Syllabus

Conflict and Cyberspace: Online Dispute Resolution (Legal Studies 491O) – Fall 2006

Professor: Alan Gaitenby, 106 Gordon Hall, gaitenby@legal.umass.edu
Offline Office Hours: TuTh 1:00 – 2:00, and by appt.
Online Office Hours: Email anytime (though don’t expect instantaneous replies). Occasionally we may schedule office hours in the course chat room as needed.

TA: Erik Silevitch (esilevit@student.umass.edu)

General Description: This course introduces students to the evolving field of online dispute resolution (ODR). As such, we will focus on the history / evolution of ODR, nature of online practices / interactions / disputes, implications for dispute resolution across cultural and political boundaries, ODR systems and applications, and the future of information technology to conflict avoidance and/or management in online / offline contexts.

Structure: This is a hybrid online/offline class; while it will rely heavily on online content and activities we will have periodic class meetings on campus during our allotted Weds. 2.30 – 5.00 time slot. Professor will do his best to indicate the schedule of online / offline activities up front in the syllabus. Online content will be in the form of readings (Files or URL’s to be provided), audio lectures (MP3 or PowerPoint files), chats and threaded discussions with the professor and various guest lecturers, and participation in simulations or other ODR exercises. Offline content will be reading and some face to face lecturing / discussion / activities in class.

How does a hybrid online/offline class work? Students will get assignments, announcements, etc. via the WebCT Vista coursesite (https://vista.oit.umass.edu) and will submit all work there unless otherwise noted. Students will be expected to have internet access and be moderately comfortable with web interfaces and downloading / uploading files. Course is divided into weekly sessions (see syllabus), each is represented by an icon/module on the homepage of the coursesite. For a given week you will be assigned readings, lectures, etc. – for the most part all quizzes / discussions / assignments / etc. based on those assigned materials will occur in the subsequent week. We will attempt to update the coursesite early each week to indicate timely instructions as needed – get in the habit of checking the coursesite on Monday / Tuesday to ascertain any specific details for the coming week. The coursesite is a dynamic entity, growing throughout the semester, students will need to get used to regularly accessing it for upcoming events, work, assignments, etc. We will do our best to keep you posted and on track using email as well (not WebCT’s internal email but our usual email addresses).

Evaluation: 1) Quizzes, written assignments, and participation in discussions, chats, and / or exercises (60%); 2) two exams (the latter may be replaced by a project) (40%).
Quizzes are typically available from Weds. – Saturday for you to take at your discretion. Quizzes / assignments are based on the assigned materials from the previous week (see syllabus). It is the student’s responsibility to do the necessary reading / lecture processing to be able to take the quizzes – however we will make every effort to make it as clear as possible as to what the current materials are. We will DROP at least one quiz/assignment grade. NO LATE WORK – so don’t tell us you couldn’t access the readings for the quizzes on the day that quiz is due, or don’t tell us you couldn’t access the quiz on the day it was due. .. it is up to you guys to know what you are supposed to be doing and when it is due. If you’re confused – just ask. ADVICE: DO NOT LEAVE YOUR READING / QUIZZING FOR THIS CLASS UNTIL THE LAST DAY – DEVELOP A SCHEDULE THAT WORKS FOR YOU.

**Materials:** We will be using two primary texts: Colin Rule’s *ODR for Business* and Ethan Katsh and Janet Rifkin’s *Online Dispute Resolution: Resolving Conflicts in Cyberspace*. Both are available from Amazon.com or other online sources. However, I will put digital versions of assigned readings from each online as well as putting them physically on reserve in the library – bottom line, you shouldn’t need to buy them unless you want to. Additional readings will be online or photocopied handouts.

**Platform:** The course will be facilitated using UMass WebCT distance education platform ([https://vista.oit.umass.edu](https://vista.oit.umass.edu)) - log in w/ your OIT username / password

1. **Introduction (Week of Sept. 4): Offline Meeting:** Course introduction - What is Conflict? What is Conflict Resolution? Is it the same as Dispute Resolution? What do we know already about dispute resolution? Why is it important to have a multitude of means for resolving conflict? Where does ODR fit? **Readings** (you need to do this in order to complete the tutorial which is due 9/13/06 at 11.00 pm): Ch. 1 from Rule’s *ODR for Business*, [http://www.citdr.org/ODR_Rule_Chapter 1.doc](http://www.citdr.org/ODR_Rule_Chapter 1.doc); “Five Surprising Lessons,” Lawrence Susskind, [http://www.ebuilding.org/publications/cbireports/Spring2003/Article 1/index.html](http://www.ebuilding.org/publications/cbireports/Spring2003/Article 1/index.html); “Hold on to your seats, change is getting faster”, Richard Susskind, [http://www.timesonline.co.uk/article/0,,200-2002906,00.html](http://www.timesonline.co.uk/article/0,,200-2002906,00.html) “Maybe We Should Leave That Up to the Computer,” Douglas Heingartner, NYTImes 7/18/06. (Access from the NYTImes if you’re a subscriber or the ODR News blog at [http://www.odr.info](http://www.odr.info) - posted 7/18/06) **Assignment:** Do the online tutorial available from the September 4 Module on our Webct coursesite – with submitted quiz, discussion post(s), and response essay due by 9/13/06; **Quiz:** Quiz is part of the tutorial.

