

Legal Educators Resource Share 2020 – Covid-19 Edition

Sharon Press, Mitchell Hamline School of Law and

Noam Ebner, Creighton University

Note: **New Material;** **Updated Material**

A. Resources on transitioning courses

For a basic intro to ‘What do I need to consider while transitioning courses online?’ read ‘Next Week, You Will Teach Your Courses Online’: A Reassuring Introduction to Pandemic Pedagogy https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3552124

For a basic intro to teaching online with Zoom, see the Mitchell Hamline Best Practices for Online Teaching program: <https://mhs1.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=7e45ee08-63b5-4684-b15e-ab7d01775cc3>

For guidance on conducting simulations in courses transitioning to Zoom and other videoconferencing platforms, read *Pandemic Pedagogy II: Conducting Simulations & Role Plays in Online, Video-Based, Synchronous Courses* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3557303

Webinar on conducting simulations in courses transitioning to Zoom and other videoconferencing platforms (Sharon Press and Noam Ebner, Hosted by the ABA’s Section on Dispute Resolution, March 2020): <https://www.youtube.com/watch?v=8Hdz-NI6Xr4&>

Webinar on incrementally improving courses that have successfully transitioned online (Noam Ebner, with Beth Fisher-Yoshida, Hosted by Columbia University’s Program on Negotiation and Conflict Resolution, April 2020) <https://www.youtube.com/watch?v=zF9fCQZKDTw&t>

Resource List (AALS Section of Dispute Resolution Executive Board) *Engaging and Reinforcing Inline ADR Teaching* Contact Elayne Greenberg greenbee@stjohns.edu [attached APPENDIX I]

ADR Pandemic Think Tank: a reflective practice group exploring the new normal in the ADR classroom. While we started as a group of Clinicians transitioning to online mediations, there are several professors who are not clinicians who attend. The conversation veers into general tips for Zoom, online teaching adaptations, as well as transitioning Clinics, so please join if you want to see check it out. The group meets most Mondays at 1 p.m. PST/4 p.m. EST. The next meeting will be June, 1, 2020. Updated links are sent out periodically on DRLE. Current link, Join Zoom Meeting <https://pepperdine.zoom.us/j/334728395> Contact: Stephanie B Blondell stephanie.blondell@pepperdine.edu [attached APPENDIX J]

A Guide to Resources for Teaching Online Curated by Susan Landrum, J.D., Ph.D. Assistant Dean for Academic Success and Professionalism, Nova Southeastern University Shepard Broad College of Law attached APPENDIX M

Calling All Syllabi: University Missouri Columbia Law School has hosted the [Dispute Resolution Resources in Legal Education \(DRLE\) website](#) collects and posts [syllabi from a wide range of courses](#). They last collected syllabi in 2015, and the collection has just been updated.

Submitted by John Lande LandeJ@missouri.edu

B. ADR LISTSERVS AND ...

Joining the ADR Professor Listserv:

1. Address a message to: listserv@po.missouri.edu
2. In the body of the text, write: subscribe DRLE

AALS

Joining the Junior ADR Professor Listserv:

(junior = seven years or fewer in the academy)

1. Go to <https://connect.aals.org/p/us/to/> (you may need to login)
2. Click Add Subscription button
3. For "Category," pick "Section"
4. For "Topic," pick Junior ADR
5. Click Add.

Adding/Updating ABA Directory Info for your ADR Program

1. To get username and password, email Jen Reynolds (jwr@uoregon.edu)
2. To view directory, go to <http://adr.uoregon.edu/aba/>
3. To update directory, go to <http://adr.uoregon.edu/aba/admin/>

Indisputably Blog

The blog provides an online conversation with colleagues in DR and those in overlapping fields, linking dispute resolution scholarship, education, and practice. The bloggers provide announcements and running commentaries on the latest work in arbitration, mediation, negotiation, and other dispute resolution processes. You can subscribe and get an email every day when there is a new post.

<http://www.indisputably.org/>.

C. Conferences/Virtual Gatherings of Interest to ADR Scholars

1. AALS Annual Meeting (each January)
2. ABA Dispute Resolution Section Annual Meeting (each spring)
3. AALS Conference on Clinical Legal Education (each spring)
4. Law & Society Association (each summer)
5. International Association for Conflict Management (IACM) (summer – every other year in the US)

6. Association for Conflict Resolution (each fall) *In-person conference cancelled for 2020 – watch for virtual opportunities*
7. AALS Works-in-Progress (each fall) *cancelled for 2020*
8. National Association of Community and Restorative Justice Conference www.nacri.org
9. Global Alliance of Civil Collaborative Lawyers, Tampa www.collaborativelaw.us/events.php
10. Southeast Association of Law Schools SEALS www.sealslawschools.org [ADR sessions]
11. Association of Family and Conciliation Courts, Annual Conference
<http://www.afccnet.org/Conferences-Training/AFCC-Conferences>
12. ABA Mediators' Institute
13. CADRE
14. **New York Law School's ADR Skills Program:** Beginning May 20 and for every two weeks thereafter, join for informal and provocative conversations with interesting leaders in the field of conflict avoidance, management and resolution. All of these offerings take place at 1:00 p.m. New York time, are *free of charge*, and occur on a Zoom online platform. Contact: Phillips, F. Peter F.Peter.Phillips@NYLS.EDU
15. **International Association for Conflict Management, 2020 Virtual Conference July 12-15**
<https://form.jotform.com/200864407273151>

D. Teaching/Training Materials

1. **Manual:** A manual for introducing communication, mediation and circle process in prisons using law students as co-teachers and facilitators. Should be available summer 2020. Contact Lela Love love@yu.edu or Rich Brewster richardbrewster41@gmail.com
2. **Legal Education, ADR, and Practical Problem Solving (LEAPS) Project** <http://leaps.uoregon.edu/>
The Legal Education, ADR, and Practical Problem-Solving (LEAPS) Project is the work of the ADR in Law Schools Committee of the ABA Section of Dispute Resolution from several years ago. It developed a website to help faculty incorporate practical problem-solving" (PPS) into their instruction of a wide range of courses, including doctrinal, litigation, transactional, and ADR courses. The website includes:
 - Descriptions of various teaching methodologies
 - Suggestions for encouraging colleagues to include more PPS in their courses
 - Possible "talking points" for discussing the incorporation of PPS into doctrinal courses
 - A survey of how schools integrate practical problem-solving skills in their J.D. curricula
 - Lists of consultants who can help incorporate PPS in specific courses
 - Examples of course exercises and approaches for introducing PPS in doctrinal courses
 - Links to relevant resources on other websites

3. **The Academic Council of the Institute for Transnational Arbitration website, [International Dispute Resolution Resources for Legal Educators](#).**

The goal of this project is to gather, classify, and disseminate syllabi, notes, exercises, exams, and other original teaching materials prepared by international arbitration teachers from around the world. As a truly international endeavor, the collection will not be limited to materials written in English, but we also want to encourage the addition of materials written in Spanish, French, Portuguese, and perhaps other languages by teachers of international arbitration from other countries. We would like to encourage you to submit your own materials as well as reviewing the materials that are already available. In addition to collecting syllabi and other teaching materials, we are also interested in promoting an exchange of pedagogical approaches, innovative teaching techniques and other strategies, via a dedicated listserv ([ITA-LEL](#)). The website and the listserv are open and accessible to anyone who teaches in the area of international dispute resolution, either full or part-time. We are happy to answer any questions you may have about the purpose and use of the website and listserv. If you have any questions regarding logistics, please contact site administrator [Krishonne Johnson](#). *Submitted by Professor Manuel Gomez (Florida International University College of Law) and Professor Stacie Strong (University of Missouri School of Law).*

4. **“Stone Soup” Dispute Resolution Knowledge Project**

The Stone Soup Project is a collaborative effort of faculty, students, practitioners, educational institutions, and professional associations to improve teaching and learning about actual dispute resolution practice. Faculty assign students to conduct interviews and/or observe actual cases. Interviews involve parties and/or lawyers or other dispute resolution professionals. (The project is NOT a standardized database, which we originally considered.)

Some faculty like the Stone Soup idea generally but wonder if it would work in their courses or feel hesitant for other reasons. [This post describes some colleagues' concerns and responses to those concerns](#). In particular, the assignments need not add much, if any, workload; students generally can find interview subjects without faculty assistance; and Stone Soup can work well in almost any law school course.

Faculty have great flexibility in tailoring assignments to fit their instructional goals and circumstances. This [table illustrates variations in Stone Soup courses in the first year](#):

- Class size
- Description of the Stone Soup assignment
- Whether the assignment was required, one option of an assignment, or extra credit
- Assigned paper length, if any
- Due date
- Percentage of grade, if any
- Whether the results of the assignment were discussed in class

For more information, see this [post summarizing the first year's achievements](#). *Submitted by John Lande, University of Missouri*

5. The resources on this page <https://go.osu.edu/DCPaba> were compiled for “Re-framing Hate: Practice-Based ideas for Dispute Resolution’s Role in Hate Incidents” and include resources from the Divided Community Project, Stop Hate Project, and UVA’s Transforming Community Spaces, as well as Not in Our Town, NICD, and Living Room Conversations. Some resources have been

used in the classroom, while others are ideas which conflict resolution practitioners might use to support communities facing hate. *Submitted by Bill Froehlich, Ohio State*

E. VIDEOS

1. **Video for classroom use in teaching negotiation** that was recently produced at the University of North Carolina. The ten-minute video ("Dream Car") depicts several scenes of an automobile sale negotiation, focusing solely on price. It highlights several distributive moves and illustrates many of Robert Cialdini's influence principles. It also touches on issues of gender, ethics and culture. Rather than demonstrate what should be done, the video affords viewers an opportunity to identify what is going on, and to generate their own ideas of why the moves might be effective and how to respond or negotiate more effectively. Here's a link to the video: <https://player.vimeo.com/video/251747395>
I have a pdf of teaching points available for instructors. Contact me if you'd like a copy or if you have any other feedback. **Sam Jackson** ssjackso@email.unc.edu
2. Video of Ugli Orange Negotiation and how to use it in a debrief *Email John Barkai* barkai@hawaii.edu to get a copy. *Transcript of the video is in the Nebraska Law Review*
3. **ABA/Suffolk University Law School Dispute Resolution Video Center** www.adrteacher.org (roleplay instructions and most of the videos are protected to preserve their usefulness in class; for a password, **contact Dwight Golann** dgolann@suffolk.edu or user name: teacher password: aba123. Mumbai Dispute now available with Singapore mediators – promotes discussion of evaluation and reality testing.
A video has been created by Dwight and Marjorie Aaron in memory of the late Margaret Shaw and to make the video and roleplay on which it's based available for teachers to download at no charge. The Harvard Program on Negotiation offers a 90-minute DVD showing Margaret Shaw mediating the "Termination Tempest" age discrimination case. The dispute involves an employee and CEO who demand apologies from each other, an abrasive plaintiff's lawyer, a positional defense counsel and other issues. "... it's a terrific example of a mediator combining genuine empathy with firm management of the bargaining process, but ... the length and cost of the video limited its impact." After Margaret's passing, Bob Mnookin and Susan Hackley of PON gave permission to create a 30-minute chaptered version of the video to be offered without cost. PON supported the project and the JAMS Foundation covered the cost of editing.
4. **Class-in-a-Box** *Dwight Golann*
www.adrclassinabox.org was created to help negotiation teachers, many of whom are adjuncts, to create the best possible classes and, by easing the burden of preparation, encourage more practitioners to teach.

