

**Aug. 25, 2010**

*(Updated versions and amendments will be issued through the course Blackboard site)*

## **Syllabus**

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

### **Conflict Management in Legal Practice**

#### **(3 Credit Course)**

Class Number: 17772

Catalogue Number: 611

Section 1

Fall 2010

Rubloff 175

4:00-5:50 p.m. M & W<sup>1</sup>

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The goal of this course is to help students develop certain skills and perspectives for managing conflict and managing themselves that will enable them to provide better service to their clients and gain more satisfaction in their professional practice. The course will involve two principal tracks, which we will frequently weave together.

**Track 1: Tools for Managing Conflict.** This track focuses on developing theoretical and practical knowledge and skills for understanding and dealing with conflict and disputes, and negotiating transactions. In the interests of efficiency, we will focus primarily on negotiation and secondarily on mediation. But we also will pay some attention to questioning and listening skills and advocacy. Along this track, we will:

- Learn about theories of conflict, including the notion, described by Professor Bernard Mayer, that it is useful to understand (and try to resolve) conflict along three dimensions—behavioral, cognitive, and emotional.

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<sup>1</sup> . Note: Because this is a three-credit course, class sessions ordinarily will last 75 minutes. However, because of long-standing travel commitments, I will have to cancel two classes (Wed., Oct. 13 and Mon., Nov. 1). In order to make up that class time, I would like to extend several class sessions. If that does not work, we could schedule separate make up classes during the noon hour. We can discuss this issue during the first class.

- Study basic and advanced theories about listening, negotiation, and mediation and mediation processes.

Note that we will cover the negotiation material with less intensity than you would find in courses that focus more fully on these topics, but our study in this area will range more broadly. Similarly, we will not work as hard as in those courses to practice the strategies and techniques associated with this body of knowledge. This is so for two reasons. First, I expect that a good number of class members will already have taken such courses in Negotiation and Mediation. Second, we are using the Tools for Managing Conflict to represent many of the tasks that lawyers undertake, partly in order to show how the Tools of Awareness (Track 2) can be helpful in carrying out a wide variety of lawyering activities.

### ***Track 2: Tools of Awareness***

It is quite possible that you could learn everything on Track 1, as well as master your other law school classes, and yet sometimes fail to perform effectively in actual negotiations, mediations or other lawyering situations. When this happens, it will often result from problems in the awareness that you bring to situations of conflict. For instance, even though you “know” how to understand conflict and to address it, you may fail to use that knowledge skillfully because of any of a number of obstacles, such as strong emotions, cognitive or psychological traps, a wandering mind, or physical or mental exhaustion.

Along the Awareness track, we will study a number of strategies and techniques that can help you function more effectively in a wide variety of settings. We will apply these strategies and techniques primarily in the context of negotiation and mediation role play exercises.

Specifically, we will develop skills in mindful awareness)—an ancient method of paying attention, moment-to-moment, with equanimity. This practice is taught in a number of law firms, law schools, corporations and government agencies and is employed in athletics (e.g., L.A. Lakers), health care and psychotherapy.

### **Interweaving the Two Tracks**

The two tracks can reinforce each other: The Tools of Awareness enhance our ability to negotiate, mediate, and advocate well; and Tools for Managing Conflict foster our ability to develop and maintain present-moment, nonjudgmental awareness. During the semester, we will frequently undertake experiential exercises that combine dispute resolution and mindful awareness.

## **Readings: Required and Recommended.**

### **Required readings:**

Required readings from a variety of sources will be posted on the course Blackboard site, and are listed in the Schedule portion of this Syllabus.

**Required book:**

Doug Stone, Bruce Patton & Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most* (Viking hardcover 1999 or Penguin paperback 2000) It presents an advanced approach to negotiation that connects readily with mindfulness.

**Recommended books:**

Roger Fisher & Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate* (Viking hardcover (2005) or Penguin paperback (2006)). We will study the Core Concerns System for dealing with emotions in negotiation presented in this book. I will assign an excerpt from the book and two articles related to it, which will be posted on Blackboard. So it is *not* essential that you read this book, but you might benefit from doing so.

