

Identification	Subject	MMGT 805 Mediation: Theory and Practice
	Department	MBA
	Program	Graduate
	Term	Spring, 2022
	Instructor	Huseyn Aliyev; haliyev@tulane.edu
	Classroom/hours	Flexible
Prerequisites	None	
Language	English	
Compulsory/Elective	Compulsory	
Textbooks and course materials	<ol style="list-style-type: none"> 1. James J. Alfini, Sharon B. Press, Joseph B. Stulberg. Mediation theory and practice (3rd edition). LexisNexis. 2. Dr. Jennifer E. Beer PhD, Caroline C. Packard JD, Eileen Stief Elizabeth Elwood Gates. The Mediator's Handbook: Revised & Expanded (4th edition). New Society Publishers. 3. Alan Rau, Edward Sherman, Scott Peppet. Processes of Dispute Resolution: The Role of Lawyers (4th edition). Foundation Press. 4. Joseph F. Morrissey, Jack M. Graves. International Sales Law and Arbitration. 5. Robert Mnookin. Bargaining with the Devil: When to Negotiate, When to Fight. 6. John Lederach. Little Book of Conflict Transformation: Clear Articulation of the Guiding Principles by a Pioneer in the Field (Little Books of Justice & Peacebuilding). 7. Peter D. Johnston. Negotiating with Giants. Negotiation Press. 8. Roger Fisher, William L. Ury; Bruce Patton. Getting to Yes: Negotiating Agreement Without Giving In (3rd edition). Penguin books. 9. Roger Fisher, Daniel Shapiro. Beyond Reason. Penguin books. 10. Douglas Stone, Bruce Patton, Sheila Heen. Difficult Conversations. 	
Course Outline	<p>Mediation is a crucial means to reaching peaceful and agreed solutions in today's world. With the course, you gain a deeper understanding of conflict resolution. You will be able to understand the mediation process and party's interest at the mediation process. Students in this course will take various roles, such as a mediator, legal representative to the party, party to the dispute</p>	
Course objectives	<p>This postgraduate level course aims to familiarize students with the fundamentals of alternative dispute resolution. One of the most critical items in conflict resolution is to answer to two questions: "by whom?" and "where?" shall the dispute be decided. There are several dispute resolution means. There is more traditional dispute resolution mean, litigation, and alternative to litigation negotiation, mediation, arbitration. During this course, we will study alternatives to traditional dispute resolution instruments. Our main study objective will be mediation.</p>	
Learning outcomes	<p>The intended learning outcomes are that on successful completion of this module the</p>	

	<p>student will:</p> <ul style="list-style-type: none"> • Means of dispute resolution; • Have theoretical and practical knowledge on alternative dispute resolution means, primarily on mediation; • Fully understand advantages and disadvantages of mediation; • Be able to present and negotiate cases; and <p>Have a working knowledge of the Law on Mediation of the Republic of Azerbaijan.</p>		
Teaching methods			Points
	Case analysis		x
	Group discussion		x
	Lecture		x
	Others		x
	Total points		100
Evaluation Criteria	Methods	Date/deadlines	Percentage (%)
	Midterm Exam		30
	Case studies		10
	Class attendance		5
	Class activity		5
	Essay		10
	Final Exam		40
Policy	<p>Attendance: Students exceeding the 25% absence limit will not be allowed to participate at the final exam.</p> <p>Activity shall mean active participation i.e. asking and answering the question, contribute with insights and feedback, and demonstrating willingness and dedication to be part of an overall class discussion</p> <p>Essay - Coherence: The extent to which each statement follows from previous statements</p> <p>Argument: The extent to which there is a convincing line of argument running throughout the work.</p> <p>Evidence: The extent to which claims are supported by relevant and appropriate published research evidence and/or theoretical argument</p> <p>Grammar, spelling and general presentation.</p> <p>Work which is late without permission will be penalized by 3 marks per day.</p> <p>If plagiarism is detected in one essay, other essays by the student concerned will be examined very carefully for evidence of the same offence.</p> <p>Case Study - Information: detailed, accurate, relevant; key points highlighted.</p> <p>Structure: rigorously argued, logical, easy to follow.</p> <p>Analysis and Interpretation: extensive evidence of independent thought and critical analysis.</p> <p>Use of relevant and accurate Evidence: key points supported with highly relevant and accurate evidence, critically evaluated.</p> <p>Presentation Skills: clear, lively, imaginative; good use of visual aids (where appropriate).</p>		
Tentative Schedule			
Week	Date/Day	Topics	Textbook/Assignments
1		Introduction to the ADR.	Chapter I. Source: Processes of Dispute

			Resolution: The Role of Lawyers (4th edition).
2		Negotiation as a mean of ADR	Chapter 2. Source: Mediation theory and practice (3rd edition).
3		Arbitration as a mean of ADR	Chapter 7. Source: International Sales Law and Arbitration.
4		Historical context and conceptual framework.	Chapter 1. Source: Mediation theory and practice (3rd edition).
5		Mediation process and skills	Chapter 3. Source: Mediation theory and practice (3rd edition).
6		Mediator roles, orientations, and styles	Chapter 4. Source: Mediation theory and practice (3rd edition).
7		Confidentiality	Chapter 5. Source: Mediation theory and practice (3rd edition).
8		Legal issues in mediation	Chapter 6. Source: Mediation theory and practice (3rd edition).
9		MID-TERM EXAM	
10		Diversity, power, and justice	Chapter 7. Source: Mediation theory and practice (3rd edition).
11		Ethical issues for mediators	Chapter 8. Source: Mediation theory and practice (3rd edition).
12		The institutionalization of mediation in the courts	Chapter 9. Source: Mediation theory and practice (3rd edition).
13		Mediation and the lawyer as advocate	Chapter 10. Source: Mediation theory and practice (3rd edition).
14		Career directions in mediation	Chapter 11. Source: Mediation theory and practice (3rd edition).
15		Final Exam	

