

Shawna A

**CONFLICT RESOLUTION**  
**FINAL EXAMINATION - SPRING, 2012**

This is an open book examination which you have two hours to complete. Identify yourself by placing your student identification number on the cover of the blue book. Please read each question carefully and write your responses in the blue books. Be sure to clearly identify to which question you are responding.

**Claim Summary**

The fatal shooting of Trayvon Martin by George Zimmerman took place on February 26, 2012. Trayvon Martin was a 17-year-old African American male who was unarmed; George Zimmerman is a 28-year-old biracial Hispanic American who was the community watch coordinator for the gated community where the shooting took place.

While on a private errand, Zimmerman saw Martin walking inside the gated community where he was visiting his father and his father's fiancée. Zimmerman called the Police Department to report Martin's appearance and behavior as suspicious. Shortly afterwards, there was an altercation, which ended with Zimmerman fatally shooting Martin once in the chest at close range.

When police arrived on the scene, Zimmerman told them that Martin had attacked him, and that he had shot Martin in self-defense. Zimmerman was bleeding from the nose and had a wound on the back of his head. EMTs treated Zimmerman at the scene, after which he was taken to the Police department where he was questioned for hours, taped a video statement, and was released without being arrested. Police said that they had not found evidence to contradict his assertion of self-defense.

A civil claim is brought by the parents of Trayvon Martin against George Zimmerman and the gated community where this incident occurred.

**QUESTIONS**

1. Identify and briefly explain the elements necessary to properly **evaluate** and **value** this civil claim.
2. You represent the plaintiff, the parents of Trayvon Martin in this civil claim. The plaintiff has told you that they would be willing to settle their lawsuit for \$250,000.00. In the course of negotiations with the defendants' lawyers, assume that you are directly asked whether the plaintiff would be willing to accept \$250,000.00 in settlement. As a negotiating tactic, would you deny that your client would be willing to settle the lawsuit for that amount? Explain your answer.
3. How would you characterize your negotiation style? What are the advantages and disadvantages of your style of negotiating in a civil claim as summarized above?
4. Identify the various forms of alternative dispute resolution. How do they compare and differ? What are their potential advantages and disadvantages compared with each other and with litigation in a civil claim as summarized above? How should the choice among the

different forms of ADR and litigation be made?

5. How would you introduce the concept of Alternative Dispute Resolution and the various options to your client, the parents of Trayvon Martin who want “their day in court”?
6. How would you introduce the concept of Alternative Dispute Resolution and the various options to an opposing party/attorney without appearing weak and/or unsure of your own negotiating position?
7. How would you evaluate this matter on behalf of the defendant, the gated community to determine whether mediation is recommended?
8. Should the court system require alternative dispute resolution? Why or Why not?
9. What are some ethical considerations as an attorney involved in negotiations and/or the various forms of Alternative Dispute Resolution?
10. Should an attorney be required to inform a client about the availability of ADR options prior to the filing of a civil complaint?
11. Compare what you have learned of conflict resolution, negotiation and alternative dispute resolution during this semester to the movie “A Civil Action” or to any other movie or television program which portrays litigation. Is it accurate or not? Cite specific examples if you can.

**CONFLICT RESOLUTION**  
**FINAL EXAMINATION - SPRING, 2011**

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1. Identify and briefly explain the elements necessary to properly **evaluate** and **value** a civil claim.
2. Assume that an insurance company is defending a lawsuit brought by a passenger allegedly injured in an automobile accident with the insured. Assume that you represent the plaintiff. The plaintiff has told you that the plaintiff would be quite willing to settle the lawsuit for \$50,000.00. In the course of negotiations with the insurance company's lawyer, assume that you are directly asked whether the plaintiff would be willing to accept \$50,000.00 in settlement. As a negotiating tactic, would you deny that your client would be willing to settle the lawsuit for that amount? Explain your answer.
3. How would you characterize your negotiation style? What are the advantages and disadvantages of your style of negotiating?
4. Identify the various forms of alternative dispute resolution. How do they compare and differ? What are their potential advantages and disadvantages compared with each other and with litigation? How should the choice among the different forms of ADR and litigation be made?
5. How would you introduce the concept of Alternative Dispute Resolution and the various options to a client who wants "their day in court"?
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**CONFLICT RESOLUTION**  
**FINAL EXAMINATION - SPRING, 2009**

This is an open book examination which you have two hours to complete. Identify yourself by placing your social security number on the cover of the blue book. Please read each question carefully and write your responses in the blue books. Be sure to clearly identify to which question you are responding.

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**CONFLICT RESOLUTION**  
**FINAL EXAMINATION - SPRING, 2009**

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