COURSE INTRODUCTION

ALTERNATIVE DISPUTE RESOLUTION
NYU LAW SCHOOL
THURSDAYS 6:05 – 8:55 PM
Professor Kathleen A. Roberts

TEXTBOOKS: Riskin, Dispute Resolution and Lawyers, Third Edition
Fisher and Ury, Getting to Yes
G. Richard Shell, Bargaining for Advantage

Please Note: Attendance at the First Class on August 31 is mandatory (you will lose your place in the class if you do not attend). In addition, absent extraordinary circumstances, you cannot receive full credit for the course if you miss any of the classes devoted to the mediation workshop and simulated mediation on 9/28, 10/5 and 10/12.

The goal of the course is to help you understand the various methods of preventing and resolving disputes, so that you can help your clients and society select and employ the most effective, just and humane methods. The use of alternative dispute resolution methods has grown so rapidly in the past fifteen to twenty years that it touches the practices of nearly all lawyers, and in some jurisdictions, it has transformed the practice of law. Hopefully at the end of the course you will understand the nature and potential advantages and disadvantages of various dispute resolution processes, as well as how to counsel a client. I also hope that you will leave the course with an awareness of public policy issues, professional responsibility issues, and significant legal and practice developments in dispute resolution.

This is an ambitious course—part survey course, part lawyering skills course and part policy seminar. Each class will consist of discussion of the readings and exercises, such as simulated negotiations and mediations, designed to develop your practical understanding of various dispute resolution processes.

COURSE REQUIREMENTS AND GRADING

You will be graded on class attendance, participation, and occasional “homework” assignments (30% of grade), and two papers—one, a detailed report on a simulated mediation (30% of grade), and the other on a topic in arbitration (40% of grade). This course satisfies the “B” paper requirement (it does not satisfy the “A” paper requirement).
ATTENDANCE IS MANDATORY AND CRUCIAL

The success of the course for you and your classmates depends on your active and hopefully enthusiastic participation in the group simulations and exercises and class discussion. Class participation is a significant percentage of your grade. I love volunteers, but also expect to call on students during class discussions. In short, this is not a course in which you can simply do the readings and take an examination.

I have a very strict attendance policy: you are permitted two absences without penalty. Additional absences will be reflected in your grade, and you cannot receive credit for the course if you miss more than four classes. In addition, absent extraordinary circumstances, you cannot receive full credit for the course if you miss any of the classes devoted to the mediation workshop and the simulated mediation on 9/28, 10/5 and 10/12.

If you have any questions or if you would like to schedule an out-of-class meeting, please speak to me in class, or feel free to contact me by phone or email. Regular office hours will be announced, and I can arrange to meet you at other mutually convenient times.

Contact Information for Professor Roberts

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