

University of Washington School of Law
Mediation Clinic – B526
Autumn & Winter 2022-23 Syllabus

- Faculty:** Assoc. Dean and Professor Christine Cimini
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- Affiliate Professor Esther Park
209 Wm. H. Gates Hall
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Office: (206) 616-1364
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- Class:** Mondays, 10:30 a.m. to 12:20 p.m.
Room 441 Wm. H. Gates Hall
- Labs:** Group A
Tuesday, 3:30 p.m. to 5:20 p.m.
Room 240 Wm. H. Gates Hall
- Group B
Wednesday, 3:30 p.m. to 5:20 p.m.
Room 240 Wm. H. Gates Hall
- Group C
Thursday, 3:30 p.m. to 5:20 p.m.
Room 240 Wm. H. Gates Hall
- Group D
Friday, 10:30 p.m. to 12:20 p.m.
Room 240 Wm. H. Gates Hall
- Mediation Training:** Friday, Sept. 30th (1:00 p.m. – 5:00 p.m.)
Saturday, Oct 1 and Sunday, Oct. 2 (8:30 a.m. to 5:30 p.m.)
Saturday, Oct. 8 and Sunday, Oct. 9 (8:30 a.m. to 5:30 p.m.)
- Credits & Grading:** Autumn Quarter: Four (Credit/No Credit Basis)
Winter Quarter: Four (Credit/No Credit Basis)
- Office Hours:** Drop in anytime or make an appointment
- Staff Support:** Robin Gianattasio
228 Wm. H. Gates Hall
robing@uw.edu

Office: (206) 543-3434
Fax (206) 685-2388

Course Website: <https://canvas.uw.edu/courses/1581804>

Course Description:

Autumn quarter, students will receive instruction in mediation law, policy and ethics, and mediation skills training. Winter quarter, students will mediate actual cases of various types under faculty supervision.

Course Objectives:

The Mediation Clinic is designed to:

- Develop your understanding of the mediation process.
- Train you to be a competent mediator.
- Enhance your communication and negotiation skills.
- Enable you to deal effectively with persons in conflict.
- Explore how cultural factors can impact mediations.
- Encourage you to be a reflective professional.

Course Overview:

Autumn Quarter:

In our weekly class, you will be reading about and discussing mediation practice, policy and ethical issues.

You will also receive professional mediation skills training that consists of:

- 36-hour mediation skills training over two weekends in late September and early October (dates above); and
- A weekly two-hour lab to practice being a mediator.

In addition, you will be:

- Journaling about your experiences; and
- Observing Small Claims Court mediation calendars.

Winter Quarter:

You will convene and mediate real cases on a regular basis in Small Claims Court, for the Equal Employment Opportunity Commission (EEOC) and community referred cases. There will be no lab sessions during winter quarter.

In our weekly class, we will continue our study of the mediation process, conduct “grand rounds” discussions of the cases you are mediating, and work on community projects.

You will continue journaling.

Required Texts:

UW CLE Professional Mediation Skills Training Manual (provided before training)

MEDIATION PRACTICE, POLICY & ETHICS, Menkel-Meadow, Love & Schneider (Aspen Publishing 3rd Ed. 2020) (available at U-Bookstore)

GETTING TO YES, Fisher, Ury & Patton, Penguin (2011 Ed.) (available at U-Bookstore)

Course Requirements:

THE FOLLOWING ARE THE MINIMUM REQUIREMENTS YOU MUST MEET TO PASS AND RECEIVE CREDIT FOR THIS COURSE:

1. Complete Mediation Training: You must attend the 36-hour Mediation Skills Training in its entirety, unless excused in advance by faculty member. The dates are provided above.
2. Complete Two Quarters: The Mediation Clinic course is offered over two quarters (4-4). **You will receive credit for the course only upon completion of both quarters.**
3. Attend All Classes and Lab Sessions: Attendance at all classes and lab sessions is mandatory. Each class and lab will prepare you to mediate for real people in conflict. Your absence from class or labs jeopardizes your ability to mediate competently. Moreover, if you are not in a lab you also diminish the learning experience of your classmates who need your participation for mediation roleplays and group exercises.
4. Complete Required Mediations During Winter Quarter: Students must be available to mediate in Small Claims Court on a consistent basis. Small Claims Court calendars are set by the King County District Court. Students will be notified of mediation dates as early as possible, but dates may be changed by the Court, so some scheduling flexibility may be necessary.

