



Alternative Dispute Resolution Alternatives to Litigation Course # 581 Spring 2026 Syllabus

Instructor Information

Instructor: Professor Stephen Smith
Contact Hours: Monday thru Friday 8:00 AM – 5:00 PM
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Course Information

Class Days/Times

Tuesday and Thursday 4:30-5:45 p.m.

Course Description

The purpose of this course is to provide you with a general introduction to Alternative Dispute Resolution (ADR) and its application in our legal system. ADR is a non-confrontational way of resolving issues. There are many forms of ADR, but for the purposes of this class the focus is on Mediation, Arbitration and Conciliation. The course is structured in three main sections: (1) Required reading from assigned text. (2) "Socratic" style in class discussions. (3) Weekly written assignments and In-class interactive role playing.

Textbook

Alternatives to Litigation 3rd Edition, Andrea Doneff, Abraham P. Ordoover

"This book was designed to provide a detailed overview of many available alternatives to litigation. Hopefully it will prompt further exploration and provide some comfort with the options so that parties can be satisfied that they have achieved the best possible solution to their problem, now and for the future."

The Authors

TWEN Access and Handouts

Students are responsible for bringing handouts and other related materials to class, all of which are located on "The West Education Network" (TWEN) page (<http://lawschool.westlaw.com/twen>) click on Alternative Dispute Resolution: Alternatives to Litigation.

In addition, all class assignments will be posted to the TWEN page. Students should post assignments using a .doc or .pdf format. (no .pages format)

If you are having issues with the application contact Dan Harayda (harayda@msslw.edu) or Mick Coyne (mick@msslw.edu).

Online Resources

Students are expected to bring their laptop to class every day for use in classroom discussions, case studies, in-class assignments and exams.

Course Grade Structure

Grading: Your final class grade will be based on weekly assignments, class participation, role playing. and the "Final" exam assignment.

There will be no make-up for in-class work granted for any unexcused absence (as determined by the professor). The professor can, however, consider a lack of attendance in determining the final grade, along with any other acts of unprofessionalism, as explained below:

A critical component of practicing law is always acting professionally. Since law school is where you learn to become a lawyer, you should always handle yourself professionally. This includes, but is not limited to, attending class regularly and on time, submitting assignments on time and in the appropriate format, actively participating in class, turning cell phones off before class, and not surfing the Internet or using e-mail during class. Also, how you conduct yourself in your

interactions—both in person and via e-mail—with the professor and others reflects your professionalism. Each student will start the semester with 50 professionalism points. Points will be deducted for any unprofessional conduct, as explained above.

Assignments: Will be posted under on the course TWEN page.

All assignments are due at the beginning of your regular class time on the due date. Submissions after the start of class are considered late and will not be graded.

Every assignment you submit must be your own work, including briefs, outlines, and papers. Please read the course overview, plagiarism handouts and plagiarism warning; submit your signed plagiarism warning on the first day of class. All documents are located on the course TWEN page under course materials. Please review the MSLAW policy on Academic Honesty.

Attend Class

Students are expected to attend all class sessions as listed on the course calendar.

Build Rapport

If you find that you have any trouble keeping up with assignments or other aspects of the course, make sure you let your Professor know as early as possible. As you will find, building rapport and effective relationships are key to becoming an effective professional. Make sure that you are proactive in informing your Professor when difficulties arise during the semester so that they can help you find a solution.

Complete Assignments

All assignments for this course will be submitted electronically through TWEN unless otherwise instructed. Assignments must be submitted by the given deadline or special permission must be requested from instructor *before the due date*. Extensions will not be given beyond the next assignment except under extreme circumstances.

Commit to Integrity

As a student in this course (and at Massachusetts School of Law) you are expected to maintain high degrees of professionalism, commitment to active learning and participation in this class and also integrity in your behavior in and out of the classroom.

Academic Dishonesty Policy

Academic dishonesty includes such things as cheating, inventing false information or citations, plagiarism and helping someone else commit an act of academic dishonesty. It usually involves an attempt by a student to show possession of a level of knowledge or skill that he/she does not possess.

Class Structure

This course will use the "Socratic" method of instruction with an emphasis on developing the students "critical thinking skills". The course will prepare the student for those other writing assignments that will be associated with the students substantive classes.

Remember....

