutgers.edu. For Individuals who are Pregnant: The Office of Title IX and ADA Compliance is available to assist with any concerns or potential accommodations related to pregnancy. Students may contact the Office of Title IX and ADA Compliance at (973) 353-1906 or via email at TitleIX@newark.rutgers.edu.

For Absence Verification: The Office of the Dean of Students can provide assistance for absences related to religious observance, emergency or unavoidable conflict (e.g., illness, personal or family emergency, etc.). Students should refer to University Policy 10.2.7 for information about expectations and responsibilities. The Office of the Dean of Students can be contacted by calling (973) 353-5063 or emailing deanofstudents@newark.rutgers.edu.

For Individuals with temporary conditions/injuries: The Office of the Dean of Students can assist students who are experiencing a temporary condition or injury (e.g., broken or sprained limbs, concussions, or recovery from surgery). Students experiencing a temporary condition or injury should submit a request

using the following link: <https://temporaryconditions.rutgers.edu>. For English as a Second Language (ESL): The Program in American Language Studies (PALS) can support students experiencing difficulty in courses due to English as a Second Language (ESL) and can be reached by emailing PALS@newark.rutgers.edu to discuss potential supports.

For Gender or Sex-Based Discrimination or Harassment: The Office of Title IX and ADA Compliance can assist students who are experiencing any form of gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking. Students can report an incident to the Office of Title IX and ADA Compliance by calling (973) 353-1906 or emailing TitleIX@newark.rutgers.edu. Incidents may also be reported by using the following link: tinyurl.com/RUNReportingForm. For more information, students should refer to the University's Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct located at <http://compliance.rutgers.edu/title-ix/about-title-ix/title-ix-policies/>. For support related to interpersonal violence: The Office for Violence Prevention and Victim Assistance can provide any student with confidential support. The office is a confidential resource and does not have an obligation to report information to the University's Title IX Coordinator. Students can contact the office by calling (973) 353-1918 or emailing run.vpva@rutgers.edu. There is also a confidential text-based line available to students; students can text (973) 339-0734 for support.

For Crisis and Concerns: The Campus Awareness Response and Education (CARE) Team works with students in crisis to develop a support plan to address personal situations that might impact their academic performance. Students, faculty and staff may contact the CARE Team by using the following link: tinyurl.com/RUNCARE or emailing careteam@rutgers.edu. For Stress, Worry, or Concerns about Well-being: The Counseling Center has confidential therapists available to support students. Students should reach out to the Counseling Center to schedule an appointment: counseling@newark.rutgers.edu or (973) 353-5805. If you are not quite ready to make an appointment with a therapist but are interested in self-help, check out TAO at Rutgers-Newark for an easy, web-based approach to self-care and support: <https://tinyurl.com/RUN-TAO>. For emergencies, call 911 or contact Rutgers University Police Department (RUPD) by calling (973) 353-5111.