Each file folder on the site contains everything a teacher needs to conduct one class: lesson plan, teaching note, roleplay instructions, powerpoints, and handouts. Classes will be searchable by words

(e.g., “prisoner’s dilemma” or “interests”) and other factors (e.g., length of roleplay). People can offer copyrighted roleplays, but the hope is that as much as possible materials will be freely downloadable. There is a complete 24 class negotiation course on the site and there also are individual classes contributed by 14 leading teachers.

5. **Negotiation Videos:** Noam Ebner’s collection of videos and video lectures on negotiation, mainly created for his MOOC *Negotiation: Navigating Professional and Personal Interactions* <https://www.youtube.com/channel/UCgk5FU8Xr2JADtt8ZRNyKmg/videos> **Contact Noam Ebner for more information noamebner@creighton.edu**

Generally speaking, guest teachers have agreed that their material be used freely for educational purposes. Noam adds two requests:

- 1) While using videos involving guest teachers, please give these teachers full credit, telling students anything you know about the wonderful people who freely gave their time and energy to the course.
- 2) If you wish to use a video involving a guest teacher, for a purpose that goes beyond showing it in class or assigning it to students for home viewing, please be in touch with that teacher to ask permission; if you don’t know how to contact them, drop him a line (see email above).

Written material used in the course is available on [my SSRN page](#) (Google ‘Noam Ebner SSRN’).

Of course, Noam is always happy to hear of settings, courses, trainings, etc. in which the material is used! The same goes for comments on the material, or ideas for creating new material.

F. Classroom Techniques/Activities/Exercises

Simulations

- **Noam Ebner's simulations, written specifically to be negotiated or mediated online:**

Videoconference Mediation: Rough Day @ Work <https://ssrn.com/abstract=2393046>

Any-Platform Online Mediation: BeatleMania <https://ssrn.com/abstract=2457467>

Email Negotiation: Live8.org <https://ssrn.com/abstract=2385486>

Email Negotiation: AuraCall (Origin) <https://ssrn.com/abstract=3560562>

Videoconferencing Negotiation: AuraCall (Origin) <https://ssrn.com/abstract=3560558>

- **The Pasta Wars**, a prisoner's dilemma game is now available in ten or so languages, for use in different locales or cultural settings. **Now with instruction for conducting via zoom.**

Submitted by Noam Ebner https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2200350

- **Simulations from the Ohio State Divided Communities Project**

All available at <https://go.osu.edu/dcptoolkit>

The [*Midland Simulation*](#). Used with hundreds of civic leaders and students across the country, the simulation focuses leaders on strategies for broad-based community planning efforts, while giving students the chance to enhance leadership skills during crisis. Here are the simulation's [*Midland General Facts*](#).

The following documents are available upon request (they contain confidential information) to DCP Deputy Director Bill Froehlich (froehlich.28@osu.edu):

- Facilitator Instructions for working with community leaders
- Facilitator Instructions for working with students
- The complete simulation, including all confidential roles, "injects" and a corresponding powerpoint

In this video, [*Columbus Mayor Andrew Ginther describes his experience with the simulation*](#).

The [*Springton University Simulation*](#). *Springton University* was designed to simulate division on campus. Designed and tested in 2020 at the Moritz College of Law, DCP intends to use Springton University with campus and university leaders at upcoming events. The general facts are available [here](#).

The [*New Lake Simulation*](#). Modeled after **Midland**, **New Lake** has been used with law student at OSU's Moritz College of Law. Here are the [*simulation's general facts*](#).

The following documents are available upon request (they contain confidential information) to DCP Deputy Director Bill Froehlich (froehlich.28@osu.edu):

- Facilitator Instructions
- The complete simulation, including all confidential roles, and a powerpoint to use with the simulation

- ABA Law Student Division posts arbitration and negotiation competition problems on the website <https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/arbitration-competition/recordings-and-problem/> (arbitration) and <https://abaforlawstudents.com/wp-content/uploads/2018/06/2017-18-ABA-Negotiation-National-Finals-Complete-Problem-Set.pdf> (negotiation)
- South Texas College of Law Houston Energy Law Negotiation Competition – past years’ fact patterns can be found at: <http://www.stcl.edu/academics/center-for-conflict-resolution/energy-law-negotiation-competition/> Submitted by **Debra Berman** dberman@stcl.edu
- **European Council Simulation: European Agenda on Migration**

Alexandru Balas (SUNY Cortland), Noam Ebner (Creighton) & Andreas Kotelis (Malta)

Awarded **Best Teaching Simulation of 2018**
 11th Annual Teaching Case & Simulation Competition
 Maxwell School of Citizenship and Public Affairs, Syracuse University

Role material and teaching guide available at www.bit.ly/MigrationToEurope

European Agenda on Migration is a simulation-game for teaching the topics of negotiation, conflict analysis and resolution, collaborative problem solving, and decision-making – alongside the topics of the European Union’s (EU) governing bodies and their decision-making processes.

The simulation takes the form of a Model EU simulation (similar to Model UN simulations). It involves a multi-party negotiation at a meeting of the European Council to determine the EU’s policy with regards to migration, primarily in face of the waves of migrants seeking refuge in Europe as a result of upheavals in the Middle East and elsewhere. Each participant plays a role in representing an EU-member country. They are tasked with designing a plan for how the EU will tackle this migration. This is a currently a ‘hot’ topic on the EU agenda and is likely to remain so for the foreseeable future.

Each country has its own set of particular concerns and interests, as well as its own set of natural allies and opponents. Participants must decide whether to collaborate or compete with one another, in a situation rife with uncertainty. Moreover, they must do so within the framework of EU decision-making processes, which provides them the opportunity to practice engaging in direct negotiation or facilitated conversations that have certain prescriptive guidelines, rather than the ‘try everything you know and do as best you can’ experience of many negotiation and conflict simulations.

- Free to use - and to disseminate to students, for use in their own training activities.
- File includes all the materials needed to conduct the simulation-game, as well as (very!) extensive notes for teachers on simulation -management and -debrief.

European Agenda on Migration was designed as part of a project initiated by the Delegation of the European Union to the United States, to develop a set of toolkits for conducting Model EU simulations on a variety of topics and involving different bodies of the EU. The toolkits (including this and other Model EU simulations by the authors) are available here: www.bit.ly/ModelEUToolkits

Noam Ebner NoamEbner@creighton.edu

- **Mitchell Hamline School of Law Dispute Resolution Institute Teaching Materials** on negotiation, client counseling, conflict resolution, drafting and ADR **Contact Jim Hilbert for more information:** jim.hilbert@mitchellhamline.edu
http://open.mitchellhamline.edu/dri_teachingmaterials/
- ABA Ombuds Committee: powerpoints for class; reading list; guest speaker lists [Natalie Fleury] <http://apps.americanbar.org/dch/committee.cfm?com=DR589600>
- www.arbitrationinfo.com Arbitration basics plus recent case updates

ACTIVITIES (2020)

South Texas College of Law Inter-School Negotiation Practicum: This is a cross-school negotiation exercise that STCL developed last year and will continue to offer every semester for the foreseeable future. During the 2019 – 2020 academic year, 623 students from 23 law schools participated. The way it works is simple. First, professors have their students register on our website and we then pair each student with someone from another law school. The negotiation involves an actual case with the relevant case pleadings. Students have one month to reach an agreement and must use email, phone, and video conferencing at least once. This is unique because all participating students across the country negotiate the same fact pattern. We then gather data based on a post negotiation questionnaire following the exercise. The only thing that professors have to do is ask their students to sign up and debrief the exercise in class upon completion. We do the rest! For more information including a list of participating schools and comments from students, please see

<http://www.stcl.edu/center-for-conflict-resolution/inter-school-negotiation-practicum/> Submitted by Debra Berman dberman@stcl.edu

Free teaching package, designed for use by law firms and law schools, that includes a transactional negotiation exercise. George Siedel prepared an article for the ABA Business Law Section that includes a link to the package. <https://businesslawtoday.org/author/george-siedel/> The negotiation exercise is embedded in a free MOOC that George Siedel developed for the University of Michigan and Coursera. The course is titled "Successful Negotiation: Essential Strategies and Skills." Over 700,000 learners have joined the MOOC to date. Students watch around 8 hours of videos on negotiation (which they can binge watch), they then partner with someone taking the course (often someone from another country) for the negotiation exercise, and then watch videos that debrief the exercise. Here is a link to the MOOC:

<https://www.coursera.org/learn/negotiation-skills> If these resources are of interest, please feel free to

modify them to meet your needs. For example, you could give students additional time to complete the negotiation exercise along the lines suggested in your posting. Or students who have not taken a course on negotiation strategies and skills could take the MOOC before negotiating an exercise that you have developed. Finally, here is a website that includes a negotiation planner and several other negotiation tools. <http://negotiationplanner.com/> Submitted by George Siedel gsiedel@umich.edu

Proposed Legislation to Reform Mandatory Arbitration. The class examined the Restoring Justice for Workers Act (<https://www.congress.gov/bill/115th-congress/house-bill/7109>), supported in the Senate by Bernie Sanders (among others) as well as the Anti-Corruption and Public Integrity Act (<https://www.congress.gov/bill/115th-congress/senate-bill/3357>), supported in the Senate by Elizabeth Warren. Discussing proposed legislation in the midst of the 2020 Election created really stimulating conversations around policy, politics, and civil procedure. Law students are rarely asked to read and analyze legislation, and even more rarely asked to read and analyze proposed legislation. In a seminar, we discuss the merits of these proposed laws, the potential drawbacks, and some possible loopholes. We also discuss the use of proposed legislation as political, rather than legal, documents. Brian is happy to share my in-class discussions and activities with anyone who is interested! Contributed by Brian Farkas bdfarkas@gmail.com

Assign students to 1) find an episode of the podcast *Deep Listening* that they liked (and coordinate w/ their classmates so that everyone focuses on a different episode); 2) do a short report summarizing the podcast and its lessons; 3) lead a discussion of how these lessons apply to mediation. Second round: *Hidden Brain* podcast. Can be used with other podcasts as well. Submitted by Art Hinshaw Art.Hinshaw@asu.edu

Andrea Schneider's "Cooking Up a Deal: Negotiation Recipes for Success" https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2419712 activity

Cooking is a wonderful way to pass the time, manage stress, learn math and chemistry, and feed others. This month's Communication Tip is a recipe for Conflict Management Cake using staple "pantry" ingredients. Try our conflict management recipe and let us try yours. Create your own recipe and send it to us at mediation@umaryland.edu. We will post a sample of the recipes on our website so UMB employees can experiment with the recipes at home and work. No prior baking experience required! Contributed by Toby Guerin tguerin@LAW.UMARYLAND.EDU

Another modification: Ellen Deason made the task a recipe for helping a client choose a dispute resolution process and included it as an exam question on a take-home. It yielded some perceptive and creative answers that integrated many aspects of the DR Processes course. Contact Ellen Deason deason.2@OSU.EDU

Use Andrea's "Cooking Up a Deal: Negotiation Recipes for Success" activity at the beginning of the semester and again at the end to see how the students' ideas have developed and changed. Contact Susan Exon for more information snexon@laverne.edu

Active Listening Activity

1. Assign students in groups of 3
2. Ask each student to think of a challenge that they have overcome (It's good for a natural story arc)
3. Have one student tell a story, while a second student listens for facts, and the third student listens for feelings
4. Have the two listeners report back
5. Repeat until each student has done all three roles

I schedule 20 minutes for this exercise.