For basic introductions to mindfulness, I recommend Jon Kabat-Zinn, *Wherever You Go, There You Are: Mindfulness Meditation in Everyday Life* (Paperback, 2005, Hyperion) and Henepola Gunaratana, *Mindfulness in Plain English* (Wisdom, 1991).

Students who have neither taken the Negotiation or Mediation courses nor read Roger Fisher et al., *Getting to Yes: Negotiating Agreement without Giving In* (Rev. ed., 1991), should read that book toward the beginning of the semester.

I have not ordered these recommended books, but they are widely available.

**Course Work**

Course work will include reading, demonstrations, and experiential exercises in meditation, negotiation, mediation, and Chi Kung (an energy art that is similar to the T'ai Chi, which is better known). In addition, students will submit a number of reports and journals on their experiences with mindfulness or other awareness exercises and prepare a paper, the requirements for which appear below.

**Class sessions**

In the classroom, we will try to maintain an environment that minimizes distractions. So, **please do not turn on laptop computers in the classroom, even during breaks.** (I also *suggest* that, during the breaks, you avoid using these devices even outside the classroom.) The same applies to cell phones and pagers. If you have an unusual or emergency situation that requires you to keep your cell phone on, please put it in the “vibrate” mode.

**Confidentiality.**

In this class you may learn information about your classmates that they would like to keep confidential. It is fine to tell others about what we do and say in this class. However, I am asking all members of the class to keep confidential the identity of the source of any statements.

**Grading** will be based upon

1. Journals and brief analytical and reflective writing assignments.	40%
2. A case study paper.	40%
3. Class participation	20 %

Here are details:

### **1. Journals and brief analytical writing assignments.**

Several times during the semester, I will ask you to write:

- a. Journal entries reflecting on your experiences in connection with a particular activity or set of activities during a certain period of time; or
- b. Brief analytical and reflective pieces addressing a particular issue that arises in connection with the course.

These assignments are not specified on the tentative schedule that appears below.

### **2. A Case Study.**

Each student will prepare a paper that focuses on a particular conflict. You may choose either: a.) A conflict in which you have been involved personally or professionally or that you have observed closely as, say, a friend, relative, or co-worker of one or more of the conflicting parties; or b.) A conflict that you have read or heard or otherwise learned about indirectly. The latter category could include disputes that are the focus of cases in law school casebooks or reported in the news media. I find that students generally learn the most by writing about a conflict in which they were personally involved. I recommend such a focus, but the choice is yours.

The assignment is to do the following (though not necessarily in this order):

1. Describe the manifestations of the conflict, including the behavior of the parties;
2. Analyze the conflict in terms of the parties' perceptions and behavior, using what you have learned in the course;
3. Speculate on how—in light of what you have learned in this course—participants might have handled it differently or better (if you were a participant, emphasize your own role); and
4. Indicate what writing this study has taught you about yourself, conflict, conflict resolution, and awareness.

In writing this paper, you need not employ all the material on managing conflict that we cover in this class. In fact, given the various deadlines, it will not be feasible to do so. In particular, for most of the case studies, our attention to mediation will come too late, and it will be far less relevant than the material on negotiation, including *Difficult Conversations*. For particular case studies, I may suggest that you read ahead, covering

materials that will be assigned later in the course. Similarly, not all the material dealing with awareness will be relevant.

The paper should be 12-18 pages, double spaced and in a font that is equivalent in size to Times New Roman 12 point. In the paper you should handle references as you would in a law review article (which means, *inter alia*, using *footnotes rather than endnotes*), and, in citing authorities, employing either the system set forth in the *Uniform System of Citation* (“Blue Book”) (18<sup>th</sup> or 19<sup>th</sup> ed.) or the system in the *ALWD Citation Manual: A Professional System of Citation* (3d ed., 2006). This is not a research paper, so it is not necessary to go beyond the readings assigned for the class—though it is not against the rules to do so.

