

# USC Gould

## School of Law

### Mediation Advocacy LAW-828 Spring 2025 Syllabus

**Units:** 3

**Term—Day—Time:** Spring 2025 (Tuesdays, 6:00-8:50 PM)

**Location:** Room 130

**Instructor:** Prof. Jason C. Marsili

**Office:** N/A

**Office Hours:** By Appointment

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### Course Description

Mediation Advocacy recognizes that many legal disputes are often resolved in mediation. This course introduces students to the process of mediation, explores the philosophical approaches to mediation and different styles of mediating, develops a working knowledge of the stages of mediation, and cultivates students' skills to become effective advocates throughout each stage of the process. Students will learn about mediation both as an independent mechanism and as a strategic tool to resolve litigation. Students will also develop an understanding of the evolving roles of mediators and advocates and establish an appreciation for the legal, ethical, and psychological issues that permeate the process. Through simulated exercises and reflective discussions, students will develop confidence as client representatives and a proficiency in mediation advocacy.

### Learning Outcomes

By the end of the course, students will:

- Gain proficiency over the process of mediation both as an independent mechanism for resolving disputes and as a strategic tool to help resolve disputes in litigation;
- Understand the barriers to negotiated settlements that invite resolution in mediation;
- Appreciate the legal, ethical, and psychological issues that permeate the mediation process, as well as the evolving roles of mediators and advocates in seeking resolution of disputes;
- Develop skills and confidence to better represent both themselves and clients in mediation;
- Assess the perspective of the recipient of a communication in mediation and write and speak appropriately for different audiences (mediators, clients, adversaries) during the mediation process; and
- Keep the client informed about the mediation process, including strategies for participating in the process, and the consequences of decisions made in mediation.

## **Prerequisites or Recommended Preparation**

There are no mandatory prerequisites for this course, however, students who have previously taken Negotiation Theory & Application (or similar negotiation coursework) will have a greater comprehension and command of negotiation elements inherent in the mediation process.

## **Required Materials (e.g., Textbooks or Other)**

Golann and Folberg, *Mediation: The Roles of Advocate and Neutral* (3d ed. or 4th ed.)

Russell, Michael L., *Mediation Matters* (©2022)

*Additional materials will be posted to Brightspace periodically during the course.*

## **Description and Assessment of Assignments**

### **Mediator Selection Exercise**

Students will research, vet, and select a mediator for a dispute from various panels of potential mediators and write a statement supporting the selected mediator.

### **Small Group Exercises and Classroom Discussion**

Students will be required to participate in simulated mediation exercises focusing on various aspects of the mediation process and engage in classroom discussion reflecting on concepts drawn from the readings.

### **Midterm Mediation Brief & Opening Statement**

Students will each individually draft a mediation brief from a case file provided to them and present an opening statement for a mock joint session.

### **Mediation Scrimmage (Extra Credit)**

Selected students will participate in a mediation scrimmage via videoconference with students from another university. Students not selected to participate in the scrimmage will have the option of observing and critiquing the performance.

### **Final Mediation**

Students will participate as teams in all stages of a mock mediation process, including analysis of the legal claims, management of the client's expectations, drafting the mediation brief, and participation in the mediation session.

**This course must be taken for a numeric grade.**

## **Grading Breakdown**

<b>Assignment</b>	<b>% of Grade</b>
Mediator Selection Exercise	10
Small Group Exercises and Classroom Discussion	40
Midterm Mediation Brief and Opening Statement	20
Final Mediation	30
<b>Total</b>	<b>100</b>

## Course Schedule: A Weekly Breakdown

The following outline details the course subject matter, topics, readings, and assignments. Although the outline is subject to change, students will be provided advanced noticed of any scheduling changes and assignment deadlines.

