

CAPITAL UNIVERSITY LAW SCHOOL
MEDIATION CLINIC

Summer Term 2013
May 20 – July 26, 2013

COURSE SYLLABUS

Professor Terry Wheeler
614-221-0944
Office – Room 524
twheeler@adwllp.com

COURSE DESCRIPTION

MEDIATION CLINIC (3 credits): A clinical experience for students who have completed the Mediation course. Students will complete classroom work and mediate disputes in a variety of settings.

COURSE OVERVIEW

The Mediation Clinic involves classroom work involving general skills training in the techniques needed to conduct a mediation. The training will focus on the use of the *Seven Stage Mediation Model*. Additional training and classroom work will focus on subject areas that will assist the student in performing his/her role as a mediator. Subject areas may include caucusing, confidentiality, neutrality, the role of law in mediation, overcoming impasse, managing witnesses, handling of documents, and completing court-required paperwork.

The first class will be scheduled for the week of May 20th. After the first class at CULS and the orientation session at the court, “classroom” sessions will be scheduled as needed. In addition to classroom work, students will conduct and/or observe pre-scheduled mediation sessions at the Franklin County Municipal Court. Mediations may be scheduled during the daytime and evening.

Students may conduct the following types of mediations:

1. **Small Claims Conciliation Program (prior to a complaint being filed)** - Mediations are scheduled every other Thursday night beginning at 6:00 p.m. for those civil disputes that have not yet been filed as actual law suits. Depending on the nightly schedule a student will need to plan on being at the courthouse from 5:45 p.m. and remain until all scheduled cases conclude - usually between 7:00 - 8:00 p.m. These mediations are held on the 16th floor of the Municipal Court Building.

2. **Small Claims Court Mediations (after a complaint has been filed)** - Mediation opportunities are available in Small Claim Court. Small claims lawsuits involve dispute of \$3,000.00 or less. Most trials are scheduled before a magistrate within four to six weeks of filing. Attorneys may or may not be involved in these lawsuits.

Small claims cases are heard **Monday through Thursday at 1:30 p.m.** in four to five different courtrooms on the 10th and 11th floor courtrooms at Franklin County Municipal Court. Monday is the slowest day due to other responsibilities of the magistrates. On most days at least four to six magistrates have multiple trials scheduled. Magistrates review their caseloads and assign appropriate cases to mediators. If the mediation is successful, the case could be dismissed or rescheduled for compliance with the agreement. If the mediation is not successful, the parties return to the courtroom, and the trial may be held on the same day.

3. **Court Referred Mediations** - These are cases that are referred by any of the 16 judges of the Franklin County Municipal Court. Most of these cases include attorneys representing one or both sides. These mediations may be scheduled any time during the day, and they are usually held in the conference room next to the judge's courtroom. These disputes could involve matters ranging from 0 - \$15,000.00.
4. **Rent Escrow Mediations** - When a tenant officially places rent in escrow, the first step in the process of the landlord seeking release of the rent is a mediation that is scheduled between the landlord and the tenant. These mediations may be scheduled any time during the day and are held on the 16th floor at Franklin County Municipal Court.
5. **Criminal Misdemeanor Mediations** - The Columbus City Attorney's Prosecutor Division offers mediation services to individuals who want to file a complaint and/or charges. The mediations take place on the 7th floor of at Franklin County Municipal Court.
6. **Private mediations:** These are mediations that become available through private, non-court affiliated requests.

COURSE REQUIREMENTS

Students must complete all of the following requirements in a timely manner:

1. **Attend All Classes**

Since this is a clinical course, class times will be scheduled on an irregular basis in accordance with student schedules. Classes will include orientation and training sessions.

2. **Conduct a Minimum of 10 Mediations.**

A student must serve as a mediator for a minimum of 10 mediations. It is impossible to predict the number of mediations that a student will complete during the semester since multiple mediations may be conducted during one appearance.

3. **Make a Minimum of 12 Court Appearances.**

An appearance is defined as an attendance at a pre-scheduled mediation or observation.

Example: If a student conducts two mediations at one appearance, this would be counted as one of the 12 required appearances and two of the required 10 mediations.

Example: If a student conducts one mediation and completes one observation during the same appearance, the student would receive credit for one of the 12 required appearances, and receive credit for one mediation and one observation.

Mediation appearances should be spaced throughout the semester. It is not acceptable to schedule a large number of appearances in a short period of time.

12 appearances are required even if the mandatory 10 mediations and two observations are completed in less than these 12 appearances.

4. **Observe a Minimum of Two Mediations.**

The saying "You learn by observing" is appropriate in this course. Your observations of other mediators will assist you in the development of your skills

as a mediator. At least one observation should be completed within the first four weeks of the semester.

5. **Observe a Small Claims Trial.**

You are required to observe one small claims trial conducted by a magistrate within the first six weeks of the class. You must complete a brief one page summary of the trial including the date of the trial, the magistrate conducting it, the length of the trial and your general observations of the trial. A form is provided.

6. **Complete All Required Written Assignments.**

- Complete written observations of two mediations conducted by other mediators.
- Complete written evaluations of five mediations conducted by you. You must provide a written evaluation of your first and last mediations plus three other mediations.
- Complete Mediation Clinic Activity Report forms.
- Complete Legal Evaluation for three (3) mediations. (Law students only)
- Maintain an up-to-date Mediation Clinic Activity Log. The form is provided to you.
- Complete a one-page summary of a trial you observe.
- Complete written comments on reading assignments.

6. **Maintain Communications with Professor.**

Office appointments, telephone discussions and/or electronic communications will be scheduled with the professor. The purpose of these communications will be to give you individual feedback on your skills as a mediator, to discuss your actual mediations, and to answer any questions you might have. Your course professor may observe some of your mediations to give you added training and instruction as well as to grade your overall performance.

7. **Exhibit Professionalism.**

Professional standards of all mediators will, of course, be required. This component involves concepts of ethics, attendance, timeliness, attitude, dress, demeanor and courtesy.

COURSE GRADE

Student grades will be based on the following weighted factors:

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| 35 points | Conduct 10 mediation and complete written evaluations of five mediations |
| 10 points | Complete 12 court appearances |
| 10 points | Complete two observations of other mediators and complete two written assignments for the observations |
| 5 points | Complete trial observation and written assignment |
| 10 points | Complete written assignment(s) for course readings |
| 10 points | Complete legal evaluations (law students only), mediation log and any other written assignments. Students who are not law students are required to complete an additional course reading with writing assignment. |
| 20 points | Maintain communications with professor and exhibit professionalism |

See a separate handout for due dates of each of your requirements.