**I will distribute a separate document containing a few of my biases and suggestions about writing.**

### **Important dates for the case study:**

**Topic proposal due: Class 8, Mon., Sept. 27.**

This should include a brief description of the dispute or conflict that you plan to address. I will approve your topic, or discuss it with you, as soon as I can. I’d be glad to discuss potential topics at any point.

**Outline due: Class 15, Mon., Oct. 25**

This should be a sentence outline in which you indicate roughly what you plan to do in the paper. You need not stick to the outline you submit. I will give you comments on it, and you doubtless will make changes once you begin writing. You may submit your outline earlier, if you would like feedback earlier or are eager to start writing—but not before we have studied the Core Concerns System from the book *Beyond Reason*. I will endeavor to return your outline with comments in class on **Wed., Oct. 27.**

**(Optional) preliminary draft for feedback due: Wed., Nov. 10 in class.**

This should not be a “rough” draft. Polish it as much as you can. I will give you feedback as quickly as I can. I will be unable to give feedback on a draft that comes in later than this date and time, but I encourage you to submit a draft earlier.

**Final paper due: Class 25, Mon., Nov. 29. This is the final class.**

### **3. Class Participation**

Participation includes:

- a. **Attending class.** I will reduce grades for missing more than three class sessions. Students who miss more than four class sessions will be dropped from the course.
- b. **Carrying out course activities, participating in class discussions, role-play and other activities.** I expect students to get full credit for these activities. I will give less than full credit if it is clear that you have not participated in a role play or other class activity.

I will not grade you on the development of actual skills in mindful awareness, listening, negotiation, or mediation. I will be looking, instead, for diligence and promptness.

**N.B:** Everyone starts out with FULL CREDIT for the “class participation” component. You can lose points but you cannot get more than full credit. I anticipate that the vast majority (possibly all) of the students will wind up getting full credit for this component—because I expect that you will take it seriously and show diligence.

## (Tentative) Schedule

Changes will be announced in class and through the course Blackboard site. Note that class will not meet on Wed., Oct. 13 or on Mon., Nov. 1, because of travel commitments I made before I knew my teaching schedule—or that I would be teaching this semester at Northwestern. We will make up those classes either by extending two or three of the other classes or by scheduling a make-up class during a noon hour.

### **Class 1. Mon., Aug. 30. Introduction to Course.**

Assignment: Please review this Syllabus. Before the first class, you *may* wish to sample some of the readings posted under Course Materials. The most comprehensive piece is my article, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Lawyers, Law Students, and their Clients*, 7 *Harv. Negot. L. Rev.* 1 (2002). Also, you may wish to watch some of the video of a Symposium on Mindfulness in Law and Dispute Resolution held at Harvard Law School in 2002. It is available on the course Blackboard site under Audio & Video.

#### **Assignment following Class 1, Mon., Aug. 30:**

##### **a. Reading for Class 2, Wed., Sept 1.**

Riskin, *Eleven Big Ideas about Conflict: A Superficial Guide for the Thoughtful Journalist*, 2007 *J. Disp. Resol.* 157. (On course Blackboard site.). This article briefly covers the main ideas about dispute resolution that we will address in more detail later.

Riskin, *The Contemplative Lawyer: On the Potential Benefits of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 *Harv. Negot. L. Rev.* 1 (2002). (On course Blackboard site.) This is the first article published on mindfulness and the legal profession. It mentions nearly every issue about mindfulness that we will address in this course.

Together, these two articles introduce nearly all the important issues that we will cover in the course.

##### **b. Awareness**

Each day, do five minutes of meditation on the breath.

Each meal, eat one food item, or one mouthful, mindfully.

## **Class 2. Wed., Sept. 1. Introduction to Conflict Resolution. Awareness of Breath.**

**Assignment:** See Assignment following Class 1, listed supra under Class 1  
**Assignment following class 2, Wed., Sept. 1 .**

### **a. Awareness exercises:**

Each day, between now and the next class (Wed., Sept. 8), *practice “basic meditation on the breath”* for 15 minutes. You probably would find it helpful to do this while listening to the first 15 minutes of “Sitting Meditation” instructions, which I have recorded and are available at [www.law.ufl.edu/faculty/riskin/multimedia](http://www.law.ufl.edu/faculty/riskin/multimedia). Click on “Sitting Meditation.” At 15 minutes and 19 seconds (15:19), you will hear me say, “And now we extend the breath meditation. When you observe that the mind is elsewhere, notice where it is...” This is a good place to stop. However, if you feel like continuing, for another five minutes, doing “advanced meditation on the breath,” please feel free to do so.

