This course is designed to introduce students to the field of Alternative Dispute Resolution (ADR) in the U.S. We will examine the avenues developed to manage and resolve disputes outside of the U.S. justice system. We will explore the historical origins of ADR, its roots in a variety of cultures, many of its present day applications, and some of its newest forms such on-line dispute resolution. We will also study the investments in the development of the ADR field and practices by legal, labor, community, and educational interests. The strengths as well as the limitations of ADR will be investigated, particularly with regards to rights, race, gender, class, and culture.

In addition to completing readings for each class, students will be assigned papers to respond to leading questions facing the field of ADR. Another requirement gives students the option of either completing a group research paper or a creative group project based on research. Class will regularly involve roleplaying, interactive activities, and skill-building exercises which demonstrate tools and theories utilized by ADR practitioners. The importance of participation in these activities and class discussion is reflected in grading.

Collaboration on any assignment is encouraged in this course. Students will be expected to include the names of all those who wrote/created the work which is handed in. All work must have proper reference citations within the text and a properly cited bibliography. All papers should be typed and double-spaced. Any student with particular needs is encouraged to contact Leah if accommodations are needed.

**Grading**

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<th>Percentage</th>
<th>Description</th>
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<tr>
<td>50%</td>
<td>Integrative and analytical papers (approximately 2 papers, 7-10 pages in length)</td>
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<tr>
<td>35%</td>
<td>A group final project, paper, or presentation based on library research</td>
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<tr>
<td>15%</td>
<td>Active participation and class attendance</td>
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**Required readings**

Two reading packets available: Collective Copies (across from Amherst Common) and will be on reserve in the library.

*A note on using the internet as a resource for assignments*

Since it is possible for anyone to put out information on the internet without having familiarity or experience with the field of ADR, materials from the internet will not be accepted as a source for research papers/projects unless they have been published elsewhere or are from a peer-reviewed online journal. Exceptions can be made to this in consultation with Leah, particularly with regards to on-line ADR. If you have any questions about a source, please consult Leah.

The internet can, of course, prove to be a very useful site for stimulating thinking about ADR and if you would like to join an ADR listserve please let Leah know. **If you must miss class due to circumstances beyond your control**

Please inform Leah of the situation. After the close of every class the handouts and any assignment changes will be placed in the Legal Studies main office in Gordon Hall on the shelf marked “397i.” You are responsible for picking up materials there.
Assignments are due on the date they are listed. Students are responsible for checking the 397i box in the Legal Studies Dept. office if they miss a class in order to see if the assignment was changed. Assignments are from the Readers unless otherwise noted.

2/6: intro to course; no assignment due today

2/13: excerpts from Justice Without Law?, “Everyone Agrees to Peace,” “Mary Parker Follett”

2/20 is held on 2/21: (change is due to University schedule)
“In Practice: Fitting the Forum to the Fuss”
When reading this article, consider in particular:
Which values underlie the different ADR forums?

“Isn’t There a Better Way?”
Which values motivated Chief Justice Burger to advocate the use of ADR; and which forum of ADR did he seem to favor? Why do you think he favored this forum?

“To Set Right: Ho-oponopono”
Which values underlie this method of ADR?

“Moral Orientation and Moral Development”
How is moral orientation and development related to ADR?
How, then, might gender (by nature and/or nurture) be connected to ADR?

2/27: First 7-10 page paper due
Make note of key features of arbitration history and the process:
“Commercial Arbitration”
“How Arbitration and Collective Bargaining”
“How Anatomy of a Labor Arbitration”

3/6: “ADR in the Workplace”
Consider why you would or would not want to use arbitration if you were in management or labor

“The Mediation Movement: Four Diverging Views”
Consider the different historical reasons for advocating for or against the use of mediation.

Read the excerpts from Leah’s Mediation Training Manual
3/13: **Extra credit library investigation due**  
Hoffman’s “Judge Hayden’s Family Values” in the *New York Times Magazine*.


Singer’s “Settling Disputes in Families” in *Settling Disputes: Conflict Resolution in Business, Families, and the Legal System*.

What are the reasons that family mediation is utilized?  
What concerns are expressed about family mediation?  
Which cases seen by Judge Hayden could have sent to mediation and why?

Read all the short Victim-Offender mediation articles that are at the end of Reader I.

What do you think are the strengths and weaknesses of victim-offender mediation?

**3/20: Spring Break: Create conflict or resolve it somewhere beautiful!**

3/27: No class

4/3: **In Reader II**: Volpe and Phillips’s article on police and mediation.

Prichard’s chapter on conflict resolution education in schools, an excerpt from Kmitta and Jones’ *Does It Work*?

Come to class with notes so that you are prepared to discuss the readings for the last two reading assignments. We will consider the usage of mediation in communities (for families, victims, offenders, and those working and studying in schools.)

**4/10: Second 7-10 page paper due**  
Excerpts from *Breaking the Impasse*

In addition, read one of the following articles:  
“Exposing EMF”  
“Natural Resources Dispute Resolution: An Overview”  
“Case Analysis: Designing a Dispute Resolution System for Water Policy and Management”

Take notes and come to class prepared with questions and opinions on ADR and environmental issues.

*Legal Studies 397i*
4/17 class is held 4/19: (change due to University schedule)
Bercovitch’s “Mediators and Mediation Strategies in International Relations.”

Pavri’s “Help or Hindrance: Third Parties in the Indo-Pakistani Conflict.”

What are some differences between domestic mediation and international mediation?

What are some differences in the role that international mediators are to play according to these two articles?

4/24: Excerpts from Katsh and Rifkin’s Online Dispute Resolution. (Handouts)

As you read and take notes, consider issues of identity, power, participation, leverage, creative possibilities for dispute resolution, etc. as they relate to resolving disputes in cyberspace. What do you want to know more about? What concerns do you have? What did you not understand in the readings? Come prepared with questions for us to discuss.

5/1: Excerpts from Ury’s Getting Past No: Negotiating Your Way from Confrontation to Cooperation

“Negotiation Problems and Possible Solutions” (Excerpts from Negotiation Journal)

5/8: “Gender Dilemmas in Sexual Harassment Policies and Procedures” by Stephanie Riger

Excerpts from Justice Without Law? by Jerold Auerbach

“Fairness and Formality” by Richard Delgado et al

What do you think of these leading critiques of ADR?
Do you agree with any components of their criticisms?
Where, for whom, and when should ADR be used?
Not allowed? Who should decide?

5/15: Group Research Project Assignment due along with any re-writes