For me, this exercise has generated a lot of good reflection about whether the students are "naturals" at listening for one or the other – as well as places for improvement. Additionally, the listener can discuss how it feels to have been heard regarding both factual and emotional content.

Contact Kristen Blankley

Activities (2019)

- Donald Trump and Stormy Daniels: An Arbitration Case Study Submitted by Brian Farkas, Cardozo Appendix A

In October 2016, just before the presidential election, Cohen approached Daniels about entering into a confidentiality and settlement agreement. The basic terms were that she would remain silent about an alleged affair with Trump in exchange for a payment of \$130,000. That payment technically came through Essential Consulting, LLC, an LLC established by Cohen for purposes of this transaction. Daniels agreed to the settlement and signed the agreement. So did Michael Cohen. Trump did not; the agreement has a blank line for his signature over his name.

The agreement included a broad arbitration clause. It also included strict confidentiality language. When Daniels threatened to breach the agreement and go public, Cohen obtained a TRO from an arbitrator. Daniels intentionally violated that TRO, filing a public lawsuit in California Superior Court to invalidate the agreement.

I use this to reveal several current issues in arbitration practice and policy: (i) the importance of clarity in forming agreements to arbitrate; (ii) strategic decisions of state vs. federal courts in filing arbitration-related motions; (iii) the question of arbitrability, and what determinations can be made by an arbitrator compared to a court; and (iv) the intersection of arbitration and the #MeToo movement. These resources are publicly available (the lawsuit was filed in California Superior Court, and the exhibits went viral shortly thereafter). Appendix A includes: (i) Stormy Daniels' lawsuit seeking to invalidate the arbitration clause, with the settlement agreement attached as an exhibit; (ii) a TRO against Stormy Daniels from the arbitrator, which she violated; and (iii) an article I wrote for the ABA Dispute Resolution Magazine about some of the issues raised.

- **Alyson Carrel** submitted: I have been part of our university's "Active Learning Community," a group of faculty interested in exploring new and innovative ways to engage our students in the classroom. One of the resources from this community that I have used is a deck of "cards" explaining a number of "active learning" techniques. Each of these techniques flips the classroom to be more student

driven. The cards were originally created by the University of Missouri (go mizzou!) and were adapted by NU. a-carrel@law.northwestern.edu

- <https://northwestern.app.box.com/s/oe47e6l1g30yuasne6fik442bd628xow>
- **Andrea Schneider** shared a method for teaching that she used this fall to teach ADR—team-based learning or TBL. **SEE APPENDIX D** for a memo explaining what she did and how she did it. In short, Andrea broke the class of 70 into 12 teams and had 7 quizzes in which they took the quiz both individually and then as a team. “I loved it, they loved it, and we actually practiced what we preach in terms of collaborative learning.” CONTACT: andrea.schneider@marquette.edu
- **Hal Abramson**: graded hard bargaining exercise where students negotiate with an outside attorney and then participate in real time debrief about the experience. CONTACT: hala@tourolaw.edu
UPDATED 2020 with Teaching Notes See Appendix K
- **Teresa Frisbie**: tfrisbie@luc.edu Confidentiality in Mediation (based on Facebook Opinion) Class is divided into groups of 3 – one will act as judge and the other two are the parties. Objectives include: Explore the sources of confidentiality in mediation; gain familiarity with the UMA; and understand how to help a client keep mediation communications confidential. **See Appendix E**
- **Natalie Fleury** natalie.fleury@marquette.edu Create cards with the DYNAD styles [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2243679] and students choose cards at random and then create and act out a scenario to depict that style.
- **Improv Exercises to teach the mediation skill of being present and listening carefully.** In groups of 5 – 6 students must create a story together by going around the circle but each person can only contribute a single word at a time **Bill Froelich** froehlich.28@osu.edu and **Sharon Press** Sharon.press@mitchellhamline.edu **Natalie Fleury** suggests the book *Yes, And: How Improvisation Reverses “No, But” Thinking and Improves Creativity and Collaboration – Lessons from The Second City*; **Marjorie Aaron** suggested 1) the “Question Game” – in pairs, one poses a question and the other person can only ask a question in return; this teaches how to pick up on a theme and “think of a hook” and 2) *Lightening Reframe Game*: come up with things that people say and students need to reframe them
- **Lauren Newell** l-newell@onu.edu **Class Negotiation for Preparation Grade** *See Appendix G*
- **Cynthia Alkon** calkon@law.tamu.edu has developed plea bargaining exercises and criminal area dispute system design exercises that she is willing to share.
- **Legislative debate on Arbitration Policy:**
Mock Legislative Hearing on Pre-Dispute Arbitration Agreements
See Appendix B **Ellen Deason** deason.2@osu.edu

In my dispute resolution survey course this spring, I created a mock legislative hearing as a way to expose students to the policy issues involving consumer and employee pre-dispute arbitration agreements. Four students were designated as legislators; they ran the hearing. The rest of the students were assigned a role representing selected organizations with diverse viewpoints on arbitration, pre-dispute agreements, class action waivers, and non-disclosure agreements. The hearing was set up to consider 6 real bills that have been introduced in Congress and an imaginary bill based on the CFPB consumer finance rule that Congress rescinded. I provided the students with a fact sheet (see appendix B) that contained links to information about the bills and sources on the positions of the organizations. The students running the hearing allowed debate and exchanges in addition to prepared position statements and the result was lively and informative. We did run out of time in the 75-minute class, so I suggest selecting fewer bills.

- **In-depth Teaching Materials with Real Time Data Analytics Designed to Enhance Teaching Negotiation**

<https://www.pon.harvard.edu/daily/teaching-negotiation-daily/digitally-enhanced-simulation-packages/>

The Enhanced Simulation Package from the Teaching Negotiation Resource Center at the Program on Negotiation and iDecision Games brings a new, interactive learning experience to teaching negotiation. This digital package includes:

- An Instructor's Guide summarizing the negotiation concepts covered in the simulation, a quick review of simulation logistics, and a ready-to-use set of debriefing slides;
- Highlights from background readings that will help both students and instructors gain a better understanding of negotiation concepts and methods covered in the simulation;
- Pre- and post-simulation questionnaires instructors can use gauge each student's grasp of the core concepts before and after participating in the simulation;
- PowerPoint slides that introduce key concepts before the simulation and highlight lessons for debriefing;
- Real time, interactive, data analytics provided via the iDecision Games platform.

It is available for free to new users. Lara SanPietro lsanpietro@law.harvard.edu

- **Last Mediation Class Assignment: develop an exercise.** Students have done role plays on Harry Potter and Breaking Bad; developed a dispute resolution process for Game of Thrones; used episodes of Fairly Legal [Charlie Pillsbury Charles.Pillsbury@quinnipiac.edu]
- **Use Bill O'Reilly's Settlement to explore confidentiality provisions** [Liz Tippet, University of Oregon]
- **"You Can't Tell A Book By Its Cover"** In intro to mediation course: Show 5 photos and have students say who these people are – personality/qualities and then reveal who they really are [Ellen Waldman]

2018 Ideas

Mediation Teaching Manual written by Lela Love and Josh Stulberg, *based on the Michigan Manual*, provides a step by step program for training mediators. To receive a copy, email Lela Love (love@yu.edu) or Josh Stulberg (Stulberg.2@osu.edu)

Idea on how to teach the DYNAD (Schneider and Brown)

[https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2243679]: Divide class into 2 groups and put in 2 corners of the room. Give each group confidential (but identical) instructions: “Your goal is to move all of the chairs in the room to your corner.” After the students fight, negotiate, give up, yield, and compromise, introduce the DYNAD and have them analyze their behavior. Experimenting first and moving to the theoretical explanation later inspires the students to actually read the article. They feel it was written *for* them and *about* them. **Yael Efron** yaele.law@gmail.com

Prepare **arbitration procedure orders** based on facts in cases in contract accompanied by observation of actual arbitrations and review of orders issued in the Stormy Daniels case **Richard Chernick**

Work with Family Law Course to integrate negotiation into course by teaching a brief session on negotiation before students negotiate a family law situation. **Ava Abramowitz** abramowitz@law.gwu.edu

DeBola: Prisoners Dilemma Simulation-Game for NGOs

Awarded **Best Teaching Simulation of 2017**
10th Annual Teaching Case & Simulation Competition
Maxwell School of Government, Syracuse University

Role material and teaching guide available at

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2989442

DeBola is a prisoners’ dilemma simulation-game for teaching topics of negotiation, conflict analysis and resolution, collaborative problem solving, and decision-making. Specifically, it does so in the context of NGOs and mission-driven organizations.

DeBola involves four NGOs working on health missions in Africa, which have been diverted to combat an outbreak of Ebola. The NGOs are tasked to administer a new, effective, Ebola vaccine called DeBola, in an attempt to turn back the tide of Ebola’s spread. However, there are operational constraints, and over multiple iterations, the NGOs must make decisions regarding their operative path. In the framework of a prisoners’ dilemma structure, the four NGOs must decide whether to collaborate or compete with one another, in a situation rife with uncertainty. Collaboration might lead to greater joint success in conducting vaccination operations. However, given that each NGO’s funding is contingent on its own success in administering vaccines, each NGO is also pulled towards working alone. The outcome of their decisions affects them all, determining their organizational

longevity and the degree to which they will achieve their mission. Often, these two factors conflict with each other – reflecting a real-life tension faced by aid organizations, non-profits, government agencies and other mission-driven organizations.

DeBola is a unique prisoners' dilemma simulation-game not only in its NGO setting and the mixed-motives decision-making this generates, but also in its assigning participants with individual role material in addition to their instructions, allowing for intra-group differences in motivations and preferred strategy.

- Free to use - and to disseminate to students, for use in their own training activities.
- File includes all the materials needed to conduct the simulation-game, as well as extensive notes for teachers on simulation -management and -debrief.

