

L.E.A.P.S. TASK FORCE – INTEGRATION COMMITTEE INTERVIEWS

1. Appalachian School of Law

Appalachian School of Law integrates dispute resolution skills into the core curriculum through its 1L contracts course that explores arbitration and the 2L family law course that utilizes practicing mediators. Success is measured by course exams. This approach is considered sustainable and, as described in the Carnegie report, addresses the market for lawyers whose skills go beyond litigation.

2. University of Connecticut School of Law

The University of Connecticut School of Law integrates dispute resolution skills into the core curriculum through a 1L second-semester skills course on the lawyering process that teaches interviewing, counseling, and negotiation skills. Based on early outside evaluations, the course curriculum is now less rigid and professors teach with differing foci. Students now choose among sections, for example, with a pro bono emphasis or business/transactional emphasis. The law school curriculum would be improved overall by a greater emphasis on dispute resolution and a larger number of skills courses beyond negotiation and mediation. While the current approach is sustainable, more would be accomplished if the lawyering process course and additional ADR course offerings were guided by overarching school goals. The curriculum is not linked to the Carnegie report.

3. Hamline University School of Law

Hamline University School of Law teaches mediation of the fact pattern in the first-year Legal Research and Writing course. 1L students also take a new required two-credit course, Practice, Problem-Solving, and Professionalism. Although this is not strictly a dispute resolution skills course it is taught by dispute resolution faculty. While the mediation simulation evolved from Hamline's association with Missouri, the new course was a response to the Carnegie Report. The course was evaluated last year through a student survey and professors' assessments of student papers and journals. Reducing readings and clarifying assignments would improve the course. A more extensive survey, along with focus groups, is planned. This approach is considered sustainable. However, given the number of sections required, continuing instruction by dispute resolution faculty may become problematic. A good textbook and input about what works in other schools would be helpful.

4. Harvard Law School

Summary of 2004 Harvard Law Bulletin article, Beyond the Case Method: A first-of-its-kind problem-solving workshop prepares 1Ls for the realities of law practice
Harvard Law School integrates dispute resolution skills into the core curriculum through a required three-week Problem Solving Workshop that focuses on lawyering skills, utilizing mock client interviews, brainstorming and debates, and engagement with practitioners both in the classroom and in area law offices.

5. University of Minnesota Law School

At the University of Minnesota Law School, dispute resolution is taught as part of the required Civil Procedure course and the third-year capstone course where students participate in arbitration and mediation simulations. Minnesota has had an ADR rule

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since the 1980s; therefore, the culture supports ADR. This approach is linked to the Carnegie Report

6. University of Missouri School of Law

The University of Missouri School of Law integrates dispute resolution skills into the core curriculum through a first-semester, two-credit 1L course: Lawyering: Problem Solving and Dispute Resolution. The course covers the lawyer-client relationship, interviewing and counseling, negotiation, mediation advocacy, and a brief discussion of arbitration and selecting a dispute resolution process. There are 35-40 students per section and smaller sections would improve the course. This approach is sustainable

7. University of Nevada-Las Vegas, William S. Boyd School of Law

At the Boyd School of Law NLDR is integrated into the required Legal Writing and Civil Procedure and ADR courses. Students from the mediation clinic guest-lecture and hold mock mediations in the Legal Writing course. In Civil Procedure and ADR, the “Civ Pro” faculty teach the dispute resolution segments. Overall, NLDR content is not formally evaluated. The mediation demonstration is considered to be the best approach to successfully integrating NLDR into the required curriculum.

8. New York University School of Law

At New York University School of Law, NLDR is integrated in the first year lawyering course where two simulations focus on negotiation and mediation. In the past, every student participated directly in at least one simulation. However, beginning last year, some students now observe their classmates conducting a mediation. This segment of the lawyering course is not formally evaluated but an assessment tool is in development. NYU does not have full time dispute resolution faculty, but one tenured faculty teaches dispute resolution half time. More could be accomplished by having one full time faculty with expertise in this area. Also, better readings and increased awareness among faculty would strengthen the program. An experiential learning program has been part of NYU since the 1970's and was cited by Carnegie in its report.

9. University of the Pacific McGeorge Law School

McGeorge Law School integrates dispute resolution skills into the core curriculum through a 1L two-semester course, Global Lawyers' Skills, which includes mediation, oral advocacy, interviewing, client counseling, and settlement drafting based on agreement. The addition of negotiation skills and arbitration and a survey course introducing a wide range of skills would improve the curriculum. This approach is sustainable and teaches dispute resolution skills recommended in the Carnegie report.