If you absolutely must miss a class or lab for a reason beyond your control, e.g., a sudden emergency or illness, you must notify a faculty member at least 24 hours in advance, recruit a substitute to fill your part in a roleplay, and arrange for and complete a make-up assignment.

Please stay in this course only if you are willing to commit to this class attendance policy.

4. Comply with Laptop Policy: Students may not use laptop computers during class except to take notes and access materials related to the course.
5. Submit Journal Entries: You will be required to submit weekly journal entries. By writing and reflecting about your mediation experiences, you will become (what the best professionals are) a self-reflective practitioner. Self-reflective mediators analyze each new mediation experience in order to continually improve their understanding of mediation theory, process, skills and, perhaps most importantly, themselves in the mediator role. The journal assignments are intended to help you improve your self-reflection skills.

Guidelines for the journal assignments are below.

6. Prepare for All Classes and Roleplay Exercises: We will read materials from various sources concerning mediation skills, and current issues and controversies in mediation. From time to time, students, in a team of two or three, will lead a class in a discussion or activity concerning a mediation topic. Feel free to be creative in how you present your topic. (For example, you could design a short mediation roleplay or play a video clip to illustrate issues). If there are outside materials or articles you wish to use in a class, provide them to us and we'll see that they are distributed.

7. Maintain Confidentiality: In handling your mediations you will have access to confidential communications. Working within the Law Clinic offices, you also will have access to confidential information, materials and files for all of the in-house clinic cases. It is imperative that you maintain the confidentiality of all this private information.

It is unethical and unprofessional to discuss mediation cases with persons who are not associated with the Clinic. You may discuss your cases with Mediation Clinic faculty, clinic staff, and Dispute Resolution Center personnel when mediating in Small Claims Court. When discussing a mediation during a break in the session, do so where you cannot be overheard and do not refer to the parties by their last names or by information that could identify them.

Sometimes we are asked specifics about a mediation by persons who are not part of the Mediation Clinic; e.g., staff of the Attorney General, the EEOC and Small Claims Court personnel (including judges). To such persons you may only inform them who was present at the mediation and whether the case settled or not.

8. Maintain Neutrality and Impartiality: Before a mediation begins, mediators must report any known potential conflicts of interest to the parties. Examples of conflicts of interest include the following: if you know any of the parties or the circumstances of the dispute; if you have an affiliation with a party or a law firm that represented one of the parties; or if you have a financial or other interest in one of the parties, the dispute or the issue. You also must inform a faculty member immediately if you believe you might have a conflict of interest in a case assigned to you. Always err on the side of over-disclosure!

During a mediation, parties expect their mediator to be impartial and evenhanded. Inform us immediately if you are having difficulty in maintaining your impartiality.

Friendliness to one party can easily be misinterpreted as mediator partiality by the other party. Conversing with one party before the mediation begins or during breaks may compromise the appearance of impartiality. If a party engages you in conversation, keep the conversation to a minimum, impersonal and non-substantive, and report the conversation when the mediation begins or resumes.

9. Complete Course Evaluation Forms: Students must complete both the clinic and UW Law's course evaluation forms.

Guidelines for Journal Writing:

Your journal entries will be a means for personal, in-depth exploration of the course readings, class discussions, and your mediations experiences. Write in the first person and make sure to include your thoughts and feelings about the mediation process, any ethical dilemmas, and interpersonal dynamics

in your mediations. Most importantly comment on your development as a mediator. Please stay away from fact-based "case summaries." Having observed your mediations, faculty will know the facts.