Noam Ebner is a professor in the Department of Interdisciplinary Studies, Graduate School, Creighton University. His e-mail address is noamebner@creighton.edu

Paperclip Negotiation

The goal of this exercise is the negotiation of a series of five or more trades starting with a paperclip and ending with something more valuable. The exercise is based upon Kyle MacDonald's One Red Paperclip Project, and his book called "One Red Paperclip." MacDonald bartered his way up from a red paperclip to a house in 14 trades within one year. (see **appendix F** for full information) *Created by Hal Abramson* habramson@tourolaw.edu

FlashPoint: Syria, 2014 An International Conflict Management Simulation

Noam Ebner, Yael Efron and Nellie Munin

Awarded **Best Teaching Simulation of 2013-2014**
 7th Annual Teaching Case & Simulation Competition
 Maxwell School of Government, Syracuse University

Role material and teaching guide available at

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2476968

Incorporating ADR into Civil Procedure course, based on the idea of Revolving Doors (Peter Hoytt, 1998) a movie that portrays two parallel worlds of one woman. A dispute is presented to the class (consumer dispute) and the students explore the various ways in which it can be resolved (litigation, small claims, arbitration, mediation, negotiation, etc.) Then we debrief the pros and cons of each mechanism **Contact Yael Efron**

Gambits: lists of lines that students can use to repeat out loud in a Barkai Chorus to teach how to break impasse, make the final offer, solicit the first offer, etc. There are some for negotiation, mediation, mediation advocacy, breaking impasse, etc. **Contact John Barkai** barkai@hawaii.edu

Teacher provides a **negotiation scenario**. Students pair up and role play. After they complete the negotiation under timed conditions, they discuss. Each can reveal extra confidential information provided in his/her individual role instructions. **Siprachanh Chanthaphaychith**

In 1st Semester Lawyering class, conduct a mediation exercise where students are paired against each other to serve as advocates. The problem they worked on is based on the facts from their Legal Research and Writing Course. Students in the mediation course serve as mediators. Thus, this exercise integrates three course experiences. **Rafael Gely** gelyr@missouri.edu

Med Mal mock mediations; negotiation exercises **contact Chaton Turner** turnerc@upmc.edu

5 Minute First Aid Kit *see appendix H* **contact Kim Wright** [<jkimwright@gmail.com>](mailto:jkimwright@gmail.com)

2017 ideas

Empathy Skills Card Game – ask **John Ford**

“Don’s Negotiation” – use theatre students as parties; have law students send final agreement memo to the “clients” for reaction [**Lauren Newell**]

Last Assignment – have (LLM) students write Oath of Office they want to take when they return home and at last class have them take their oaths (invite judges and family; film and provide a copy) [**David Hoffman**]

Use Hooters case to help students understand arbitration clauses: have the students guess what disputes might come up (sexual harassment and FLSA) and then list components of arbitration clause; ask students to draft arbitration clause which will protect Hooters; and then push the students to consider what the clause would look like if they really had no shame -- what would discovery look like, motions, fees... [**Michael Moffitt**]

At end of semester ask students to identify 10 challenges for clients and then try to come up with possible tech solutions. Examples include BuzzFeed quizzes; identification of providers [**Alyson Carrell**]

Find 3 law firm websites; draft home page for “their” law firm [**John Lande**]

Call Verizon customer service (on speaker phone in class) and ask to negotiate the arbitration clause [**Ben Davis**]

First day of Arbitration course, have students try to arbitrate a 3 line clause in an international arbitration involving Chinese party and Canadian party (use different languages) – helps students understand complexities of international arbitration [**Ben Davis**]

System Design/Project Management (short intensive class): divide class into consulting teams and give 1.5 days to figure out assessment and presentation; rest of class sit as board of directors and instructor as CEO – vote if want to hire the consultant [**Kathy Constantino**]

Have students imagine a conflict they are personally having and answer a series of “classic mediator simquestions” found at www.ronkelly.com and identify which questions help them to see their conflict differently [**Ron Kelly**]

Use an actual arbitration clause a student at Suffolk Law School was asked to sign upon accepted employment in a law firm. While not an egregious clause, it has subtle and not-so-subtle advantages for the firm. Students can be split into groups and asked to analyze the clause from the perspective of the firm and the student. [see attachments] [**Dwight Golann**]

Backwards/Forwards From Andrea Schneider (andrea.schneider@marquette.edu)

This is quick exercise to run with the entire class. It teaches the importance of clear communication and the challenges of coordinating what we are doing and what we are

saying. Other communication lessons and team lessons can also be drawn out with more discussion time.

In the middle of a circle, the leader will give instructions: Backward, forward, left, right in a multitude of combinations. For the first round, the circle participants repeat the exact word and do that action (the leader says backward, the participants say backward and move backward). In the second round, the circle participants say the opposite of the word and do the opposite (the leader says backwards, the participants say forward and move forward).

In the third round, the circle participants say the same words as the leader but do the opposite (the leader says backwards, the participants say forward and move backward). To the extent that the group has managed to follow along up to now (and it usually takes a while at each round), the third round completely throws everyone off. We then discuss the challenge of cognitive dissonance, of matching our words and our actions, and other negotiation lessons.

From Alyson Carrel (a-carrel@law.northwestern.edu)

Use <http://www.gosoapbox.com/> during live mediation demonstrations or videos in class to capture students' thoughts. When I am planning to conduct a live mediation or show a video, I create an event on this site and ask students to log in and share their thoughts/comments/questions while the mediation is going on. Instead of writing notes on paper or in Microsoft Word on their laptop, this website allows all the students to see each other's comments and questions and start a dialogue in real time. I find that students stay far more engaged with the demonstration when I ask them to use this website. In addition, students (and faculty) are able to answer each other's questions in real time without having to wait for the demonstration to finish. Last, there is a system for students to indicate that they share the same concern or have the same question using something similar to the "like" button on Facebook. The professor can then focus the post-demonstration debrief on those comments that had the most student interest.

Wearable cameras- Each student wears a camera that captures their partner's negotiating behavior. The resulting video gives each student a true 2nd person perspective of their negotiating style instead of the observer 3rd person perspective we typically see from a video camera or laptop sitting across the table or on a tripod across the room taking the role of observer.

Additional Ideas from the Resource Share 2016

- Use skype to debrief negotiations which were done with other schools
- Negotiation 360^o
<https://itunes.apple.com/us/app/negotiation-360/id949271941?mt=8> [\$2.99]
 Harvard Business School Professor and award-winning author Michael Wheeler created Negotiation 360^o to enhance your ability to reach agreement and resolve disputes. Its interactive features are based on cutting edge theory and proven best practices. Suggestion for classroom use over the course of the semester.
- Visualize and identify "best negotiator" at beginning of semester and identify "why" and then revisit the activity at the end of the semester – choose a new one and compare

- During introductions to the class have the group develop a “constitution” for the learning environment they wish to have
- JAMSFoundation.org videos (including ones on sexual harassment cases) available on the website. A limited stock of dvds and a teachers’ manual are available to educators upon request to David Brandon at JAMS Foundation DBrandon@jamsadr.com

Contact Jill Gross for more information jgross@law.pace.edu

Neutral selection activities for both mediation and arbitration classes. Allows discussion on qualities of a mediator and use of a model “rank and strike” list for arbitrators.

Contact Cynthia Alkon for more information calkon@tamu.edu

Invite a guest speaker to address the class via skype, e.g., Jeff Thompson on hostage negotiation

Contact Jay Folberg for more information JFolberg@jamsadr.com

Contact your local JAMS office to request opportunity for students to observe real mediations

Contact Jim Coben for more information james.coben@mitchellhamline.edu

A Quick Getting to Know Each Other Intro Exercise

Everyone makes up a “Negotiation Superhero” nickname for themselves and writes it on a strip of paper. All names into a hat; each student picks a name other than their own. Everyone then circulates trying to find the student who matches up with the nickname they pulled out of the hat. Quick interview to discover real name, type of student (JD, MSL, other), and rationale for the superhero nickname. Interviewer then introduces that person to the class.

A few fun ones from this semester:

Super Pie Expander; The Manipulative Marvel; “Split the Difference My Way” Man; The Equalizer; The Balancer; The Terminator; The MindBender; BATNAMan; ToolKit; The Allwininator
After introductions are concluded, I ask everyone to stand, think of their superhero nickname and then power pose for 10 seconds. I then very briefly lecture about mood and provide youtube link to Amy Cuddy’s popular “Your Body Language Shapes Who You Are” TEDTalk (<https://www.youtube.com/watch?v=Ks-Mh1QhMcher>), as well as a link to one of her articles on the topic (Cuddy, Amy J.C., Caroline A. Wilmuth, and Dana R. Carney. “The Benefit of Power Posing Before a High-Stakes Social Evaluation.” *Harvard Business School Working Paper*, No. 13-027, September 2012). Students then do first basic negotiation of the course.

During group debrief, students can only make comments using their superhero nickname.

Contact Michael Moffitt for more information mmoffitt@uoregon.edu Teaching on the Law of Settlement – read actual contracts to understand negotiation theory and value creation

Ted Talks/You Tube Videos/Pod Casts...

2020

The Neutral: Against the Rules with Michael Lewis [What kind of person makes a neutral referee? It's not the kind of person you think. Learn more about your ad choices.] **Contributed by Heather Scheiwe Kulp** <https://podcasts.apple.com/us/podcast/against-the-rules-with-michael-lewis/id1455379351?i=1000436873356>

Oregon Law Lab: https://www.youtube.com/channel/UCNJNI5icpDfNbq_A9aib9g **Contact:** Liz Tippet tippet@uoregon.edu

2019

From **Hamilton**: See **Appendix C** for detailed notes from **Jill Gross** jgross@law.pace.edu
 Ten Duel Commandments from Hamilton https://www.youtube.com/watch?v=m7iHmuco_zo
 The Room Where it Happens <https://www.youtube.com/watch?v=WySzEXKUSZw>

Bill Ury telling the camel story <https://www.youtube.com/watch?v=6lzlqdf7-3Q> **Jackie Nolan Haley** jnolanhaley@fordham.edu suggests stopping the video at the point that Ury says they decided to consult a wise woman and raise the question as to whether this is a mediation?