"Your education is holistic — it's about learning law and how to think about law, and it's about putting the law in larger practical, theoretical and professional contexts. It's highly intellectual, and at the same time, it's about judgment, integrity, perspective and empathy."

Risa Goluboff

Dean of the University of Virginia School of Law

NOTE: *This syllabus is subject to change, as needed, to best realize the educational goals of this course.*

Week 1

Required Reading - Chapters 1 & 2

Tuesday – Introduction to Alternative Dispute Resolution

Thursday - Discussion of Chapters 1 & 2

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 2

Required Reading - Chapters 1 & 2

Tuesday – Introduction to Mediation

Thursday – “Mock” Mediation – Basic Real Estate Negotiation - “William & Olivia”

Discussion of Chapters 1 & 2

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 3

Required Reading – Chapter 3

Tuesday – Finalize “William & Olivia” mediation.

Thursday – Analysis of “William & Olivia” due before start of class.

Discussion of Chapter 3 – Forms of Alternative Dispute Resolution

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 4

Required Reading – Chapter 4

Tuesday – Introduce “House-Sitter” Introduction to Negotiating and Drafting

Thursday – Continue “House-Sitter” Introduction to Negotiating and Drafting

Discussion of Chapter 4 – Negotiation

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 5

Required Reading – Chapter 4

Tuesday – Continue “House-Sitter” Introduction to Negotiating and Drafting

Thursday – Final Agreement Due “House-Sitter” Introduction to Negotiating and Drafting

Discussion of Chapter 4 – Negotiation

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 6

Required Reading – Chapters 5&6

Tuesday – Introduce “Housing Now!” The Negotiation Process

This is a basic negotiation scenario focused on negotiating a housing development agreement between a nonprofit housing advocacy organization (Housing Now!) and a small suburban community (Andover Village). Housing Now! is hoping to build affordable housing in Andover Village and needs assistance and permission from Andover.

Thursday – Continue with “Housing Now!”

Discussion of Chapter 5&6 – “Tactics and Options”

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 7

Required Reading – Chapter 7

Tuesday – Continue “Housing Now!” : Introduction to Negotiating and Drafting

Thursday – Final Agreement Due “Housing Now” : Basic Negotiating and Drafting

Discussion of Chapter 7 – Negotiation using the Mediation process

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 8

Required Reading – Chapter 8

Tuesday – Introduce “The Standstill Agreement” : Overcoming Impasse and Special Problems

Thursday – Continue with “The Standstill Agreement” : Overcoming Impasse and Special Problems

Discussion of Chapter 8 – Common Problems / Difficult Problems / Last Minute Clinkers / Walkouts

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Spring Break - no classes

Week 9

Required Reading – Chapter 9

Tuesday – Finish “Standstill Agreement”. Prepare outline for agreement.

Thursday – Final Standstill Agreement due start of class

Discussion of Chapter – The Attorney’s Role in Mediation

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 10

Required Reading – Chapter 10 & 11

Tuesday – “Mock” Divorce mediation

Thursday – Continue with divorce mediation / Resolving Property Division Issues

Discussion of Chapter – Divorce Mediation and preparation of mediated divorce agreements. Discuss Parenting Plans

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 11

Required Reading – Chapter 12 &13

Tuesday – Start “Bar Fight” Mock Mediation

Thursday – Continue “Bar Fight” Mock Mediation

Discussion of Chapter – Ethical Considerations

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 12

Required Reading – Chapter 12 & 13

Tuesday – Finish “Bar Fight” mediation

Thursday – “Bar Fight” Agreement Due start of class

Discussion of Chapter – Ethical Considerations

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 13

Required Reading – Chapter 14 &15

Tuesday – Start “Civil Rights” Mock Mediation

Thursday – Continue “Civil Rights” Mock Mediation

Discussion of Chapters – Arbitration and the Process

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 14

Required Reading – Chapter 16 & 17

Tuesday – Continue “Civil Rights ” Mock Mediation

Thursday – Continue “Civil Rights ” Mock Mediation

Discussion of Chapters – Enforcing Agreement Clauses

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 15

Required Reading – Chapter 18 &19

Tuesday – Finish “Civil Rights” Mock Mediation

Thursday – Last day of class – Course review and recommendations

Discussion of Chapter – “Thinking through the Issues”

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.