I have posted written instructions on “Awareness of Breath Meditation--Basic and Extended” Blackboard site under Meditation & Other Instructions. You may find this useful for meditating when you cannot listen to the instructions.

Feel free to contact me if you have questions or concerns.

### **b. Reading (for class 3, Wed., Sept. 8):**

*Dispute Resolution & Conflict Management Overview* (Leonard L. Riskin et al., *Dispute Resolution and Lawyers* 1-7, 11-19, 50-52 (4<sup>th</sup> ed. Abr. 2009), which is on the Blackboard site under Course Materials.

“Listening,” which is posted on the Blackboard site under Course Materials.

**[Mon., Sept. 6. Labor Day, no classes.]**

## **Class 3. Wed., Sept. 8. Listening.**

**Assignment:** See assignment following Class 2, Wed., Sept. 1, which is posted above.

**Assignment following class 3, Wed., Sept. 8. Reading: Riskin, *Knowing Yourself: Mindfulness*, in *The Negotiator’s Fieldbook* 239-50 (Christopher Honeyman & Andrea K. Schneider, eds., American Bar Association 2006). On Blackboard.**

If you have neither taken the Negotiation or Mediation course and nor previously read Roger Fisher *et al.*, *Getting to Yes: Negotiating Agreement without Giving In* (2d ed. 1994), this would be a good time to start reading it.

**b. Awareness:**

Each day:

a. Do basic *and* extended awareness of breath meditation for 20 minutes each day. Use either 1) the printed instructions for this meditation that are posted on the Blackboard site under Meditation and Other Instructions or 2) the first 20 minutes of the recorded “Sitting Meditation” instructions at [www.law.ufl.edu/faculty/riskin/multimedia](http://www.law.ufl.edu/faculty/riskin/multimedia). If you are listening to the recorded instructions, stop (or stop listening to the tape) at about 20 minutes when you hear me say something like, “And now we shift our attention from the breath to an awareness of the body...” (If you’d like to continue meditating, that’s fine, but don’t use the recorded instructions.)

b. For the rest of the day, try to maintain an awareness of the breath during the day, or periodically bring your awareness to the breath.

c. Notice when you are *not* listening to someone. It could be a professor, a friend a relative, someone on television. Also notice when you are not paying attention to something you are reading.

d. Record your comments about the meditation on the breath and about awareness of not listening on the “Homework following class 3” form, which I will distribute in class and post on Blackboard under Assignments.

### **Class 4. Mon., Sept. 13. Listening, continued. Awareness of Body Sensations. Triangle of Awareness.**

Assignment: See assignment following Class 3, *supra*.

#### **Assignment following Class 4, Mon., Sept. 13.**

**a. Reading:** Riskin *et al.*, *Dispute Resolution and Lawyers* 4<sup>th</sup> ed., *abr.*, pp. 117-67 which is the reading entitled “Negotiation Approaches, Strategies, and Tactics ( on the course Blackboard site under Materials). If you plan to read Roger Fisher *et al.*, *Getting to Yes: Negotiating Agreement without Giving In* (2d ed. 1994), it would be good to have read it by this time.

**b. Observation:** Watch the video *A Transaction Negotiation: The Carton Contract*. (About 35 minutes.). This video was prepared in about 1990 to introduce negotiation to first-year law students at the University of Missouri. It illustrates some of the principles in the reading assignment. You can watch this online by going to the following page on the website of the Center for the Study of Dispute Resolution at the University of Missouri School of Law--<http://www.law.missouri.edu/csdr/csdr-videos.html>—and clicking on “Transaction Negotiation: The Carton Contract.”