Apple Podcast Negotiate Anything <https://podcasts.apple.com/us/podcast/negotiate-anything-negotiation-persuasion-influence/id1101679010> **Bill Froelich** froehlich.28@osu.edu

Thanks for Listening Podcast – Harvard Negotiation & Mediation Clinical Program: This podcast will spotlight efforts to bridge the political divide in the U.S. through dialogue and collaborative processes, profiling the important and often courageous work of individuals and organizations who are helping citizens engage with one another on challenging topics. <http://hnmcp.law.harvard.edu/podcast/> Sara Budish sbudish@law.harvard.edu

Ignite Seattle is a huge open submission public speaking event in Seattle. Ignite Talks are 5 minutes long with that progress automatically, and a super great presentation style that can be used in classrooms or conferences. At our February show, a Seattle business attorney gave an excellent ignite talk in Negotiations. <https://youtu.be/MxHNMmsqjCI> **Emily Martin** <emilyhmartin@yahoo.com>

Mindfulness, the Mind, and Addictive Behavior Dr. Judson Brewer
<https://www.youtube.com/watch?v=7a9sWl0vJzc>

This American Life “The Good Guy Discount” <https://www.thisamericanlife.org/515/good-guys> (submitted by Ben Cook, BYU for discussion on assertiveness)

This American Life that illustrates the source memory problem. I use this video to start the section on party statements in my Mediation course. I use it to emphasize the point that in mediation it is important to help

identify a party's truth, but futile to identify the truth. <https://www.youtube.com/watch?v=PxQ9Gx2-ceM&t=8s> Michael Colatrella mcolatrella@PACIFIC.EDU

2018

This American Life: When the Beasts Come Marching In: Beaching and Moaning

www.thisamericanlife.org Great real life example of public issue with two sides and how conflict spirals, demonization of others, increase in positions, etc. Used to set stage and how to ask powerful, non-defensive questions of the “other” side. **Toby Guerin** tguerin@law.umaryland.edu

Favorites from David Hoffman ([TEDx Talk on “Lawyers as Peacemakers”](#))

Here’s a partial list but if you want to see it all go to www.tinyurl.com/ABA-DR-Video-Links

“**Fairly Legal**” (which died after three seasons) – each episode was worse than the one before, BUT the pilot episode (perhaps the best) has an initial scene in which Sarah Shahi, playing the mediator, stops for coffee on her way to work on her first day as a mediator, and ‘mediates’ a robbery: https://www.amazon.com/Fairly-Legal-Season-1/dp/B004IJQ792/ref=tmm_aiv_title_1?encoding=UTF8&qid=1467507783&sr=8-1 \$2.99 on Amazon video

My most favorite media riff for mediation is this 8-minute audio segment from This American Life in which conflict interrupter (i.e., mediator) **Tim White from Chicago's Project Ceasefire** talks about mediating a gang conflict: <http://www.thisamericanlife.org/radio-archives/episode/358/social-engineering?act=0#play>

Second favorite: the **Haggling Scene** in Monty Python’s “The Life of Brian”: <https://www.youtube.com/watch?v=u75XQdTxZRc>

Third favorite: Michael ineptly mediates a conflict at work, in “The Office”: <https://www.amazon.com/The-Office-Season-2/dp/B002EQSQEK> Season 2, episode 21 (“Conflict Resolution”) -- \$2.99 from Amazon

Other favorites, in no particular order:

“Wedding Crashers” – first three minutes (truly vulgar, but my students love it): https://www.youtube.com/watch?v=h_lIyeLhmF0

The Break-Up – ethical issues in mediation <https://www.youtube.com/watch?v=yiZpb7GPLYs>

Everybody Loves Raymond – active listening: <https://www.youtube.com/watch?v=4VOubVB4CTU>

ABA 30-second promo, analogizing commercial mediation to kids’ squabbling: <https://www.youtube.com/watch?v=TQX6lp8p-bc>

Duel at the Mall (illustrates conflict escalation):

<https://www.youtube.com/watch?v=NBvysuewIOs>

“The Affair” – showing two parties’ differing recollections of a mediation: Season 2, Episode 1:

<https://www.amazon.com/The-Affair-Season-2/dp/B0181P3DSQ> \$2.99 (a cringe-worthy depiction of how *not* to mediate); Husband’s recollection: 17:50 - 24:20; Wife’s recollection: 38:40 - 43:00

How people can have starkly differing recollections on an event:

<https://www.youtube.com/watch?v=PxQ9Gx2-ceM> This American Life – Robert Krulwich story about Jackie Kennedy

“The Fifth Element” – battle scene in Bruce Willis sci-fi thriller, depicting society’s dubious view about the value of negotiation: <https://www.youtube.com/watch?v=3oKwg6W05MU>

BATNA assessment: U.S.S. Montana (commercial for navigation system, showing how negotiating with too much testosterone can be problematic)

<https://www.youtube.com/watch?v=yeZ-RFYIMao>

“Disclosure” has a mediation scene that looks more like a deposition, but with a judge presiding (useful for showing what mediation *isn’t*): https://www.amazon.com/Disclosure-Michael-Douglas/dp/B002VTL3JU/ref=sr_1_2?ie=UTF8&qid=1467510801&sr=8-2&keywords=disclosure

\$3.99 from Amazon Video

“The Good Wife” – I agree with Jim Alfini’s description of the mediator as carrying a gavel, but it’s useful as a caricature of heavy-handed mediation: <https://www.amazon.com/The-Good-Wife-Season-3/dp/B005PK57NU> Season 3, episode 3 (“Get a Room”) – Free for Amazon Prime members

A brilliant depiction of our internal voices -- and the struggle among our various parts The trailer from the movie "Inside Out" <https://www.youtube.com/watch?v=MC3XuMvsDI>

Last but not least, is the best video I have ever seen on diversity: "Love Has No Labels":

https://www.youtube.com/watch?time_continue=19&v=PnDgZuGIhHs

P.S. For any of you who are curious about how the "dancing skeleton" images were made, here's a short video that explains the technology behind "Love Has No Labels":

https://www.youtube.com/watch?v=pzkcNV_3JoQ

TedTalks by our colleagues:

- Kim Davis
- David Hoffman
- Andrea Schneider
- Sukhsimranjit Singh

PON HLS (YouTube Channel) – book talks, etc. [James Kerwin jkerwin@law.harvard.edu]

From Ellen Waldman ellenw@tjisl.edu

I begin my Advanced Mediation class (the students have already taken a 35 our Intro to Mediation training) by asking students to watch Brene Brown's TED talk on The Power of Vulnerability at <https://www.youtube.com/watch?v=iCvmsMzIF7o>. And, then, I ask them- Why would a class on mediation begin with this lecture. What do the themes of the lecture have to do with mediation?

From Lela Love love@yu.edu

Short clip from the Office on mediation <https://www.youtube.com/watch?v=PJbOehAii6c>

The link below to a Tedx talk by Brad Heckman (the CEO of the NY Peace Institute) is a funny and inspiring introduction to mediation.

<http://tedxtalks.ted.com/video/Mediation-and-mindfully-getting>

From Bruce Meyerson brucemeyerson@msn.com

Robert Cialdini's work on influence

www.Influenceatwork.com/videos

From Shala Ali sali@hku.hk

Negotiation episode in the Office (season 3, episode 18)

<http://www.imdb.com/title/tt0983623/>

I have used it to get students to start thinking about the difference between technique and process and also to reflect on efficacy

Books/Articles/Bibliographies

ADR Empirical Research Studies (2013 – 2020) http://open.mitchellhamline.edu/dri_empirical/
Submitted by Jim Coben James.coben@mitchellhamline.edu

Bibliography on ODR – Noam Ebner and NCTDR: <http://odr.info/publications/>

Theories of Change for the Dispute Resolution Movement: Actionable Ideas to Revitalize Our Movement. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3533324 Contributed by John Lande LandeJ@missouri.edu

<https://www.amazon.com/Ask-More-Questions-Negotiate-Anything-ebook/dp/B07Z44ZCJK>

[Strengthening Online Dispute Resolution Justice](#) contributed by Noam Ebner and Elayne Greenberg

Mitchell Hamline Law Journal of Public Policy 2020 Symposium Edition. *An Intentional Conversation about ADR Interventions: Eviction, Poverty and Other Collateral Consequences* <https://open.mitchellhamline.edu/policypractice/> contributed by Sharon Press *See Appendix L for DRI Press Open Access Publications:* https://open.mitchellhamline.edu/dri_press/

Risk and Rigor: A Lawyer's Guide to Decision Trees for Assessing Cases and Advising Clients, published by DRI Press (2019), by Marjorie Corman Aaron

Mindfulness in the Heat of Conflict: Taking Stock by Leonard L. Riskin and Rachel Wohl Harvard Negotiation Law Review Vol 20:121 (Spring 2015) submitted by Charlie Pillsbury, Quinnipiac University – use in intro to mediation first class along with video from Frankel/Stark

The Other Side of the Door: The Art of Compassion in Policing by Rachel Parish and Jack Cambria with contributions from Chris Honeyman, Maria Volpe, Daniel Shapiro and others. (DRI Press 2019)

Negotiator's Desk Reference, published by DRI Press, edited by Chris Honeyman and Andrea Kupfer Schneider. "[T]his book [of two volumes containing over 100 chapters and authors from around the world] ... represents our considered effort to gather everything we can that we believe to be key to understanding how negotiation works, and how it can be used more effectively in many settings." <https://www.ndrweb.com/>

Decision Tree Analysis for Lawyers by Marjorie Aaron contains simple problem sets for teaching Marjorie.aaron@gmail.com

Essential Skills in Negotiation by George Seidel

Negotiating for Success: Essential Strategies and Skills by George Seidel *available on Amazon*
Siprachanh Chanthaphaychith

Eight Common Mistakes that Mediators Makes When Trying to Generate Business

https://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/newsletter/nov2017/rappaport_8_common_mistakes.authcheckdam.pdf Anna Rappaport <anna@excellerationcoaching.com>

Discovering Agreements: Contracts that Turn Conflict to Creativity by Linda Alvarez (ABA 2016)

Demonization in International Politics: Barrier to Peace in the Israeli-Palestinian Conflict by Linn Normand (New York: Palgrave Macmillan, 2016)

Structured Negotiation Lainey Feingold (ABA 2016)

Lawyers as Change Makers: The Global Integrative Law Movement by Kim Wright (ABA 2017)

Digital Justice: Technology and the Internet of Disputes by Ethan Katsch and Orna Rabinovich-Einy (Oxford university Press, 2017)

Stories Mediators Tell: World Edition Leah Love and Glen Parker, editors (ABA 2017) (*contact Lela (love@yu.edu for more information about how she used a story in a final exam)*)

The New Handshake: Online Dispute Resolution and the Future of Consumer Protection by Amy Schmitz and Colin Rule (ABA 2017)

Arbitration and Mediation of Employment and Consumer Disputes Lexis/NY Center for Employment Law

China International Transaction and Law Handbook

Principles and Practice of Commercial Arbitration

From Sharon Press Sharon.press@mitchellhamline.edu

The Rethinking Negotiation Teaching series can now be found at

<http://open.mitchellhamline.edu/dri/> All of the books are available to download for free (by chapter).

From John Lande LandeJ@missouri.edu

Lawyering with Planned Early Negotiation: How You Can Get Good Results for Clients and Make Money, 2d Edition, includes a teacher's manual. The manual includes several syllabi using this book (including from Jill Womble and Leigh Ann Roberts as well as some of mine), simulations, teaching notes, assessment forms, and instructions for writing assessments (aka journals). The simulations include fishbowl (or "improv"), single-stage, and multi-stage simulations. You are welcome to use the manual regardless of whether you adopt the book. You can download the manual from the [webpage](#), using the password "penmanual."