2. **ADR / ODR Basics – Primer (Week of Sept. 11): No Offline Meeting:** Introduce ODR, contexts where ODR might apply / might not, so-called proffered advantages / disadvantages of ODR, types of ODR. **Online:**

3. **ODR History and Context (Week of Sept. 18): No Offline Meeting:** General overview of ODR’s development  **Online:** Dan Rainey’s ODR Phylogenetic Tree powerpoint lecture;  **Reading(s):** Katsh and Rifkin’s Ch. 3, 4, http://www.citdr.org/ODR_Katsh_Rifkin_Chapter3and4.doc; Rule’s Ch. 2, 3, 4, http://www.citdr.org/colin_ch2_3_4.doc; **Quiz2:** on materials from week 2 (available 9/20 – 9/23 @ 11.00 pm);  **Assignment:** Assign ID exercise biography and picture w/ response to Chester piece above (details TBA);

4. **CYBERWEEK (Week of Sept. 25): TBD. No Offline Meeting** – Week long virtual conference on ODR.  **Online:** No lectures or readings this week.  **Assignment:** Student registration and participation in Cyberweek (specifies TBA); students should be working on their ID exercise biographies and pictures w/ responses to Chester’s “The Real Me Online” – they’re due Oct. 2 @ noon.

5. **ODR Applications and ID Exercise (Week of Oct. 2) No Offline Meeting** – However, ID Exercise during class time 10/4;  **Online:** ID Exercise (details TBA);  **Reading:** “The Real Me Online: Identity Play on the Internet,” Chapters 5, 6, 8 in ODR for Business, Rule, http://www.citdr.org/ODR_Rule_Ch5_6_8.doc;  **Quiz3:** On materials from week 3.

6. **ODR Applications (Week of Oct. 9): No Offline Meeting:** Online Communication, New Challenges and Skills, Online Processes and Standards, Mastering the Technology, Designing ODR Systems.  **Online:** Listen to radio interview w/ Colin Rule on Stanford Univ. radio station (see learning module for access / links)  **Reading(s):** Ch. 12, 13, 15 from Rule’s ODR for Business, http://www.citdr.org/colin_ch12_13_15.doc;  **Quiz4:** on materials from week 5 and ID Exercise.

7. **ODR and Issues of Culture (Week of Oct. 16): Offline Meeting:** Role of culture in the development of ODR systems and their use.  **Online:** PowerPoint lecture by Daniel Rainey.;  **Reading(s):** “Culture, Language and Online Dispute Resolution,” Siew Fang Law and David Peter Leonard, RMIT University and Dispute Settlement Centre Victoria – Australia, Dept. of Justice; “The Cultural Vacuum in Online Dispute Resolution,” Sharanya Rao, Associate Director of Programs, Envision EMI Inc.  **Quiz5:** on materials from previous week.

8. **ODR and Issues of Culture – continued (Week of Oct. 23) –No Offline Meeting** – But there will be optional real-time meetings online via Skype and/or Messenger and/or other during class time for exam review purposes;  **Assignment:** Second set of lectures/powerpoints by Dan Rainey on Culture and ODR (will be on the exam next week).  **Reading:** Catch up as needed for Midterm next week;  **Quiz6:** on materials from previous week;
9. **Mid Term (Week of Oct. 30)** (Details to be determined – though this will be online)

10. **ODR Brainstorming Simulation / Testing of Umass - NMB Software (Week of Nov. 6)**  
    **Offline Meeting:** Class will meet first f2f to get hypothetical case information and role assignment – after which we will do a f2f group brainstorm to develop an issue statement and list of relative interests. During the week (11/8 – 11/15) students are asked to brainstorm possible solutions to satisfy the issue statement using new Umass brainstorming tool. Dan Rainey of the NMB will be the facilitator for the online brainstorming. **Reading:** “Daring to Dream;” **On Technology and Disasters** - Sanjana Hattotuwa, Head, Research Unit, Info Share **Quiz:** No Quiz this week – attendance and participation in Brainstorming is only graded activity

11. **Other Applications of IT and ODR (Week of Nov. 13) – Offline Meeting:**  
    First – Debrief on Brainstorming from week 10 – Maybe patch Dan Rainey in via Webex or other virtual conferencing tool to lead debriefing. Second, introduce Sanjana Hattotuwa, Head, Research Unit, Info Share and Editor of the Peace Library (**http://www.peacelibrary.org**) as next guest lecturer;  
    **Online:** Audio and PowerPoint lectures by Sanjana Hattotuwa of Info-Share.org (see module for this week on coursesite): (i) Overview of Sri Lanka; (ii) Overview of technology and tsunami relief efforts; (iii) Overview of Info Share, its work and vision; (iv) Info Share's virtual One-Text process.  
    **Reading:** (i) **Charting new ground in ODR: Going beyond the PC**; (ii) **PowerPoint presentation on taking ODR to the villages**; (iii) **Info Share's Peace Library**;  
    **Assignment:** Participate in Brainstorm exercise; **Quiz:** No Quiz this week – attendance and participation is graded activity

12. **Other Applications of IT and ODR cont. (Week of Nov. 20) – No Offline Meeting:** Finish materials from Week 11; **Assignment:** Participate in Threaded Asynch. Discussion and/or SkypeCast w/ Sanjana (Details TBA) **Quiz:** On last week’s lab and Sanjana readings; **NOTE:** THANKSGIVING WEEK RECESS

13. **Practicum (Week of Nov. 27) – Offline Meeting:** Use the “Fire next time” POV video as basis for the case / simulation. After showing the video, have some discussion and break into groups. Groups will research their relative positions, and others, during the week. We come together next week online to do a Conflict Assessment. **Quiz or Assignment:** TBA

14. **Practicum cont. (Week of Dec. 4) – No Offline Meeting:** Real time Conflict Assessment during class-time using virtual collaboration platform – Webex is the likely tool - **URL and Details to be announced**. **Quiz or Assignment:** TBA

15. **Final Project or Second Exam (Week of Dec. 11)** TBA