

**Alternative Dispute Resolution – Law 705  
Spring 2011**

**J. Noah Funderburg**

**Associate Dean for Administration**

Room 142C Conferences by appointment

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**Textbook:** *Dispute Resolution, Examples and Explanations*, by Moffitt and Schneider

**Course Objectives:** This course provides an overview of the various forms of dispute resolution mechanisms thought of as alternatives to the traditional litigation model for resolving disputes. Since the underpinning of any dispute resolution involves negotiation to some extent, we will begin our journey with negotiation and move on to explore mediation and arbitration with some depth followed by a lighter examination of a variety of other ADR processes.

**Course Methodology:** We will employ discussion, rather than lecture or strict Socratic dialogue, as the primary means of reviewing material. We will facilitate discussion by using questions posed by the authors of our primary text. We will complement classroom discussion with in-class role-play exercises. This is a hands-on class, so be prepared to participate in front of the class. We will engage in some exercises in several class sessions. Given that we meet only once a week, I believe the reading assignments are realistic and students are presumed to have read all materials assigned. Students sometimes will be given advance assignments and others will be selected at random for classroom discussion. I expect all students to be prepared to lead or participate in knowledgeable discussions in every class.

**Course Grade:** The final exam will be given on Wednesday, May 4 at 9:00 a.m. and will be a closed book, non-floating exam.

**Course Policies:**

Law School policies on attendance, exams, grading, and academic misconduct apply. (See the Law School Student Handbook for copies of these documents and Associate Dean Marsh for questions you might have.) Specifically in this course:

- **Grading Policy,** I will grade using the Law School's plus/minus grading system.
- **Attendance Policy:** Attendance at all classes is required. A student may miss class only for good cause. A student missing more than three class hours per semester hour (3 x 2 = 6 hours or 3 classes for this course) may be dropped from the class roll.

**Food and beverages:** Please observe Law School policy on bringing beverages into class. Food never is allowed.

**Use of Electronic Devices:** You are welcome to use a laptop computer or other electronic device to take notes and to display class preparation materials. Use of any electronic device during class is restricted to class-related uses. Playing computer games, checking email, instant

messaging, and surfing the Internet are not considered class-related. Cell phones should be turned off at the beginning of class and remain off during class.

**ADA Accommodations:**

The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's associate deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Jenelle Marsh, Associate Dean for Students/Academic Services at 205.348.5750 or [jmarsh@law.ua.edu](mailto:jmarsh@law.ua.edu) so that the individual's needs for support services can be evaluated and accommodated in a timely manner.

**Weekly Assignments**

Unless noted otherwise, all reading assignments are to ***Dispute Resolution, Examples and Explanations, by Moffitt and Schneider***. Class exercises will be handed out in class or posted for download. When Powerpoint slides are used, they will be made available to students electronically.

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| January 11 | Dispute Resolution – What's It All About<br>Reading Assignment: None<br>In class exercise  |
| January 18 | Negotiation –<br>Reading Assignment: Chapter One<br>In class exercises   |
| January 25 | Video presentation on negotiation<br>(Dean Funderburg will be out of town, so the video presentation will be in lieu of having a makeup class) |
| February 1 | Lying and Negotiator Behavior<br>Reading Assignment: Chapter Two<br>In class exercises   |
| February 8 | Introduction to Mediation<br>Reading Assignment: Chapter Three<br>Mediation in Alabama<br>Examples and Explanations                            |

- February 15 Mediation – Keeping Secrets  
Reading Assignment: Chapter Four  
Examples and Explanations
- February 22 Representing Clients in Mediation  
Allison Skinner – guest speaker
- March 1 Introduction to Arbitration  
Reading Assignment: Chapter Five  
Examples and Explanations
- March 8 Is the Agreement to Arbitrate Enforceable  
Reading Assignment: Chapter Six  
Examples and Explanations
- March 15 **Spring Break**
- March 22 Arbitrability  
Reading Assignment: Chapter Seven  
Examples and Explanations
- March 29 Preemption  
Reading Assignment: Chapter Eight  
Examples and Explanations
- April 5 ADR options for the Courts  
Reading Assignment: Chapter Nine  
Examples and Explanations
- April 12 Videos of alternative processes
- April 19 Guest Speaker on Arbitration Practice  
Course review