ADR Competitions

ACCTM and NY State Bar \$10,000 Prize available for JD/LLM students; papers due June 1

<http://www.americanjournalofmediation.com/pg13.cfm>

St. John's/FINRA Dispute Resolution Triathlon problems can be accessed at <http://www.stjohns.edu/law/hugh-l-carey-center-dispute-resolution/securities-dispute-resolution-triathlon>. The problems can be found at the bottom of the page in the section Securities Dispute Problems 2009-2017. From Elayne Greenberg greenbee@stjohns.edu

InterNational Academy of Dispute Resolution (www.INADR.org) sponsors an international law school mediation tournament during the spring semester in Chicago
<http://www.luc.edu/law/centers/advocacy/adr/index.html>

ABA Section of Dispute Resolution Mediation Representation Competition
http://www.americanbar.org/groups/dispute_resolution/awards_competitions/law_student_national_representation_in_mediation_competition.html

ABA Negotiation Competition
<http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/negotiation-competition/>

ABA Arbitration Competition
<http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/arbitration-competition/>

Client Counseling Competition
<http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/>

International Chamber of Commerce (ICC) Mediation Representation Competition
<http://www.iccwbo.org/training-and-events/competitions-and-awards/mediation-week/>

Annual Willem C. Vis International Commercial Arbitration Moot
<https://vismoot.pace.edu/>

South Texas College of Law Houston Energy Law Negotiation Competition
<http://www.stcl.edu/academics/center-for-conflict-resolution/energy-law-negotiation-competition/>

The James B. Boskey Law Student Essay Contest on Dispute Resolution, **entry deadline June 16, \$1000 first place prize and publication on the ABA Section of Dispute Resolution website.**

https://www.americanbar.org/groups/dispute_resolution/awards_competitions/james_b_boskey_law_student_essay_contest_on_dispute_resolution.html

**Engaging and Reinforcing Online ADR Teaching
AALS Section of Dispute Resolution Executive Board¹**

Elayne E. Greenberg (Chair, St. John's) - Hiro Aragaki (Loyola LA) - Ronald Aronovsky
(Southwestern) - Richard Bales (Ohio Northern) - Carli N. Conklin (Chair-elect, Missouri) -
Deborah T. Eisenberg (Maryland) - Michael Moffitt (University of Oregon) - Lydia Nussbaum
(UNLV) - Peter Reilly (Chair Regent, Texas A&M) - Donna Shestowsky (U.C. Davis)-
Sukhsimranjit Singh (Pepperdine) -

1. Create and disseminate a survey about student's subjective thoughts on the topic to be covered in a class several days before the scheduled class. Share the results of the survey throughout the class.
2. Have a designated group of students create a brief (2 min.) video that reinforces a skill that has been discussed. Share with the class.
3. Complete the caption of ADR related cartoons. The class votes on a "winner."
4. Improv exercises I.e.:
 - A. professor holds up a card with a stimulus or verbal prompt: Word, Colors; Shapes;
 - B. One student is chosen to make a gesture that captures an emotion displayed in conflict; others mimic movement of the chosen student
5. Take a "mindfulness minute" – breathing, raisin
6. Share relevant headline or audio about a current conflict. Ask students how they would shape specified ADR processes to resolve the conflict.
7. Show two cartoons on a dispute resolution topic: have students vote for the preferred one.
8. Use color scheme generator to make interesting PowerPoints
9. Perspective taking: Change the narrative, rewrite the story or describe in greater depth this character involved in the conflict
10. Choose a theme song that represents the dispute resolution less of the day
11. Curiosity Conversations adapted from John Lande's Stone Soup exercise. Students reach out via email, phone or skype to clients, lawyers and neutrals who have been involved in a negotiation, mediation or arbitration of a legal dispute. From that person's perspective, what lesson have they learned about effective advocacy? Students then share that lesson in class.
12. Two-minute scavenger hunt – I.e. Find an object that give you comfort and use those objects to help students extrapolate how lawyers might make clients and colleagues comfortable in negotiations and mediations.
13. Set up a brief individual meeting with each student *before* the beginning of the semester to "connect."
14. Before the beginning of the semester, get input from each student about their reasons for taking the course, what they want to make sure they learn if the course were to

¹ Special thanks to our colleagues who also shared their ideas: Stephanie B Blondell (Pepperdine),

meet their primary interests and how their ideas for realizing their course goals in the online course.

15. Speed discussion - Using Zoom, automatically have the class sent to break out rooms and have 4 minutes to discuss a prompt you give them
16. Internal world of role player - When class is mediating in breakout rooms, allow role player to write down in chat what they are really thinking in response to the mediator's question.
17. Develop "Rules of engagement," protocols for students to follow in online class that is either generated by the professor, the class or both.
18. "Rule of 2" – automatically assign students into groups of 2. Have them practice different strategies to overcome impasse(s)
19. Show a brief (3 min) clip of a current conflict. How would you solve it?
20. Limit teaching modules to 10 -minute blocks
21. My class had some high stakes discussions, so I tried to set a more conversational tone by logging onto Zoom and opening the class 10 minutes before class began to allow students to chit-chat with one another and with me as they logged on, just as everyone would do before an in-person class. In smaller classes, I greeted each student verbally as they signed on. I found this helped ease us all into class and then into the discussion in a way that felt more relaxed.
22. Announce that you'll stay on Zoom 5-10 minutes after class to answer any questions. I often had students take me up on this option in order to ask me a question that they didn't want to ask in front of the whole group, much as they would have stayed after class if we had met in person. I was able to address student concerns that they might not have expressed otherwise.
23. In a unit on effective communication in ADR, lead a discussion on how Zoom highlights the strengths and weaknesses of how we communicate—there have been several great articles recently. For example, psychologists have suggested that Zoom creates an unusual sense of proximity to *every* person in the room instead of to *just* the people sitting near you and that we may read that proximity as a threat, making it harder to engage. Similarly, even small-time lags or delays hinder the non-verbal feedback we rely upon to know if our ideas are being heard and received. Ask students how they might communicate effectively of foster communication in a Negotiation or Mediation given these challenges.
24. Not an ADR specific tip but I found it helpful, when appropriate, to allow students to use the audio function only (no video) to listen in on a lecture to combat Zoom fatigue.
25. Use discussion boards in place of class for one or more discussion days. Assign a reading and then ask students to post a response to the readings by 5:00 p.m. on Monday and then to respond to at least two of their classmates' threads by 5:00 p.m. Wednesday. (I was astonished by how eager they were to share ideas this way and how substantive their summaries and comments were! Most students posted beyond the required number of postings and the conversations were much more robust than they were even in my in-person classes! And, the students expressed on the boards an enthusiasm to talk about the ideas further in our Zoom class the next week, which I then scheduled time for us to do.)
26. In lieu of a role play on Zoom to practice a specific ADR skill, ask each student to find an example of that skill being practiced (or not being practiced!) in the news, Twitter, TV show clips, movie clips, etc.... Then, have them present that example with an analysis of

what went well in the example and what could have been done differently. Presentations could be scheduled for the whole class or could be submitted to the professor as an assignment. (I begin my in-person Negotiation course this way 1x/week and the students loved it—they came up with the best clips!)

27. At the very end of the semester this past spring (remember: by that time, everyone at my law school had been engaging in “online” classes for about a month), I asked my students to share what worked and what did not work for their various online classes. A few themes came through from the group: (1) It’s not that helpful to try to conduct class the same as one would in-person. The students emphasized that the usual Socratic method felt especially tedious on Zoom for everyone who had to listen to the conversation unfold; (2) The students didn’t mind being lectured to on Zoom (and even preferred this when the information was especially dense or technical), as long as the professor would stop every once in a while to answer questions; (3) The students said they felt very disconnected from peers while quarantining and liked it when the professor would form ‘breakout’ rooms where 3 or 4 students could work on a problem, issue, or task, and then everyone could be brought back periodically to ‘report back’ and debrief.
28. Include at least one other guest speaker to mitigate the Zoom fatigue that comes from staring at just the professor’s face.
29. Learn from your own experiences as a participant on Webinars and Zoom meetings. What kept you engaged? What caused you to lose interest and disengage?
30. Teaching online is exhausting – Don't forget the importance of professor self-care!

ADR Law School Pandemic Think Tank

A reflective practice group exploring the new normal

The ADR Law School Pandemic Think Tank is a reflective practice group exploring the new normal in the ADR classroom. While we started as a group of Clinicians transitioning to online mediations, there are several professors who are not clinicians who attend. The conversation veers into general tips for Zoom, online teaching adaptations, as well as transitioning Clinics, so please join if you want to see check it out.

We meet most Mondays at 1 p.m. PST and 4 p.m EST. The next meeting will be June, 1, 2020. Updated links are sent out periodically on DRLE.

Current link, Join Zoom Meeting

<https://pepperdine.zoom.us/j/334728395>

Recordings with Summaries

All recordings of the Law School DR Pandemic Think Tank are posted below. There are also Audio Transcripts available with the recordings.

March 30:

Summary: Check in, adaption to syllabi including a conflict coaching exercise, The Marriage Story mediation, Stone Soup, creating their own simulation including running the role play and having peers provide feedback, sharing across ,

Meeting Recording:

<https://zoom.us/rec/share/tcFqPa-t1GFJW7fy0mjRdYkwMLbGeaa81CJK-PUPyk-qdVZjvugfQ4DwABHdsZq7>

April 6

Summary: It was a great call! Art Hinshaw had some fabulous ideas assigning podcasts, Gail Silverstein has assigned a conflict coaching assignment, and we had good discussions on rapport, security, and online teaching.

APPENDIX J

Meeting Recording:

https://zoom.us/rec/share/PFaMvbwxGROXpXlXhDzYv4NJKLIT6a803Qf_JfmejxFC4XlqOaW_5tS6lbTMg

April 13:

Summary: Sharon Press shared some great resources her students developed on Zoom, which she also shared with DRLE directly, and Amy also shared her Addendum to Mediate for Remote Mediation, developed by student/professor.

Meeting Recording:

https://zoom.us/rec/share/28NWF57d8H5JY8_nwXz8e_N8DJj4T6a80CAdqaYOz0tk6JWM8uXgGB_do4ICSpxV

April 20:

Summary: Commercial mediators Don Philbin and Steve Rottman joined the call to talk about the current practices in commercial mediation. Both were particularly insightful and brought the world of online commercial mediation to life.

Meeting Recording:

https://zoom.us/rec/share/4dd0L5bX_HNIULflxnPAAoooBoq9eaa8gHcd_PAIXBlffdQ-Fp28a4eFNY9xhYBA

April 27:

Summary: Agenda included our responsibility and ethical duties as practitioners for safety/public health; getting online mediation into courts; and innovation and new ideas.

Meeting Recording:

https://zoom.us/rec/share/w9ZEH7Ph5EZJa4XW9HD-RLYcNL_7aaa823UYq_AEyxsIbe0cNk-HPf5tzxRs49PJ

May 4: Recording didn't work. Sorry folks! Summary: John Barkai shares great tips, Pictionary Game.

May 15:

Summary: Potential for Cross Country Mediation Clinic Caseload share, Karen T.'s record fast move into the St. Louis courts, Pictionary Game reprise.