Journal Length and Content: You will submit a journal entry of:

- 1 page (+) for each day of the 36-hour skills training;
- 2 pages (+) weekly thereafter – due dates are specified on the Canvas course portal; and
- 6 pages (+/-) at the end of Autumn and Winter quarters (Journal Summary).

For the 2 (+) page journals please comment:

- On how the class readings and discussion added to your understanding of mediation and how you intend to incorporate what you learned into your role as a mediator; and
- On your mediation experiences during roleplays or actual mediations.

For your mediation experiences, here are some suggested topics if you were a mediator:

- What were your learning goals for the mediation? Did you achieve them? If not, what barriers got in the way?
- What was particularly challenging? What was easy?
- How well did co-mediation work?
- What new thing(s) did you learn about mediation?
- What new thing(s) did you learn about yourself in the role of mediator?
- What skills do you want to focus on in your next mediation?
- Any additional observations, impressions, learning and/or remarks?

Here are some suggested topics if you were a roleplay party:

- Describe the quality of the mediators' communication skills. What worked or what didn't?
- Were the mediators able to help the parties understand their own and the other party's interests?
- What, if any, assumptions were the parties making about each other? Were the mediators able to surface those assumptions? Clear up any misunderstandings?
- Was the mediators' level of directiveness appropriate? Was impartiality ever compromised?
- Describe the successful and unsuccessful mediator interventions.
- What were the barriers to settlement? What did the mediators do to promote settlement?
- Describe how the co-mediators performed as a team? Were they respectful of each other? Did they share the role appropriately? Were there instances where there were problems?
- Any additional observations, impressions, learning and/or remarks?

For the quarter-ending Journal Summaries, please reflect on your understanding of the mediation process and your development of mediator skills. Also, you should identify specific mediator skills you plan to work on in future mediations.

Journal Format: Journal entries must be a Word document with double-line spacing, 12-point font, one-inch margins, except for a 1.5 inch right margin. Entries should be submitted on Canvas by the specified due date.

To orient the faculty to your mediation experiences, please begin the journal entry with a caption that lists, for example:

- Your Name: Sam
- Roleplay or case: Bowen/Carpenter
- Co-Mediators Sam and Bianca

- Mediation Party 1 Bill/Bowen party
- Mediation Party 2 Jane/Carpenter party

When journaling on mediations involving actual clients use only their first names or designate them e.g., "seller/buyer" or "landlord/tenant."

Optional Video Review with Faculty:

Each student will have the opportunity to digitally record one or more simulated mediations. Students interested in reviewing recordings with faculty should make an appointment directly with the faculty member.

Mediators will initiate the recordings during their roleplay and then upload to the canvas site for review by the faculty.

Clinic Operation:

1. Cases: Our cases come from many sources: Small Claims Court Division, the Dispute Resolution Center of King County (DRC), the EEOC, practicing lawyers, and members of the community through our outreach efforts.

2. Supervision: Autumn quarter, a faculty member will observe all your mock mediations. Initially we will intervene after each step of the mediation process to capture learning opportunities. As the quarter proceeds, students will have a choice in the level of supervision: no interventions, intervention if things seem to be bogged down or intervention only when requested by the student.

With real mediation cases, we will intervene only when the process is being threatened, the parties harmed or to avoid impasse. During breaks in the mediation, we will respond to student questions and confer over strategic choices. After each mediation a faculty member will provide specific, in-depth feedback. Plan to stay **at least a half-hour** after a mediation for that debriefing.

Another experienced mediator may supervise some of your real mediations when we have a scheduling conflict.

3. Co-Mediation: During your clinic experience, you will be co-mediating with another student or an experienced mediator. Plan to meet with your co-mediator at least 30 minutes before the mediation is scheduled to begin to:

- Set up the mediation rooms (water, cups, tissue, paper and pens, and mediation case documents (Agreement to Mediate and Settlement Agreement forms)).
- Divide the opening statement and other mediation tasks.
- Discuss your mediation styles and preferences.
- Identify any skill areas you particularly want to work on.
- Decide how you will communicate with your co-mediator.