**b. Awareness:** TBA.

## **Class 5. Wed., Sept. 15. Listening continued. Introduction to Negotiation.**

**Assignment:** See Assignment following Class 4, Mon., Sept. 13, *supra*.

**Assignment following Class 5, Wed., Sept. 15.**

### **a. Awareness:**

1. Today and tomorrow, do at least 15 minutes of sitting meditation. You may do either awareness of breath or body scan, or some combination.
2. Twice today and four times tomorrow, do the STOP exercise. Make notes on what you noticed.

**b. Reading:** Riskin, *et al.*, *Dispute Resolution and Lawyers* 125-67 (4<sup>th</sup> ed., abr. 2009), which is part of the reading entitled “Negotiation Approaches, Strategies, and Tactics,” which is posted on the course Blackboard site under Course Materials.

## **Class 6. Mon., Sept 20. Listening and Negotiation Continued.**

**Assignment:** See Assignment following Class 5, Wed., Sept. 15, *supra*.

## **Class 7. Wed., Sept. 22 Awareness and negotiation exercises. Suggestions on writing.**

**Assignment following Class 7, Wed., Sept. 22:**

### **a. Reading:**

In preparation for writing your case studies, read the following materials on the Blackboard site:

*(When to Use) “That” & “Which”*

*Active/Passive Voice*

*The I’s Have It*

Optional, but highly recommended: Fred Rodell, *Good Bye to Law Reviews* (on Blackboard). (The author, Fred Rodell, a leading figure in the American Legal Realism movement, was a long-time professor at Yale Law School. I took a course from him, and it had a huge impact on my ideas about writing. His witty and biting criticism of legal writing is less apt today, but contains more than a kernel of truth. I predict that you will enjoy reading this.)

### **b. Awareness:**

**1. Try the brief meditation on the breath** on the University of Missouri Mindfulness Practice Center Website. Go to <http://www.umssystem.edu/ums/curators/wellness/mindfulness/index.htm>. Then click on “Guided Mindfulness Practices.” Then click on “Awareness of Breath Meditation (9:41).” I am suggesting this because I want to give you a taste of a shorter meditation with a different teacher. (If it is very inconvenient to do this, just do a 15 minute awareness of breath meditation on your own, or listening to my recording.).

**2. Each day, do the *Taking STOCK (Beginning)* exercise deliberately** at least once in your daily life (i.e., other than when you are formally meditating.)

**3. Write a journal entry about your experience doing the *Taking STOCK Exercise-Beginning* exercise.** This should be *about* one page, typed if convenient—or written very clearly—and should describe the thoughts, emotions, and sensations that you recognized during the exercise. Turn this in during class 8, Mon., Sept. 27, and keep a copy for yourself.

**Class 8. Mon., Sept. 27. Awareness and negotiation role-play exercise. Taking STOCK exercise (intermediate).**

**Case study topic proposals due in class.**

**Class 9. Wed., Sept. 29 Awareness and negotiation role-play exercise. Taking STOCK exercise (advanced).**

**Class 10. Mon., Oct. 4 Awareness and negotiation role-play exercises.**

**Assignment following Class 10, Mon., Oct. 4**

**a. Awareness:**

Meditate once or twice each day for at least 15 minutes each time. Complete the Awareness Practice Record Form, make a copy for yourself and turn in original in class.

**b. Reading:**

Finish reading Doug Stone, et al., *Difficult Conversations*

**Class 11. Wed., Oct. 6 Difficult Conversations I. Overview.**

**Assignment following Class 11, Wed., Oct. 6:**

**a. Awareness.**

Continue with the awareness homework assigned after the preceding class, i.e., meditate at least 15 minutes each day and complete the Awareness Practice Record Form. (If you are out of space, you may use additional forms, which are available on the Blackboard site under Assignments.

### **b. Difficult Conversations**

In Class 12, Mon., Oct. 11, I will ask each student to fill out a *Difficult Conversations Preparation Form*. This form, based on a system set forth in the *Difficult Conversations* book, will lead you through an analysis of a particular conflict and help you prepare to conduct a difficult conversation regarding that matter (You needn't actually have that difficult conversation, of course.) By the time you come to class, you should have in mind a specific situation or conflict that you would like to focus on. It should meet the following criteria:

1. It should involve a conflict or dispute that is primarily between you and one other person. (For purposes of this exercise, you could take a dispute that involves more people and plan for a conversation with just one of them.)