Meeting Recording:

https://pepperdine.zoom.us/rec/share/u9NsAurPpJxLc4ncxF7fXZZ4LtnUaaa81CAa_MFmRn40dMIRadQBdjRUtJL2gb

Helpful Links

Here is a link to NCSC's odr case study

series: <https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/2020-01-28%20ODR%20case%20studies%20v2%20FINAL.ashx>

This site has a list of ODR providers: <http://odr.info/provider-list/>

Noam's / Sharon's papers are

here: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=425153

here is the link to the ABA's ODR

papers: https://www.americanbar.org/groups/dispute_resolution/resources/resources-for-mediating-online/

Helpful Documents

Law DR Pandemic Think Tank File

<https://drive.google.com/drive/folders/1mPBFF9clgt5-gtjkEWNXTXPyY8WibiIV?usp=sharing>

Pictionary Game

Tips for playing Pictionary as an ice breaker.

- Have a few concepts available. If it is dispute resolution themed, use things like "restorative justice" or "reactive devaluation." If you are using general comments you can use <https://www.thegamegal.com/word-generator/> to generate Pictionary concepts.
- Set up the game by having someone volunteer to draw. Text or send them the clue in chat.
- Others meeting participants guess.
- Adaptations include passing off to other teammates in the middle of the picture. Creating teams and keeping points.
- Technically, you will need to enable multiple screen share, and/or teach students to use annotation. See below.
- If you have questions, call me! Stephanie Blondell 206-234-4491.

Enabling simultaneous screen sharing as the meeting host

1. Start your **Zoom** meeting as the host.
2. Click the upward arrow to the right of **Share Screen** , then select **Multiple** participants can **share** simultaneously. This allows **multiple** participants to **share** their **screen** at the same time.

To **annotate** while viewing someone else's shared screen, select View Option from the top of the **Zoom** window, and then choose **Annotate**. A toolbar appears with all your options for **annotating**, including text, draw, arrow, and so forth

APPENDIX K
Hard Bargainer (HB)
Graded Exercise
Teaching Notes
 Spring, 2019

Hal Abramson
 Professor of Law
habramson@tourolaw.edu

This graded exercise on negotiating with a hard bargainer was designed and tested during my year at the U.S. Air Force Academy when I needed to develop materials relevant to negotiating in the military. In the military context, there tends to be little time and little trust especially when negotiating in deployed locations. I have since adapted the exercise for use in a legal context. If you have any questions after reviewing these teaching notes, please let me know.

Time

Each negotiation exercise runs for 25 minutes.
 HB Negotiation (graded)-10 minutes
 Self-Reflection Questions (graded)-5 minutes
 Break (for instructor to grade the students)-5 minutes
 Feedback from instructor (non-graded)-5 minutes

Set-up (based on "escape the room" concept)

The setting is based on an "escape the room" concept with props for students to notice as keys to help build rapport with the HB and lower the emotional temperature in the room.

Office. I use a dedicated classroom for the exercise, which I set up like a law office.

Props. These props are designed to prompt rapport building. As illustrative examples of props, I have used a mug with the name of the law school and a brief case from the ICC International Mediation Competition. I also ask the HB attorney to set his or her phone to go off two minutes into the ten minute exercise, and to answer the phone by saying "I cannot talk now but we can meet at 7pm tonight to finish preparing for the two week trial scheduled to start at 9am tomorrow morning." Then the HB hangs up and returns to where the negotiation left off.

Start. As the students walk into the office, the HB attorney starts by berating the students before the students says a word.

Problem

Select any legal problem and ask the outside attorney to be a hard bargainer. See Instructions to HB Attorney. I use a problem that involves a claim that the students' client breached an agreement to not compete and stole one client.

Instructions to Hard Bargainer Attorney

I suggest inviting an experienced attorney who the students have never met.
I include these instructions in the confidential facts to the hard bargainer.

“You are a **hard bargainer**. When Guy’s attorneys arrive and before they have a chance to talk, you will berate their client for his unethical if not illegal behavior, and the attorney(s) for taking this meritless case. You will immediately demand a lot of money and show little interest in hearing the other side’s disingenuous excuses and false claims. You will maintain this posture and approach at the outset and during the negotiations, unless they say something that suggests you should consider softening your view and hard position in the case.

[You must stay in role until the end of the negotiation session.]”

Grading and Grading Sheet (For grading sheet, see last page of these notes)

I sit at a separate table observing the students for the ten minute negotiation while taking notes on the first part of my grading sheet and filming their performance. At the end of the ten minutes, I stop the students (and the camera) and ask them to move over to my table. Then, I pose the self-reflection questions in the second part of the grading sheet.

The grading sheet is only one page with prompts for me. The grading criteria and questions are based on the seven element negotiation model that Roger Fisher designed around *Getting to Yes*. It is the model that I teach in my negotiations course.

Scheduling (individually or two person teams)

Ideally, I would like to have each student negotiate alone but in larger classes, I pair students in teams of two. I schedule the negotiation sessions to run all morning or all afternoon or both, back-to-back in thirty minute time slots. Note that each total exercise takes 25 minutes, leaving 5 minutes for the transition.

I schedule the HB exercise right after I finish teaching how to negotiate with a hard bargainer, about two-thirds through the semester.

**HB Negotiation-Criteria for Assessment
(Spring 2019, Total 100 points-20% of Grade)**

Names (70/30 points): _____

1. ____ (20 points) Relationship. How start negotiation (use ALS to build relat)? Build relationship needed, separate relationship from substance
2. ____ (20 points) Engaged in good Comm for Information Gathering (ALS-summarize, reframe, Qs)
3. ____ (10 points) Identified interests (both sides)(get behind positions)
4. ____ (10 points) Objective Standards (data conflict) to respond to claims
5. ____ (5 points) Solicited and generated options
6. ____ (5 points) Worked as Team/Preparation

(Total-30 points) Answer **self-reflection** questions posed by instructor after exercise.

- A. ____ (10 points) Apply Circle of Value--Where ended negotiation? Track negotiation through 7 Es?

What did to change the game?

What 3 steps to change HB?

- B. ____ (10 points) Which 7 elements primarily **in play** during neg?

Objective Standards and Impediment (data)

What primary interests?

- C. ____ (10 points) Big Picture

What **shortcuts** due to limited time and why? (how use model?)

What was **team plan**? What plan for splitting responsibilities?

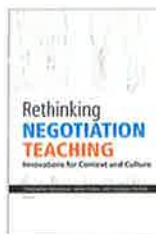
What do differently **next time**? One example



Dispute Resolution Institute

Mitchell Hamline | DRI Press Books Available Through Open Access

Rethinking Negotiation Teaching Series



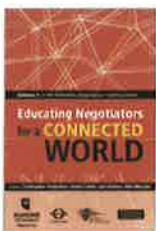
Rethinking Negotiation Teaching: Innovations for Context and Culture (Vol. 1) Edited by Christopher Honeyman, James Coben, and Giuseppe De Palo



Venturing Beyond the Classroom (Vol. 2) Edited by Christopher Honeyman, James Coben, and Giuseppe De Palo



Assessing Our Students, Assessing Ourselves (Vol. 3) Edited by Noam Ebner, James Coben, and Christopher Honeyman



Educating Negotiators for a Connected World (Vol. 4) Edited by Christopher Honeyman, James Coben, and Andrew Wei-Min Lee



A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of Liberia Diaspora Project
By Dulce Foster, Dianne Heins, Mark Kalla, Michelle Garnett McKenzie, James O'Neal, Rosalyn Park, Robin Phillips, Jennifer Prestholdt, Ahmed K. Sirleaf II, and Laura A. Young



Risk & Rigor: A Lawyer's Guide to Decision Trees for Assessing Cases and Advising Clients
By Marjorie Corman Aaron



The Other Side of the Door: The Art of Compassion in Policing
Edited by Rachel Parish and Jack J. Cambria



Reflections: Weaving Threads to Strengthen the Fabric of Our Communities
Edited by Sharon B. Press

Other DRI Press Publications Worth Noting



Coming Fall 2020
Evolution of a Field: Personal Histories in Conflict Resolution
Edited by Howard Gadlin and Nancy Welsh



The Negotiator's Desk Reference (Vols. 1 & 2)
Edited by Christopher Honeyman and Andrea Kupfer Schneider
E-copy of both volumes can be purchased at ndrweb.com. Not available on Open Access.

2019 DRI Symposium Scholarship



Mitchell Hamline Law Journal of Public Policy and Practice
Volume 41, 2020 Symposium Edition

open.mitchellhamline.edu/policypractice/
Also, available on HeinOnline, Lexis and Westlaw.

MHSL Open Access:

https://open.mitchellhamline.edu/dri_press/



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School of Law

DRI Scholarship and Applied Practice Projects:

mitchellhamline.edu/dispute-resolution-institute/scholarship-and-projects/

A Guide to Resources for Teaching Online

Curated by Susan Landrum, J.D., Ph.D.

Assistant Dean for Academic Success and Professionalism

Nova Southeastern University Shepard Broad College of Law

(last updated May 2, 2020)

Listserv related to online teaching

Hybrids listserv run by Tracy McGaugh Norton at Touro:

To subscribe to the listserv, please send an email tolistserv@listserv.touro.edu with this information in the body: SUBSCRIBE hybridjds YourFirstName YourLastName (example: SUBSCRIBE hybridjds Tracy Norton). Make sure there's nothing in the subject line and no additional information like privacy disclaimers or signature blocks.

Emergency Online Teaching Resources – Law School Specific

Article: Noam Ebner, *"Next Week, You Will Teach Your Courses Online": A Reassuring Introduction to Pandemic Pedagogy*, available [here](#).

Article: Noam Ebner & Sharon Press, *Pandemic Pedagogy II: Conducting Simulations and Role Plays in Online, Video-Based, Synchronous Courses*, available [here](#).

Article: Agnieszka McPeak, *Asynchronous Online Law School Teaching: A Few Observations*, available [here](#).

Article: Seth Oranburg, *Distance Education in the Time of Coronavirus: Quick and Easy Strategies for Professors*, available [here](#).

Video: Noam Ebner & Beth Fisher-Yoshida, *Pandemic Pedagogy: Improving Online-Transitioned Negotiation & Conflict Resolution Education*, available on YouTube [here](#).

Video: Noam Ebner & Sharon Press, *How to conduct simulations & role-play in online-transitioned courses*, available on YouTube [here](#).

Blog Post: Josh Blackman, *Thoughts and Tips on Teaching with Zoom*, available on The Volokh Conspiracy blog [here](#).

Blog Post and Video: Bridget Crawford, *Tips for Teaching Law Classes Online in the Event of a COVID-19 Shut Down of Law Schools*, on the Faculty Lounge blog [here](#).

Blog Post: William Fisher, *Emergency Online Pedagogy*, available on his blog [here](#).

Blog Post: Melissa A. Hale, *Online Learning Resources and Tips*, available on the Law School Academic Support Blog [here](#).

Blog Post: Allie Robbins, *Thoughts for Law Professors Contemplating Moving to Virtual Classes*, available on The Activist Guide to Passing the Bar Exam blog [here](#).

