

**Online Dispute Resolution**  
Peking School of Transnational Law  
Quarter 3, Spring 2021  
February 22-28, 2021 (8:00 a.m. – 12:00 p.m.)

*Professor Rick Bales*

[r-bales@onu.edu](mailto:r-bales@onu.edu)

WeChat

### **Overview**

This course is a survey of dispute resolution, and encompasses negotiation, mediation, collaborative law, and arbitration. The course will be taught online, though the skills taught in the course are easily transferrable to in-person dispute resolution. Some class time will consist of lecture, discussing the reading, and watching instructional videos. Most class time will be spent on group simulations which will include:

- A short arbitration/mediation exercise.
- Client counseling problems.
- Negotiation problems.
- Mediation problems
- Arbitration problems

### **Learning Outcomes**

At the end of this course, you should be able to: (1) execute oral communication skills of a lawyer in negotiation and mediation; (2) implement the principles of ADR to solve client problems in oral and written communication; (3) apply the lawyering skills of fact investigation and development to client problems; (4) produce effective legal documents written for negotiation and mediation; (5) recognize ethical dilemmas commonly arising in ADR; (6) self-evaluate and reflect on lawyering skills in interviewing, negotiating, and mediating; (7) understand the core principles and processes of arbitration, mediation, and negotiation; and (8) both participate in and run an online negotiation, mediation, and arbitration hearing.

### **Participation & Attendance**

Attendance is required. Missing class will significantly disadvantage your teammates on group projects. The entire course is highly participatory – we will spend most of our class time working in groups to negotiate, mediate, and arbitrate disputes.

### **Grades**

Your final grade will be based primarily on a combination of peer performance assessments on a series of simulations. These assessments will include the following “input” variables: effort, teamwork, ethical conduct, and effective judging. The assessments often also will include “output” skills-based scoring sheets. We will discuss all of this on the first day of class.

## Required Text

There is no required text. Throughout the course I will distribute short reading assignments by PDF.

## Office Hours

Email or WeChat me any time you would like to set up a time to talk or videoconference.

## Class Schedule.

Everything below is approximate and may be adjusted to reflect simulations taking shorter or longer than anticipated.

### February 22: Focus on Client Counseling

- Class preparation:
  - Read Client Counseling Checklist.
  - Read "[What Great Listeners Actually Do](#)" in Harvard Business Review.
- Lecture/discussion:
  - Intro to ADR
  - Client counseling
- Video:
  - Zoom tutorial on breakout rooms
  - [Client counseling 2016](#) (:44-2:15)
- Simulations:
  - Performance rubrics & grades
  - Client counseling exercises (#1, 4)

### February 23: Focus on Negotiation

- Class preparation:
  - Read Negotiation 2020 problem.
  - Read "[How to Negotiate – Virtually](#)" in Harvard Business Review.
  - Read "[Getting to Si, Ja, Oui, Hai, and Da](#)" in Harvard Business Review.
- Video:
  - [Ethics & Lying in Negotiations](#) (15:00)
  - [Negotiating a Corporate Spin-Off](#) ("Independent Immunities"; 55:00)
  - Negotiation 2020 (8:50-56:10)
- Lecture/discussion:
  - Negotiation
- Simulations:
  - Negotiation exercise (1) #1

#### February 24: Focus on Negotiation

- Video:
- Simulations:
  - Negotiation exercises (3) – (#2, 3 + exit-interview negotiation).

#### February 25: Focus on Mediation

- Class preparation:
  - Read: Introduction to Mediation.
- Lecture/discussion: mediation
- Video:
  - [Mediating a U.S.-China Business Dispute](#) (90:00)
- Simulations:
  - Mediation exercise (1) #1
  - Expense reimbursement exercise

#### February 26: Focus on Mediation

- Mediation exercises (2) #2, #3

#### February 27: Focus on Mediation

- Mediation exercises (2)

#### February 28: Focus on Arbitration

- Video:
  - [Baseball arbitration](#) (:08)
  - [Drafting international commercial arbitration clauses](#) (:03)
  - 20-minute arbitration videos – students vote.
- Simulations:
  - Arbitration regarding commission in real estate transaction.
- Wrap-up: what worked & what didn't?