Week	Topics/Daily Activities	Readings and Homework	Assignment
1	Introduction to Course; Review of Syllabus; Overview of the Dispute Resolution Spectrum and Advocacy in Dispute Resolution		
2	Origins of Disputes; Principles of Negotiation and Settlement Barriers Inviting Mediation	Textbook Chs. 1-4	
3	Mediation Overview; The Role of the Mediator; Mediator Styles	Textbook Ch. 5	
4	Mediation Processes and Stages	Textbook Ch. 6	
5	Process Skills Used in Mediation	Textbook Ch. 7	
6	Mediation Briefs and Opening Statements	Handout	
7	<i>Midterm Mediation Briefing</i>		<i>Midterm Mediation Brief and Performance of Opening Statement (Due Date TBD)</i>
8	<i>Midterm Opening Statements</i>		
9	Vetting and Selecting Mediators		<i>Mediator Selection Assignment (Due Date TBD)</i>
10	Preparing for Mediation	Textbook Ch. 10	
11	Advocacy During Mediation	Textbook Ch. 11	
12	<i>Mediation Scrimmage</i>		<i>Review and Critique of Mediation Scrimmage (Extra Credit)</i>
13	<i>Final Mediations</i>		<i>Mediation Reflection Paper (Due Date TBD)</i>
14	<i>Final Mediations</i>		<i>Mediation Reflection Paper (Due Date TBD)</i>

## **Course-Specific Policies**

### **Class Preparation and Participation**

Class discussions will operate on the assumption that students have completed the assigned readings and are prepared to actively participate. Reading assignments and/or exercise roles for each class will be assigned in advance of class.

### **Attendance and Classroom Behavior**

Regular and punctual attendance is expected of all students as well as active participation in classroom discussions and simulated exercises.

### **Use of Laptop Computers and Electronic Devices**

Use of laptop computers, tablets, or any other electronic devices will not be required during class for notetaking purposes. Use of such devices is only permitted for purposes of attending class sessions via Zoom. All necessary substantive information will be provided to students on Blackboard through posted handouts and/or presentation slide decks. Students may want to take additional notes to supplement the information posted on Blackboard, but are not required to do so.

### **Zoom Etiquette**

Students are required to enable their webcam and display their first and last name on their Zoom portal during class. Microphones will often be muted by the host during lectures, but students are invited to unmute their microphone in order to ask questions or participate in discussion. Students may also ask questions at any time through the Chat function, or by raising their hand virtually at any time.

## **Academic Integrity**

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the USC Student Handbook. All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

Academic dishonesty has a far-reaching impact and is considered a serious offense against the university. Violations will result in a grade penalty, such as a failing grade on the assignment or in the course, and disciplinary action from the university itself, such as suspension or even expulsion.

For more information about academic integrity see the Gould student handbook or the Office of Academic Integrity's website, and university policies on Research and Scholarship Misconduct.

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment or what information requires citation and/or attribution.

## **Use of AI in this Course**

Except where expressly permitted by the instructor, all work submitted for this course, including exams and papers, must be completed by you, personally. Use of artificial intelligence (AI) tools to generate text as part of preparing your work is strictly prohibited. Submission or presentation of material generated by AI, including summarizing, paraphrasing, or editing such material, will be considered a violation of Academic Integrity. For additional information, please refer to the Academic Integrity and Plagiarism portions of the Gould Student Handbook and the USC Student Handbook.

## **Statement on University Academic and Support Systems**

### **Students and Disability Accommodations:**

USC welcomes students with disabilities into all of the University's educational programs. [The Office of Student Accessibility Services](#) (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at [osas.usc.edu](https://osas.usc.edu). You may contact OSAS at (213) 740-0776 or via email at [osasfrontdesk@usc.edu](mailto:osasfrontdesk@usc.edu).

### **Student Financial Aid and Satisfactory Academic Progress:**

To be eligible for certain kinds of financial aid, students are required to maintain Satisfactory Academic Progress (SAP) toward their degree objectives. Visit the [Financial Aid Office webpage](#) for [undergraduate-](#) and [graduate-level](#) SAP eligibility requirements and the appeals process.

### **Support Systems:**

[Counseling and Mental Health](#) - (213) 740-9355 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

[988 Suicide and Crisis Lifeline](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline consists of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-2500

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

[Diversity, Equity and Inclusion](#) - (213) 740-2101

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

[USC Emergency](#) - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

[USC Department of Public Safety](#) - UPC: (213) 740-6000, HSC: (323) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or [otfp@med.usc.edu](mailto:otfp@med.usc.edu)

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.