

# PL-1600: ALTERNATIVE DISPUTE RESOLUTION

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## Cuyahoga Community College

**Viewing: PL-1600 : Alternative Dispute Resolution**

**Board of Trustees:**

May 2019

**Academic Term:**

Fall 2019

**Subject Code**

PL - Paralegal Studies

**Course Number:**

1600

**Title:**

Alternative Dispute Resolution

**Catalog Description:**

Paralegal involvement within a variety of dispute resolution mechanisms including litigation, voluntary arbitration, court-annexed or mandatory arbitration, negotiation and mediation will be both instructed to the student and practiced by the student. The student will work through the preparation of an arbitration scenario and a mediation scenario, including conducting both legal and factual investigations for these cases.

**Credit Hour(s):**

2

**Lecture Hour(s):**

2

## Requisites

**Prerequisite and Corequisite**

None.

## Outcomes

**Course Outcome(s):**

Students will distinguish between the pros and cons of litigation, arbitration, negotiation, and mediation.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Identify and distinguish between competing methods of dispute resolution.
2. Recognize current trends in these areas, including Federal and State court rules concerning these methods.

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**Course Outcome(s):**

Students will evaluate various behaviors of paralegals and attorneys as demonstrated in alternative dispute resolution situations, as applied to the Ohio Rules of Professional Conduct and various paralegal ethical guidelines.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. To identify ethical constraints that affect paralegals and other members of the legal profession in the litigation, arbitration, and mitigation arenas, along with the evaluation of proper conduct in practical situations.

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**Course Outcome(s):**

Students will perform legal and factual research in arbitration and mediation settings, identifying the appropriate laws, rules, policies, and discovery which are pertinent to winning the cases.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

To utilize skills in the duties performed by alternative dispute resolution paralegals through legal and factual research and investigation to put their party in the best possible situation in the ADR setting.

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**Course Outcome(s):**

Students will determine and utilize the appropriate method and process for obtaining an arbitration hearing or opting for a mediation session.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

To demonstrate and implement the process of arranging various dispute resolution mechanisms.

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**Methods of Evaluation:**

1. Quizzes
2. Exercises
3. Exams
4. Projects
  - a. Mediation Scenario - Student will be required to find the appropriate laws (statutory and case), identify procedures and responsibilities of the parties and mediator, and define and investigate facts through a case file which would be decided by a mediator.
  - b. Arbitration Scenario - Student will be required to find the appropriate laws (statutory and case), identify procedures and responsibilities of the parties and mediator, and define and investigate facts through a case file which would be decided by an arbiter.
5. Final exam
6. Final paper

**Course Content Outline:**

1. Understanding Conflict
  - a. Definitions and sources
  - b. Power and Conflict
2. Litigation
  - a. Characteristics, Participants, and Process
  - b. Paralegal Role
  - c. Advantages
  - d. Disadvantages
3. Negotiation
  - a. Types of legal negotiations
  - b. The role of the lawyer and paralegal
    - i. Ethical considerations
  - c. Methods and styles
  - d. The Negotiation process
  - e. Laws affecting negotiation and settlement
4. Mediation
  - a. Advantages and disadvantages
  - b. Process
  - c. The role of the mediator
  - d. Case study: Collective Bargaining Agreement

5. Arbitration
  - a. Arbitration versus litigation
  - b. Advantages and disadvantages
  - c. Paralegal role
    - i. Ethical constraints
  - d. Case study – Collective Bargaining Agreement
6. Settling Disputes with Arbitration
  - a. Laws
    - i. Federal
    - ii. State
  - b. Common types of arbitration
  - c. Arbitration process
  - d. Judicial enforcement of awards
7. On-line dispute resolution and other approaches
  - a. ODR use
  - b. Advantages
  - c. Disadvantages
8. The paralegal and ADR
  - a. Paralegal tasks

## Resources

Ware, Stephan. *Alternative Dispute Resolution*. West Academic Publishing Company, 2016.

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Zubick, Jennifer and Samantha Callow. *ADR for Legal Professionals*. Emond Publishing, 2016.

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Griffith, Daniel B. and Cliff Goodwin. *Conflict Survival Kit: Tools for Resolving Conflict at Work*. 2nd ed. Pearson Publishing, 2013.

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Coltri, Laurie S. *Alternative Dispute Resolution: A Conflict Diagnosis Approach*. 2nd Edition. Pearson Publications, 2010.

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Barbara A. Nagle Lechman. *Conflict and Resolution*. Second. Aspen Publishers, 2008.

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William J. Barry. *Appropriate Dispute Resolution*. Aspen Publishing, 2018.

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## Resources Other

1. Federal Rules of Civil Procedure <https://www.law.cornell.edu/rules/frcp>
2. Ohio Rules of Civil Procedure <http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>
3. Web site: [https://www.americanbar.org/groups/dispute\\_resolution/policy\\_standards.html](https://www.americanbar.org/groups/dispute_resolution/policy_standards.html)
4. Web site: <https://paralegal.laws.com/civil-litigation/alternative-dispute-resolution/roles-of-paralegals-in-adr>

Top of page

Key: 3639