RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE

ALTERNATE DISPUTE RESOLUTION LEGL-128

I. Basic Course Information

A. Course Title and Number: Alternative Dispute Resolution LEGL-128
B. New or Modified Course: Modified
C. Date of Proposal: Spring 2011
D. Sponsoring Department: Business & Public Service
E. Semester Credit Hours: 3
F. Weekly Contact Hours: Lecture: 3, Lab: 0
G. Prerequisites: None
H. Laboratory Fees: None
I. Name/Email of Coordinator: Maria M. DeFilippis, Esq. mdefilip@raritanval.edu

II. Catalog Description

This course will provide students with an in-depth understanding of alternate forms of dispute resolution outside courtroom litigation, such as mediation, negotiation, and arbitration through lecture, readings, role play and media presentations. In addition, the course incorporates a community service experience in mediation of approximately ten hours during the course of the semester. This community service aspect will allow students a unique opportunity to apply theories, concepts and skills learned in the classroom to practical experiences in serving others in the community.

III. Statement of Course Need

The NJ Supreme Court has made it a requirement that cases in certain practice areas undergo alternative dispute resolution through mandatory mediation, arbitration and other forms of negotiation within the court.
system. The court has also set out rules governing the necessary training and educational requirements for court mediators. This area of law is a growing one not just in the court sector, but in the private sector as well, as mediation and arbitration clauses proliferate in employment, construction and other contracts. This elective course allows students to train in the skills needed to be successful mediators and to take part in the actual mediation of court disputes in the Vicinage 13 Judicial District.

IV. Place of Course in College Curriculum

A. The course is an elective in the following programs: Paralegal Studies, AAS Degree and Certificate.

B. This course will transfer to any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four year institution offering an ABA approved paralegal program of study.

V. Outline of Course Content

UNIT I

The first half of the course will be spent learning the basic principles of court mediation and conciliation. Class will be conducted by trained mediators from the Vicinage 13 CDR Program. Through reading materials, role play and video presentations, the student will develop the necessary skills to be successful mediators.

A. Introduction (3 hours)
   1. Review of Judicial System
      a. Court structure and subject matter jurisdiction
      b. Progress of a case through the system
      c. Analysis of benefits and detriments of the judicial system
   2. Alternative Dispute Resolution Mechanisms
      a. Client/attorney perspectives
      b. Advantages and disadvantages
      c. General types of ADR defined

B. Mediation Training
   1. Introduction and Goals (3 hours)
      a. Review of court organization chart
      b. Conflicts: causes and responses
      c. Listening skills
   2. Elements of Mediation (3 hours)
      a. Issue identification
      b. Prioritizing
c. Timing and climate setting
d. Causes
3. Role of the Mediator (3 hours)
   a. Objectives before and during the mediation process
   b. Reducing defensive communication
   c. Essential qualities necessary
   d. Common errors
   e. Role play
4. Conducting a Mediation Session (3 hours)
   a. Case preparation
   b. Opening statements to parties
   c. Explanation of process and role of mediator
   d. Ground rules
   e. Confidentiality
   f. Role play
5. Common Problem Areas (3 hours)
   a. Dealing with impasse
   b. Summarizing issues
   c. Hostile parties
   d. Manipulative parties
   e. Social service needs and referrals
   f. Role play

UNIT II

The next portion of the course will include in-depth study of various methods of ADR, their current implementation in New Jersey and in specific areas of substantive law.

A. Negotiation (4 hours)
   1. The Process and Outcome of Negotiation
   2. Tactics, Techniques and Skills of Negotiation
   3. Ethical Issues in Negotiation
   4. Application: from Individual Use in Business to Courtroom Tactics
   5. Service Learning Component: District Court

B. Mediation (4 hours)
   1. Forms and Functions
   2. Skills Training
   3. Philosophical and Ethical Issues
   4. Substantive Areas of Law Where Applied: Community Disputes, Landlord/Tenant, Domestic Relations
   5. Service Learning Component: Municipal Court Mediation

C. Arbitration (4 hours)
1. The Process, the Participants, the Neutrals and the Authority
2. American Arbitration Association and Other Organizations
3. N.J. Arbitration Act

D. Hybrid Process (3 hours)
1. Med/Arb
2. Summary Jury Trials
3. Minitrials
4. Early Neutral Evaluation
5. Special Masters

E. N.J. Dispute Resolution Programs (3 hours)
1. N.J. Supreme Court Task Force Report and Its Progeny
2. N.J. Alternative Procedure for Dispute Resolution Act
3. Court-Sponsored Programs
4. Private Resources
5. Student Evaluation of the Processes and Specific Programs

F. Group Presentations
1. Family Disputes (3 hours)
2. Environmental Disputes (3 hours)
3. International Disputes (3 hours)

VI. Educational Goals and Learning Outcomes

A. Education Goals

Students will:

1. Produce written work that reflects critical and creative thought relative to dispute resolution. (GE NJ 1)

2. Communicate and collaborate with others in the processes of role-playing and presenting scenarios on mediation, arbitration and other forms of dispute resolution. (GE NJ 1)

3. Use technology and research to assess, collect and organize information to solve real disputes via mediation, arbitration and other forms of dispute resolution. (GE NJ 4)

4. Analyze and evaluate ethical problems encountered in the resolution of disputes outside the courtroom. (GE NJ 9)
B. **Learning Outcomes**

Upon completion of this course, students will be able to:

1. Differentiate between formal and informal advocacy.

2. Critique the value of the various forms of dispute resolution from negotiating to the use of third party neutrals.

3. Assess the problems and opportunities associated with dispute resolution.

4. Analyze the importance of developing and implementing dispute resolution strategies.

5. Acquire the skills necessary to successfully mediate disputes.

6. Critically analyze and assess the present dispute resolution applications in New Jersey, including private, court-annexed and court-sponsored programs.

7. Examine their personal strengths and weaknesses as mediators.

8. Mediate actual disputes in the Complementary Dispute Resolution Program in the Vicinage 13 Judicial District.

9. Apply theoretical concepts to the day-to-day community service situations in which they find themselves.

**VII. Modes of Teaching and Learning**

This course will employ the following methods of teaching:

A. lecture/discussion
B. service learning through mediation of real disputes in the courts
C. role-playing and student group work
D. student collaboration in small group projects
E. Group presentations

**VIII. Papers, Examinations, and other Assessment Instruments**

This course will employ the following methods of assessment:

A. Examinations
B. Mediation experiences
C. Class Participation in role-play
D. Group Presentations
IX. **Grade Determinants**

Written exams, class participation and attendance, mediation experiences and group presentations will be used to assess the students according to the general education goals and learning outcomes listed above.

X. **Text and Materials**


XI. **Resources**

No special resources will be needed for this course.