4. Dress: Serving as a mediator is a professional role. You will need to dress appropriately for the mediation participants to regard you as a professional and to gain their confidence. Business casual is required at a minimum. You may not mediate in jeans, sweatshirts or a hat.

Student Learning Technologies (UW-IT) Support

Contact help@uw.edu or 206-221-5000 for UW NetID and general networking support. UW-IT maintains a help desk at the Odegaard Undergraduate Library.

Access and Accommodation

To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. If you have a letter from DRS, please present the letter to the Instructor so you can discuss the accommodations you might need in this class.

Religious Accommodations

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy \(https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/\)](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form \(https://registrar.washington.edu/students/religious-accommodations-request/\)](https://registrar.washington.edu/students/religious-accommodations-request/).

Indigenous Land Acknowledgment

The University of Washington acknowledges the Coast Salish peoples of this land, the land which touches the shared waters of all tribes and bands within the Duwamish, Puyallup, Suquamish, Tulalip and Muckleshoot nations.

We look forward to working with each of you. Professors Cimini and Park

Mediation Clinic Class Schedule and Assignments Autumn Quarter 2022

Class Reading Materials:

T: MEDIATION: PRACTICE, POLICY & ETHICS

M: Mediation Training Assignments on Mediation Training Canvas Portal

F: GETTING TO YES

Class & 36-Hour Training Schedule Classes: Mondays 10:30 a.m. – 12:20 p.m. William H. Gates Hall, Room 441

WEEK 1

Event	Date	Subject	Assignments
Class	Sept. 26	Class Expectations and Introductions	Review Canvas Site and Syllabus Prepare for Information Exchange Exercise (provided on Canvas)
Skills Training	Sept. 30 1:00-5:00 pm	Introduction to Conflict; Negotiation Theory and Style; Mediation Definition and Process	See Professional Mediation Skills Training Canvas Site https://canvas.uw.edu/courses/1581848
Skills Training	Oct. 1 8:30 am – 5:30 pm	Uniform Mediation Act (UMA)/Confidentiality; Mediator Opening; Party Opening; Co-Mediation	See Professional Mediation Skills Training Canvas Site
Skills Training	Oct. 2 8:30 am – 5:30 pm	Reframing & Interest Identification; Agenda Setting; Caucus; Negotiation; Cultural Factors in Mediation	See Professional Mediation Skills Training Canvas Site

WEEK 2

Event	Date	Subject	Assignments
No Class	Oct. 3		
Skills Training	Oct. 9 8:30 am – 5:30 pm	Obstacles to Settlement; Impasse & Strong Emotions; Attorneys in Mediation	See Professional Mediation Skills Training Canvas Site

Skills Training	Oct. 8 8:30 am – 5:30 pm	Agreement Writing and Closure; Power Imbalances and Impartiality; Mediator Ethics	See Professional Mediation Skills Training Canvas Site
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WEEK 3

Event	Date	Subject	Assignments
No Class	Oct. 10		
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Steps 1 and 2 of Mediation Process	Grime v. NW Properties Roleplay Farnam v. Schaefer Roleplay
Clinic Swearing-In Ceremony	Oct. 14 12:30-1:30	Justice Yu of the Washington Supreme Court will swear-in clinic students	Room 133 Dress as Appearing in Court

WEEK 4

Event	Date	Subject	Assignments
Class	Oct. 17	Conflict and Dispute Resolution	T: Chap. 1, pp. 3-22
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Steps 3, 4 and 5 of Mediation Process	Grime v. NW Properties Roleplay Farnam v. Schaefer Roleplay

WEEK 5

Event	Date	Subject	Assignments
Class	Oct. 24	Mediation Concepts and Models	T: Chap. 3, pp. 63-92 Submit Journals
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Steps 2-5 of Mediation Process	Fizzling Franchise Roleplay