2. It should involve a situation about which you actually *could* have a difficult conversation with a particular person—in the sense that the person is alive(,) and you could make contact if you wished to do so. I don't mean to suggest that you actually should have that conversation. That is a separate question.

3. It should involve a situation that you would be willing to discuss with one or two of your classmates. (If you cannot come up with such a situation, it is not necessary to discuss with classmates the situation you do use.)

You may use the conflict on which you plan to write a case study, if it is one in which you are or were personally involved.

## **Class. 12. Mon., Oct. 11 Difficult Conversations II. The Difficult Conversations Preparation form.**

### **Assignment following Class 12.**

#### **a. Awareness:**

Each day:

Meditate for at least 20 minutes.

Do the STOP or Taking STOCK exercise at least twice.

At least twice each day, observe manifestations of the “Three Conversations” (What Happened?, Feelings, Identity).

Make a record of these activities on the Awareness Practice Record Form—and turn in the completed form during Class 13, Mon., Oct. 18. Make a copy for yourself.

#### **b. Reading**

During the next two classes (Classes 13 & 14), we will work with the Core Concerns System for dealing with emotions in negotiation that is elaborated in Roger Fisher & Daniel Shapiro, *Beyond Reason* (2005).

1. Roger Fisher & Daniel Shapiro, *Beyond Reason* 15-21 (2005), which is posted on the Blackboard site. During the next class, we will consider the Core Concerns System for Dealing with Emotions in Negotiation. (As mentioned supra, you *may* wish to read the entire book.)

2. Daniel Shapiro, *From Signal to Semantic: Uncovering the Emotional Dimension of Negotiation*, 10 Nev. L.J. 461(2010) forthcoming (on course Blackboard site, if the manuscript is available, Daniel Shapiro, [On [Relational Identity Theory](#)], *American Psychologist* (2010) (forthcoming).

**[Wed., Oct. 13. Class cancelled, to be made up either by extending other classes or scheduling a separate session during a noon hour.]**

### **Class 13. Mon., Oct. 18. Dealing with Emotions in Negotiation: The Core Concerns: Session I**

**Assignment:** See Assignment following Class 12, Mon., Oct. 11, supra.

**Assignment following Class 13, Mon. Oct. 18**

#### **a. Beyond Reason Role Reversal Preparation:**

During class 14, Wed., Oct. 20, we will conduct an exercise—based on the core concerns system—that would help you prepare for a negotiation. For this purpose, please select a conflict or negotiation that has the following characteristics:

- It is real, not fictitious, and you are personally involved in it
- It is unresolved. This means that the conflict is still active or, if it is inactive, it still bothers you.
- It should involve two parties. If more than two other parties are involved, you must be able to negotiate with just one.
- Any context is o.k.—e.g., business, personal, educational.
- You should be willing to discuss this with one or two classmates. Before the next class, try to find a classmate with whom you would like to work on this exercise.

#### **b. Awareness: TBA**

### **Class 14. Wed., Oct. 20. Beyond Reason II. Role-Reversal Exercise**

**Assignment following Class 14, Wed. Oct. 20: TBA.**

a. **Awareness:** Generating positive emotions

b. **Reading:** Leonard L. Riskin, *Further Beyond Reason: Mindfulness, Emotions, and the Core Concerns in Negotiation*, 10 *Nevada L. J.* 289(2010), which is posted on the Blackboard site under Course Materials.

