

CAPITAL UNIVERSITY LAW SCHOOL
MEDIATION CLINIC
Fall Semester 2014

COURSE SYLLABUS

Professor Scot Dewhirst
614-221-0944 (private law office)
614-294-2252 (home)
Office – Room 584
sdewhirst@law.capital.edu

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 majority of your time in the Mediation Clinic will be spent at the courthouse conducting actual mediations. The course involves “some” 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.

There is no regular class time set for this course. **The Wednesday class time listed for this course is not a scheduled class time to meet. The Professor will send you a memo prior to the commencement of the first week of class.** The memo will present options for when a class can be held during the first week of class at the courthouse. Other “Classroom” sessions will be scheduled based on student availability. In addition to classroom work, students will conduct and/or observe pre-scheduled mediation sessions at a variety of settings such as the Franklin County Municipal Court and the City Prosecutor’s Office. Mediations may be scheduled during the daytime, evening and/or weekend and may require attendance at different locations.

NOTE: **Each student will have a different “mediation” schedule that she/he will specifically coordinate with the professor.** This schedule can be a set time for the entire semester, or it change from week to week as the professor and student determine. There is a lot of flexibility in determining what days and times you will schedule your mediations sessions.

STUDENTS MAY CONDUCT THE FOLLOWING MEDIATIONS:

PRIMARY MEDIATION ASSIGNMENTS

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 at 375 S. High Street.

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. These mediations are held on the 10th and 11th floors of the Municipal Court Building at 375 S. High Street.

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. **Columbus City Prosecutor's Office Mediation Program:** This office schedules pre-charge mediation in criminal misdemeanor cases as an alternative to formal prosecution. Cases are scheduled on selected evenings during the week starting at 6:00 pm. These mediations are held on the 7th floor of the Municipal Court Building at 375 S. High Street.

POSSIBLE OTHER MEDIATION ASSIGNMENTS

4. **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.

5. **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.

6. **Juvenile Victim-Offender Mediation Program** - (OPTIONAL) This is a diversion program in Juvenile Court for first and second-time juvenile offenders. This program allows the victim and

juvenile offender to meet in a face-to-face meeting with the assistance of a trained, neutral mediator. The parties work together to reach a mutually acceptable resolution of the dispute. Solutions may range from clarifications of misunderstandings, to apologies, to agreements that compensate the victim for harm incurred by the offender. A co-mediator model is used. Cases may be scheduled in the morning, afternoon, and sometimes in the early evening. (**NOTE:** This is an optional mediation opportunity. If you decide you want to conduct this type of session, a special three-hour court training program is required. It is usually held from 6-9 p.m. Attendance at this “extra” training will count as one mediation appearance.)

7. **Eviction Mediations:** Cases scheduled for an eviction hearing are sometimes referred to mediation. All evictions are scheduled for hearing at 9:00 am in Courtroom 11A at Franklin County Municipal Court.

8.. **Private mediations:** These are mediations that may become available through private, non-court affiliated requests.

COURSE REQUIREMENTS

(See a separate handout for due dates of each of your requirements. Please follow it closely.)

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

1. **Attend All Classes.**

Attendance is required at all scheduled class times. Since this is a clinical course, class times will be scheduled on an irregular basis - with the approval of the class times by students. Classes will include orientation and training sessions.

2. **Make a “Minimum” of 12 Court Appearances.**

An appearance is defined as a pre-scheduled court appearance the Court House for a session that will last approximately 3 hours. **During these 12 appearances, you should be able to complete the required 10 mediations, 2 observations, and 1 trial observation that are listed below under #3, #4, and #5.**

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.

IMPORTANT NOTES:

- 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, two observations and one trial are completed in less than these 12 appearances.
- If you have completed your 12 appearances, and you have not completed the course requirements, then additional appearances will be scheduled for you.
- You are not permitted to appear for unscheduled mediation class assignments at the court house ... unless it has first been approved by your professor.
- We will do scheduling for the first month of the class at our first meeting...so bring your calendars and prior commitments. Then, at a later time we will schedule the next month and so on. Your schedule can be different for each week and for each month. You are not assigned set times...unless that is what you want.
- The Professor has a flexible scheduling procedure. So, if you schedule yourself for an appearance, it is perfectly acceptable for you to ask that the time be changed, cancelled or rescheduled...as long as you do that in a timely and professional manner.

3. Conduct a Minimum of 10 Mediations.

A student must serve as a mediator for a minimum of 10 mediations during the 12 court appearances listed below. 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.

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. The observations should be completed within the first three weeks of the class. Each observation is counted as one of the 12 required appearances.

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.

6. Complete two (2) reading assignments.

2 reading assignments that will require your written comments will be distributed during the semester.

7. 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.

8. 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.

9. Complete All Required Written Assignments. (Forms or instructions will be provided.)

- Maintain an up-to-date mediation log.
- 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 as required
- Complete Legal Evaluation for three (3) mediations.
- Complete a one-page summary of a trial you observe.
- Complete written comments on 2 reading assignments.

COURSE GRADE

Since this is a clinical course, the grading is not anonymous. Student grades will be based on the following weighted factors:

50 points	Complete 12 court appearances; Conduct a minimum of 10 mediations; Complete written evaluations of five mediations
10 points	Complete two observations of other mediators with two written assignments
5 points	Complete one trial observation and one written assignment
10 points	Complete 2 written assignments for course readings
10 points	Complete 3 <u>legal evaluations</u> of your mediations
15 points	Maintain communications with professor and exhibit professionalism

Important information: Capital University offers academic assistance (tutoring, etc.) for all of its students on the main campus. This program is available to Law School students for general assistance. (Main campus does not typically have tutors specifically prepared to assist with tutoring for legal classes.)

Office of Academic Success

The office of Academic Success (formerly the Center for Excellence in Learning and Teaching) provides valuable academic support resources for students as they study and work to complete

assignments. Tutoring for nearly all subjects is available starting on the first day of classes each semester, and regular drop-in and appointment hours for the Math Center, Science Center, and Writing Center begin the second week of spring semester. Students can schedule an appointment ahead of time by calling Academic Success at 236-6327, e-mailing AcademicSuccess@capital.edu, or stopping by the Academic Success location on the second floor of Blackmore Library. A wide range of subject area tutoring is also available; consult the *Tutor Yellow Pages* (available in the Academic Success office and on the Academic Success website at <http://www.capital.edu/academic-success/> starting the second week of spring semester) to find a tutor for a particular course. In addition, online eTutoring (www.etutoring.org) is available in accounting, anatomy/physiology, biology, chemistry, math, statistics, and writing. And finally, students can contact Bruce Epps, the Director of Academic Success, at 236-6461 or tutor@capital.edu to schedule individualized study strategies consultations, or for additional information about Academic Success programs and services.