WEEK 6

Event	Date	Subject	Assignments
Class	Oct. 31	Negotiation I and II	T: Chap. 2, pp. 33-60 Submit Journals F: Entire book Mnookin article on Canvas Submit Journals
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Steps 2-5 of Mediation Process	Jones v. Rogers Roleplay

WEEK 7

Event	Date	Subject	Assignments
Class	Nov. 7	Managing Distributive Bargaining and Caucus	Handout Submit Journals
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Caucus and Distributive Bargaining	Grime v. NW Properties Roleplay Farnam v. Schaefer Roleplay

WEEK 8

Event	Date	Subject	Assignments
Class	Nov. 14	Small Claims Court Training	Small Claims Mediation article on Canvas Small Claims Court Manual Submit Journals
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Small Claims Court Mediation	Powers v. Dean Roleplay

WEEK 9

Event	Date	Subject	Assignments
Class	Nov. 21 (Thanksgiving Week)	Agreement Writing #2	Submit Journals
Mediation Observation	To Be Completed Prior to the End of the Quarter	Process and Substance of Small Claims Court Mediations	Observe a Small Claims Court Mediation

WEEK 10

Event	Date	Subject	Assignments
No Class	Nov. 28		Submit Journals
Lab	A: Tuesday (3:30-5:20) B: Wednesday (3:30-5:20) C: Thursday (3:30-5:20) D: Friday (10:30-12:20)	Agreement Drafting	Hanson v. Garcia

FINALS WEEK

Event	Date	Subject	Assignments
Class	Dec. 5	EEOC Mediation Training Session	Review Training Materials
Mediation	Dec. 5-9	Final Mediations with Actors (Entire Process)	Wilkerson v. Executive Leasing LLC & Moreno
Individual Meeting with Faculty	Dec. 5-9	Student-Faculty Meetings	Skills Self-Evaluation Form
Final Written Assignment	Dec. 16	Final Journal	Submit Journal Summary

Class Schedule & Reading Assignments Mondays

10:30-12:20 am*

*Unless otherwise noted

Week	Date	Subject	Assignments
Week 1	Jan. 2-6	Individual Meetings with Faculty Supervisor	Review Final Journal and Schedule Meeting with Faculty Supervisor
Week 2	Jan. 9-13	Representing Clients in Mediation Remote Desktop and Email Set-Up Please bring laptop to class	Handouts
Week 3	Jan. 16-20 Class Jan. 18	Case Rounds	Submit Journal Entries – Due Jan. 16 th
Week 4	Jan. 23-27	Legal and Policy Issues: 1. Mediation and the Law 2. Mandatory Mediation 3. “Good Faith” Requirement	T: Chap. 8, pp. 225-243 Submit Journal Entries – Due Jan. 23 rd
Week 5	Jan. 30-Feb. 3	Case Rounds	
Week 6	Feb. 6-10	Legal and Policy Issues: 1. Evaluate or Assess 2. Mediator’s Responsibility for Quality/Fairness in Process	T: Chap. 8, pp. 243-254 Submit Journal Entries – Due Feb. 6 th
Week 7	Feb 13-17	Case Rounds	Submit Journal Entries – Due Feb.20 th
Week 8	Feb. 20-24 Class Feb. 22	Process Options – Alternatives to Mediation	T: Chap. 10 Submit Journal Entries – Due Feb. 13 th
Week 9	Feb. 27 -Mar. 3 Class March 1st	Panel of Mediators – Diverse Work in the Mediation Field	
Week 10	Mar. 6-10	Thinking Critically About Mediation Future of Mediation	T: Chap. 14, pp. 423-449 Submit Journal Entries – Due March 6 th

Final Meeting			
Final Meeting	Exam Week Mar. 13-17	Student Meetings with Instructor	Submit Final Self-Evaluation at least 24 hours prior to meeting with faculty