**Class 15. Mon., Oct. 25. Further Beyond Reason: Emotions, the Core Concerns and Negotiation. States of Mind in Conflict. Loving-Kindness Meditation.**

**Assignment following Class 15.: TBA**

**Paper outlines are due in class.**

**Class 16. Wed., Oct. 27. Applying What We Have Learned; Chi Kung.**

**Assignment: TBA**

**Case study outlines due in class.**

**Assignment following Class 16, Wed. Oct. 27:**

a. **Reading:** Riskin et al, *Dispute Resolution & Lawyers* 203-18; 230-44; 308-17 (4<sup>th</sup> ed. Abr. 2009). This is in a document entitled “Mediation Approaches and Training Guide” and is posted on the course Blackboard site under Course Materials. (When we do a mediation role-play in class, students who have taken the Mediation course or mediation training need not follow the format set forth in the *Mediation Training Guide*, which is on pp. 230-44.

b. **Observation: Watch** the *Red Devil Dog Mediation* video. This is part of the *The Dispute Resolution & Lawyers Video Series* (West 1990), four videos that colleagues and I made at the University of Missouri to introduce alternative dispute resolution to first year students at the University of Missouri School of Law. They are available for viewing at <http://law.missouri.edu/csdr/csdr-videos.html>; <http://www.law.ufl.edu/imldr/resources/multimedia.shtml>; [http://www.law.ufl.edu/faculty/riskin/multimedia/dispute\\_resolution\\_and\\_lawyers/](http://www.law.ufl.edu/faculty/riskin/multimedia/dispute_resolution_and_lawyers/)

c. **Awareness:** TBA

[Mon., Nov. 1. No class.]

**17. Wed., Nov. 3. Mediation I.**

**Assignment: See Assignment following class 16 Role play exercise.**

## **18. Mon., Nov. 8. Mediation II. Mediation Role-Play Exercise.**

**Assignment following Class 18, Wed., Nov. 3.**

**a. Awareness: TBA**

**b. Reading:**

Leonard L. Riskin, [The Negotiation Within]-manuscript, forthcoming in the *Harvard Negotiation Law Review* (2011), which will be on course Blackboard site.

John Rowan, *Subpersonalities: The People Inside Us* \_\_\_-\_\_\_ (Routledge 1990).

Richard C. Schwartz, *Internal Family Systems Therapy* \_\_\_-\_\_\_ (1995) [or Richard C. Schwartz, *Introduction to the Internal Family Systems Model* \_\_\_-\_\_\_ (2001)] (On Blackboard site.)

Pablo Neruda, *We Are Many* (1968) (On course Blackboard site.)

Karl E. Weick, *Sensemaking in Organizations* 18-24 (1995) (on course Blackboard site).

## **19. Wed., Nov. 10. “The Negotiation Within”**

Assignment following Class 19: TBA

**Optional preliminary draft of case study due in class.**

## **20. Mon., Nov. 15. Mindfulness and Advocacy. Awareness in advocacy exercise.**

**Assignment following Class 20, Mon., Nov. 15,**

**a. Awareness: TBA**

**b. Reading:**

Jack Kornfield, *The Wise Heart: A Guide to the Universal Teachings of Buddhist Psychology* \_\_\_-\_\_\_ (2009) \_\_\_\_. (On course Blackboard site.)

Andrew Olendzki, *Unlimiting Mind: The Radically Experiential Psychology of Buddhism* \_\_\_\_--\_\_\_\_(Wisdom 2010).

**Class 21. Wed., Nov. 17 Buddhist Psychology and Law practice.**

**Assignment following Class 21, Wed., Nov. 17.**

**a. Awareness:** TBA

**b. Reading:**

-Richard Birke, *Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications*, *Ohio St. J. Disp. Resol.* \_\_\_\_2010 (forthcoming). (Manuscript on course Blackboard site).

-Other reading TBA

**22. Mon., Nov. 22 Neuroscience, Meditation, and Law Practrice**

**23. Wed., Nov. 24 Mindfulness in Law Practice and Business TBA.**

**Assignment following Class 23, Wed., Nov. 24.**

**a. Awareness:** TBA

**b. Readings:** Selected papers and presentations from the conference, *The Mindful Lawyer*, the University of California-Berkeley School of Law (Oct. 29-31, 2010).

**Class 24. Mon., Nov. 29. The Big Picture; Wrap Up; Evaluations.**

**[Wed., Dec. 1. No class. NU Law follows Friday Schedule]**