

SOUTH TEXAS COLLEGE OF LAW
FRANK EVANS CENTER FOR CONFLICT RESOLUTION
40-Hour Basic Mediation Training

Professor Kimberlee K. Kovach

August 9th – 13th, 2010
8:00 A.M. – 5:00 P.M.

Minutes	Monday, August 9th	
0	8:00 – 8:10	Welcome & Introduction
0	8:10 – 8:20	Overview and Setting the Stage: Sharing of Expectations
20	8:20 – 8:40	Lecture: The Dynamics of Conflict
20	8:40 – 9:00	Lecture/Discussion: Traditional Means of Conflict Resolution
15	9:00 – 9:15	Discussion: The background of, and Need for the “Alternatives” Movement – Courts and Communities in Conflict
45	9:15 – 10:00	Lecture/Class Discussion: Overview of the ADR Universe
0	10:00 – 10:15	Break
30	10:15 – 10:45	Lecture/Class Discussion: ADR Process Selection: Fitting the Forum to the Fuss
15	10:45 – 11:00	Class Discussion: Cases Appropriate for Mediation Treatment The Concept of Presumptive Mediation
30	11:00 – 11:30	Lecture: Mediation in Context: Lessons from History
30	11:30 – 12:00	Lecture: The Stages of the Mediation Process
0	12:00 – 12:45	Lunch
45	12:45 – 1:30	Demonstration of a Mediation Session
30	1:30 – 2:00	Group Discussion: The Dynamics Illustrated by Demonstration
0	2:00 – 2:15	Break
60	2:15 – 3:15	Importance of Thorough Case Description and Analysis

- 35 3:15 – 3:50 Lecture/Discussion: The Communication Process: Its Elements and Effects
- 25 3:50 – 4:15 Discussion: Getting to the Mediation Session: Referral of Cases The Role of the Courts, and other Governmental Agencies
- 20 4:15 – 4:35 Lecture: Consideration of all Matters Preliminary to the Mediation including the request for and review of Case Summaries
- 10 4:35 – 4:45 Group Discussion: The Role of the Advocate and/or Representative in the Mediation
- 15 4:45 – 5:00 Lecture: The Mediator’s Introduction

Tuesday, August 10th

- 20 8:00 – 8:20 Discussion: Personal Perspectives on Conflict
- 20 8:20 – 8:40 Discussion: Ethical Requirements of Attorneys and other Professionals to Advise Clients about ADR Options
- 50 8:40 – 9:30 Practicum: The Mediator’s Introduction and Opening Statements/ Remarks of the Parties
- 30 9:30 – 10:00 Discussion of the Practicum
- 0 10:00 – 10:15 Break
- 20 10:15 – 10:35 Practicum: Methods of Negotiating: Win all you can
- 20 10:35 – 10:55 Debrief Practicum/Lecture: Styles of Negotiation
- 10 10:55 – 11:05 Discussion: Motivations for Settlement; Interests and Turning Settlement into Resolution
- 20 11:05 – 11:35 Practicum: Negotiation and the Effect of the Third Party Neutral
- 25 11:35 – 12:00 Discussion of Practicum
- 0 12:00 – 12:30 Lunch
- 45 12:30 – 1:15 Exercise and Discussion: Issues of Neutrality

45	1:15 – 2:00	Lecture: Identification of the Issues and Setting the Hearing Agenda
0	2:00 – 2:15	Break
105	2:15 – 4:00	Practicum: Mediation Simulations
30	4:00 – 4:30	Debrief Practicum
30	4:30 – 5:00	Discussion: A Mediation Privilege?

Wednesday, August 11th

60	8:00 – 9:00	Considerations of Confidentiality: Policy; Law and Rules
30	9:00 – 9:30	Lecture: Distributive vs. Integrative Bargaining and the Role of the Mediator
15	9:30 - 9:45	Discussion: Meeting Interests: The Need for the Development of Multiple Options for Settlement
0	9:45 – 10:00	Break
30	10:00 – 10:30	Lecture: Lateral Thinking: Creative Problem Solving and Decision Making Practicum: Developing options for settlement
45	10:30 – 11:15	Lecture: Imbalance of Power in Negotiation and the Mediator's Role
45	11:15 – 12:00	Discussion of Practicum and its Effects in Mediation
0	12:00 – 12:30	Lunch
30	12:30 – 1:00	Lecture: The History of Mediation & Court Annexed ADR particularly in TX
30	1:00 – 1:30	Effective use of Caucus
135	1:30 – 4:00	Practicum: The Mediation with Emphasis on Facilitating Brainstorming (15 minute break during this session)
30	4:00 – 4:30	Discussion of Practicum
15	4:30 – 4:45	Introduction to Ethics and Competency Issues for Mediators
15	4:45 – 5:00	Overview of Videotaping and Role Distribution

Thursday, August 12th

60	8:00 – 9:00	Ethical Considerations for Mediators; Review of Codes and Standards
330	9:00 – 4:00	Practicum: Class participates in the videotaping of Mock Mediations and Review with facilitators (Participants will take 2 15 minutes breaks during this session)
	**	Participants work through lunch but time is not counted (420 – 15 – 15 – 60 = 330)
30	4:00 – 4:30	Debriefing generally of the Practicum
30	4:30 – 5:00	Lecture: Introduction to Public Policy and multi party cases

Friday, August 13th

30	8:00 – 8:30	The Dynamics of Multiple Cases/Claims; Mediation of class Actions and Public Policy
180	8:30 – 11:45	Practicum: Mediating the Large, Complex Multi-Party, Multi-Issue Case (15 minute break during this section)
0	11:45 – 12:15	Lunch
105	12:15 – 2:00	Detailed Experiences with Public Policy Cases: Similarities and Differences
0	2:00 – 2:15	Break
45	2:15 – 3:00	The Variety of Applications and Styles of; Use of Combined Processes; Preventative use of Mediation, and Overview of Systems Design
90	3:00 – 4:30	Practice considerations, including Ethical Parameters; Considerations of Conflicts of Interest Standards, Regulation, Certification of Mediators Issues of Liability and Immunity
0	4:30 – 5:00	General Questions and Answer Session for entire class Review and Final examination

Total
2295 = **38.25 hours**