10. University of Richmond School of Law

The University of Richmond School of Law integrates dispute resolution skills into the core curriculum by including client interviewing and counseling, negotiation, and mediation in first-year lawyering skills courses. This approach provides exposure to dispute resolution without adding additional required courses. While skills are not individually evaluated, student performance, as reflected in grades, is at or above the

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range of grades in doctrinal courses. This approach was significantly influenced by both the Carnegie and McCrate reports and is considered sustainable. Although no program improvements are planned at this time, additional full-time faculty (as opposed to adjuncts) to teach the first-year skills courses would be helpful.

11. Samford University Cumberland School of Law

The Samford University Cumberland School of Law integrates dispute resolution skills into the core curriculum by including client counseling and negotiation components in the first-year, two-semester Lawyering and Legal Reasoning (LLR) course. Development of this course was influenced by the McCrate and Carnegie reports. A faculty committee on the Carnegie response is working on a curriculum-wide assessment of dispute resolution skills. More could be accomplished if the organized bar would say that these skills are a priority and faculty agreed on skills needed for graduates. Also, dispute resolution learning components that could be incorporated into core courses would help. The LLR course is sustainable, but the adjunct pool needs to be grown over time and new ideas about how to oversee and leverage adjuncts are needed.

12. Southern Illinois University School of Law

Southern Illinois University School of Law integrates interviewing, counseling, and negotiation into a first-year, two-semester, required Research and Writing course. This approach has been in place for 12-15 years and ensures that all students are exposed to these skills. The course would be improved by the inclusion of mediation and more would be accomplished if ready-made teaching materials on dispute resolution skills were available to professors interested in incorporating such skills in other courses. The SIU approach, which predates the Carnegie report, is considered sustainable and is widely supported by faculty. However, a full-time faculty member to assist in the process of integrating skills into mainstream courses would help to raise the profile of dispute resolution in the university.

13. St. John's University School of Law

St. John's University School of Law integrates dispute resolution skills into the required first-year legal writing course. Legal writing professors require first year students to negotiate a resolution to an assigned problem. Student response to further opportunities to learn NLDR is considered an indication of success as elective dispute resolution courses and clinics in the second and third years have waitlists. This approach is supported by faculty and believed sustainable. However, in order to expand programming, increased funding is needed. It is consistent with the recommendations of the Carnegie Reports.

14. Stanford Law School

Stanford integrates NLDR skills into its required Legal Writing and Research course for 1Ls. In three separate class sessions, students explore negotiation and mediation through lecture, discussion, simulations, and writing exercises (briefs). Simulations are not evaluated, but NLDR faculty grade the writing exercises. Ad hoc assessment of this approach indicated that students enjoyed the classes because they were different, while NLDR faculty felt that including this material in the first semester of the first year was

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too much for new students. In the future, NLDR may be taught in the moot court semester.

15. Thomas Jefferson School of Law

At Thomas Jefferson Law School mediation is integrated into the required civil procedure course through a practice exercise and discussion. This approach, though not formally evaluated, is considered sustainable while more problem-solving modules in first year courses, and more support from colleagues, would be beneficial.

16. Whittier Law School

For the last 10 years, Whittier Law School has had a required second-year writing course that includes interviewing, counseling, negotiation, mediation, and arbitration. Informal feedback from students is supportive, and a formal student assessment mechanism is in development. Adding more graders, maintaining timely, real-world scenarios, and piloting a first-year writing course that includes a civil procedure problem could improve the program. Providing students with opportunities to witness mediations and arbitrations would be a welcome addition. This approach is linked to the Carnegie report as it prepares students to be ‘practice ready’ and is considered sustainable.

17. Vermont Law School

Vermont Law School integrates close to one credit of non-litigation dispute resolution material into several required courses through guest lectures from the dispute resolution program director. The initiative integrates the concepts of negotiation, mediation, and arbitration the following events and courses: Orientation, Civil Procedure, Legal Writing II, Constitutional Law, and Legal Profession. In orientation, a session on the “Lawyer as Problem Solver” covers the range of processes that attorneys use to in practice to help solve clients’ problems. In the second semester 1L legal writing program, a full-day “Negotiation and Drafting Workshop” covers the theory and practice of negotiation to give students an appreciation of the tensions that exists between competitive and cooperative forces. In Civil Procedure two classes are dedicated to arbitration and mediation to give a more accurate understanding of how modern civil disputes are processed. In Constitutional Law, a class on the settlement of significant disputes discusses different forms of settlement, the implications of settlement, the barriers to settlement and provides a framework for assessing the appropriateness of settlement. Finally, in the required Legal Profession course a session on negotiation ethics discusses how Model Rule 4.1 and the law of fraud and misrepresentation shape legal negotiations. Assessment is incorporated into Constitutional Law, Civil Procedure, and Legal Profession. This approach is linked to the Carnegie goals related to practical problem solving.