
COURSE: LAWS 5702 – Advance Conflict Resolution and Mediation

TERM: Summer - 2018

PREREQUISITES: *(Please refer to the public schedule on Carleton Central)*

CLASS: **Day & Time:** June 1,2,3, and June 9, 10
9:00 a.m. – 5:00 p.m.

INSTRUCTOR: **Ruben Benmergui**
(CONTRACT)

CONTACT: **Office:** By Appointment
Office Hrs:
Telephone: 613-853-4167
Email: Rubenb@sympatico.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your ***Letter of Accommodation*** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original

source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course builds upon the theory and skills of conflict resolution and insight mediation taught in LAWS 5701. Topics include a review of Approaches to Mediation: (Interest-Based; Evaluative v Transformational; Insight, Facilitated Negotiation; Advanced Conflict Resolution and Mediation: Faith-Based ADR; Online Dispute Resolution; Court-adjunct Mediation; Mediation And The Practice Of Law; Global Conflict; Intra-National Conflict; Socio-Economic Conflict; Resolution Modalities; Med-Arb Simulayions; Designing Conflict Resolution Systems.

COURSE OBJECTIVES

- To further students' understanding of conflict resolution and mediation practice.
- To refine and advance the conflict resolution and mediation techniques and skills learned in LAWS 5701 and other GCCR courses.
- To explore and analyze current and developing issues in conflict resolution and mediation

REQUIRED TEXTS

Students will be provided with readings throughout the Course as well as topic-relevant links. In addition the following Texts are recommended but not required.

1) Melchin K. and C. Picard, *Transforming Conflict through Insight*. Toronto: University of Toronto Press, 2008

2) Picard, Cheryl, Peter Bishop, Rena Ramkay, Neil Sargent, *The Art and Science of Mediation*. Emond Montgomery, 2004.

EVALUATION

All components must be completed in order to complete the Certificate.

i) *Preparation for Class, Participation, Group Presentations, and Attendance* (20%)

The course will involve lectures, class discussion, small group work, and mediation simulation practice.

Students are expected to have read the recommended readings in advance of class and come prepared to offer informed and analytical interventions. Assessment will be based on a student's willingness to participate in the class activities, to ask questions that advance their own understanding and build knowledge for others; to participate in class discussions that deepen the conversation and link back to the readings; to encourage the participation of others; and to attend to group process being mindful of the different learning styles of their classmates. Students will also be assessed on the quality, fullness and consistency of their participation.

ii) *In-class Assignments* (30%)

iii) Students are also required to write a 4 to 5 page self-assessment identifying their strengths and weaknesses in mediation and communication skills at this point in time, their ability to integrate knowledge and skills, and concrete plans for improving on their skills.

iv) *Final Essay* (50%) of the final grade will be based on an essay assignment of no more than 12-15 typed, double spaced pages. Details of the assignment will be handed out in class.

Students can lose up to 3 marks for each day their assignments are late.

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

SCHEDULE

Day One

- Introductions/Learning Objectives/Modus Operandi/Housekeeping Details
- Review of Basics – Conflict Resolution/Mediation/Other ADR/Negotiations
- Beyond the Basics – Advanced Conflict Resolution and Mediation
- Faith-Based ADR
- Online Dispute Resolution
- Court-Adjunct Mediation

Roots of Conflict

- Global Conflict
- Intra-National Conflict
- Socio-Economic Conflict

Day Two

- Workplace Conflict
- Organizational and Personal Contexts of Conflict Resolution
- Resolution Modalities in Workplace Conflict
 - o Arbitration
 - o Conciliation

- Mediation
- Hybrids:
 - Med-Arb
 - Final Offer Selection
 - Early Intervention
- Every Manager A Mediator
- Mediator Skill Sets

Day Three

- Med-Arb Case Simulation
- In-Class Multi Party Mediation , (Several Disputants)
- Analysis, Critique, Self-Reflection

SECOND WEEKEND**Day Four**

- Designing Conflict Resolution Systems and Sub-topics
- Open Discussion on Readings (Participant's Choice)

Day Five

- Mediation & The Practice of Law
- Access to Justice & Unlicensed Practice of Law
- Conflict Resolution, Mediation-Ethics and Codes of Conduct
- Guest Speaker
- Wrap-up/Feedback