AccessLex's *Distance Learning Resources* webpage, available [here](#).

CALI's Resources for Law Faculty On Remote Teaching Due To Coronavirus / Covid-19 webpage, available [here](#).

Videos: Tracy Norton, Touro, hosted a series of sessions helping people learn more about teaching on Zoom and online learning more generally as law schools transitioned to remote learning. She created a series of videos, all available on YouTube. Here is her information for those videos:

As promised, I've recorded several videos to help out with teaching online generally and using Zoom specifically. The first two are quick how-tos on equipment that could be helpful and features that help you and your space look camera ready.

The last two are different recordings of a single conversation between me, Ann Nowak (Touro Law Writing Center Director) and Lynne Kramer (Touro Law Professor, trial ad and negotiations) in which we talk about some practical tips that aren't covered in most help videos. We also talk about using different features for different types of classroom activities. Ann talks about her very interactive online Law Practice Management course as well as individual meetings for the Writing Center. Lynne talks about trial ad and negotiation exercises. I talk about writing courses and feedback conferences. The first of these videos is what Zoom recorded and is, mostly, what participants would have seen. The second of these videos is a screencast so you can see what I was seeing as I moderated the conversation and how I accessed the different features. At one point, I accidentally leave the Zoom room, so the Zoom video records what Lynne was saying while the screencast does not, because I wasn't there.

Video 1: Equipment Setup (6 min, 14 sec) - https://youtu.be/7_R4UhSAEEY

Video 2: Zoom Feature for Sprucing Up Your Appearance and Your Space (3 min, 43 sec) - <https://youtu.be/p0M4kSk2ozk>

Video 3: Zoom Recording of a Conversation Sharing Practical Tips (1 hour, 2 minutes) - https://youtu.be/2BueUNvH_ol

Video 4: Screencast Recording of a Conversation Sharing Practical Tips (same conversation as Video 3, just from the moderator's perspective)) (58 minutes, 23 sec)) - Recorded Using Camtasia - <https://youtu.be/Xyp7oylhA0c>

University of Washington's Law Library created this *Library Guide* for faculty in students moving to remote learning because of COVID-19, available [here](#).

Blog post: Joan Hemingway, *Teaching Through the Pandemic – Part II*, available on the Business Law Prof Blog [here](#).

Helpers for Teaching Legal Skills Online, available [here](#).

Tracy Norton's curated resources for online learning (focused for LWR community, but still relevant to ASP):

- OneDrive: <https://tinyurl.com/coronahelp>
- Google Drive: <https://tinyurl.com/corona-help-drive>

Emergency Online Teaching Resources – Not Law School Specific

Blog Post: Eric Gardiner, *Remote Teaching: When and How to Use Synchronous vs. Asynchronous Methods*, available on the Top Hat blog [here](#).

Article and Video: Kaplan, *Making Human Connections Between Teachers and Students*, available [here](#).

Article: George Vlahakis, *Here's practical advice for teaching online, from an expert at the IU Kelley School of Business*, available [here](#).

Video: Online Learning Consortium Webinar, *Using Live, Online Sessions to Support Continuity of Instruction*, available [here](#).

Videos: Dave Cormier, *Online Learning in a Hurry*, video series about teaching online, available on YouTube [here](#).

Document: Stanford University's *Teaching Effectively During Times of Disruption*, available [here](#).

Crowdsourced Remote Teaching Resources spreadsheet:

<https://docs.google.com/spreadsheets/d/1VT9oiNYPyiEsGHBoDKlwLIWAsWP58sGV7A3oIuEUG3k/htmlview?usp=sharing&sle=true>

Crowdsourced Online Meeting Resources Toolkit for Facilitators During Coronavirus Pandemic:

https://docs.google.com/document/d/1NyrEU7n6lUI5rgGiflx_dK8CrdoB2bwyyI9XG-H7iw8/edit#heading=h.jb9co2l7jt1p

Crowdsourced Online document of online teaching resources:

https://docs.google.com/spreadsheets/d/1MzZuIXkf3z88OSRmPM-O7Ls7zXh3_NoAGeFlyR06P4/edit#gid=0

Crowdsourced spreadsheet: Remote Teaching Resources for Business Continuity, available here:

<https://docs.google.com/spreadsheets/d/1VT9oiNYPyiEsGHBoDKlwLIWAsWP58sGV7A3oluEUG3k/edit#gid=1552188977>

Discussion Board publication: Generating and Facilitating Engaging and Effective Online Discussions, available [here](#).

Crowdsourced document: Teaching online with care, available here:

https://docs.google.com/document/d/1HhxP-E0cQLkbTgkMIAxmMK_LH5ttgV3OTSBf5IK983M/edit#

Barbi Honeycutt's *Lecture Breakers Podcast* (many cover online learning topics), available [here](#).

General Online Teaching Resources – Law School Specific

University of Denver Sturm College of Law's 2019 Conference, *Online & Hybrid Learning Pedagogy: Toward Defining Best Practices in Legal Education*: videos from the conference presentations are available [here](#).

White Paper: William Byrnes, *Alternative Methods of Teaching and the Effectiveness of Distance Learning for Legal Education*, available [here](#).

Law Review Article: Yvonne Dutton, Margaret Ryznor, & Kayleigh Long, *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, available [here](#).

CALI White Paper: Working Group on Distance Education in Legal Education, *Distance Learning in Legal Education: Design, Delivery and Recommended Practices*, available [here](#).

Book: Jennifer Camero, *Teaching Law Online*, 2015.

Article: Jacqueline D. Lipton, *Distance Legal Education: Lessons from the *Virtual* Classroom*, available [here](#).

Article: Ellen S. Podgor, *Teaching a Live Synchronous Distance Learning Course: A Student Focused Approach*, available [here](#).

Article: Angela Upchurch, *Practical Tips for Creating Online Videos*, available [here](#).

Article: Ronald J. Colombo, *Teaching a Synchronous Online Business Organizations Course to J.D. Students: A Case Study*, available [here](#).

Article: Susan Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, available [here](#).

Article: Nina A. Kohn, *Online Learning and the Future of Legal Education*, available [here](#).

Article: Nina A. Kohn, *JDinteractive: An Online Law Degree Program Designed to Expand Access to Justice*, available [here](#).

General Online Teaching Resources – Not Law School Specific

Inside Higher Ed article: Sharon O'Malley, *Effective Teaching Online*, available [here](#).

Book: Ruth C. Clark & Richard E. Mayer, *e-Learning and the Science of Instruction: Proven Guidelines for Consumers and Designers of Multimedia Learning*, 4th ed., 2016.

Book: Kathryn E. Linder & Chrysanthemum Mattison Hayes, *High-Impact Practices in Online Education: Research and Best Practices*, (2018) available [here](#).

Book: William G. Bowen, *Higher Education in the Digital Age* (2013).

Book: Judith V. Boettcher & Rita-Marie Conrad, *The Online Teaching Survival Guide: Simple and Practical Pedagogical Tips*, 2nd ed., 2016.

Book: Flower Darby, *Small Teaching Online: Applying Learning Science in Online Classrooms*, 2019.

Book: Sean Michael Morris & Jesse Stommel, *An Urgency of Teachers: the Work of Critical Digital Pedagogy*, available [here](#).

Book: Karen Costa, *99 Tips for Creating Simple and Sustainable Educational Videos: A Guide for Online Teachers and Flipped Classes* (2020), available [here](#).

Book: Matt Crosslin, *Creating Online Learning Experiences: A Brief Guide to Online Courses, from Small and Private to Massive and Open*, available [here](#).

Book: Whitney Kilgore & Diane Weaver, *Connecting the Dots: Improving Student Outcomes and Experiences with Exceptional Instructional Design*, available [here](#).

Book: Kathryn E. Linder, *The Online Course Design Workbook: A Practical Guide*, available [here](#).

Article: Louise Sharrar & Paula Bigatel, *Moving a Face-to-Face Course Online without Losing Student Engagement*, available on Faculty Focus website [here](#).

Videos: Karen Costa has a number of videos about creating simple and sustainable educational videos, available on YouTube [here](#).

Blog: *Phil on Ed Tech*, available [here](#).

Blog: Hybrid Pedagogy, available [here](#). (Note: this blog also has a podcast, with episodes available at the same link.)

Book: Michelle D. Miller, *Minds Online: Teaching Effectively with Technology* (2016)

Video: Michelle Pacansky-Brock, *What is the Value of Social Presence in Online Learning?*, available on YouTube [here](#).

Video: Educause, *8 Lessons Learned from Online Teaching*, available on YouTube [here](#).

Article: Beckie Supiano, *Why You Shouldn't Try to Replicate Your Classroom Teaching Online*, available in The Chronicle of Higher Education [here](#).

Video: *Conducting Effective Online Discussions*, available on YouTube [here](#).

Article: Emily A. Moore, *7 Assessment Challenges of Moving Your Course Online (and a Dozen+ Solutions)*, on Faculty Focus website [here](#).

Online Learning Toolkit: Instructional Design Support for Online Faculty: OLT offers courses and webinar subscriptions for a fee, but there is also a great blog on their website, located [here](#).

Article: Jesse Stommel, *How to Build an Ethical Online Course*, on Hybrid Pedagogy blog [here](#).

Article: Flower Darby, *How to Be a Better Online Teacher: Advice Guide*, on The Chronicle of Higher Education website, [here](#).

Article: Shawn M. Krahmer, Ginette McManus & Rajneesh Sharma, *Ensuring Instructional Continuity in a Potential Pandemic*, available on Inside Higher Ed, [here](#).

Article: Emily A. Moore, *From Passive Viewing to Active Learning: Simple Techniques for Applying Active Learning Strategies to Online Course Videos*, in Faculty Forum, available [here](#).

Article: Florence Martin et al., *Student perception of helpfulness of facilitation strategies that enhance instructor presence, connectedness, engagement and learning in online courses*, 37 Internet & Higher Educ. 52-65 (2018).

Book chapter: Richard Terry et al., *Successful Teaching in Virtual Classrooms*, in *Learning and Teaching in Higher Education: Perspectives from a Business School* (Kathy Daniels et al. eds., 2019).

Book: *Humanizing Online Teaching and Learning*, available [here](#).

Article: Anya Evmenova, *Preparing Teachers to Use Universal Design for Learning to Support Diverse Learners*, 4 J. Online Learning Research 147-71 (2018), available [here](#).

Making Online and Hybrid Course Materials Accessible to Persons with Disabilities

University of Arkansas-Little Rock, Disability Resource Center's guidance:

- *Ten Steps Toward Universal Design of Online Courses*, available [here](#).
- *Web Accessibility*, available [here](#).
- *Captioning How-To and Resources*, available [here](#).
- *Universal Design for Instruction and Learning Environments*, available [here](#).

Blog post: Cheryl Bergstahler, *20 Tips for Teaching an Accessible Online Course*, available on the Disabilities, Opportunities, Internetworking, and Technology blog [here](#).

Webinar: CourseArc Accessibility Webinar, available on Vimeo [here](#).

Article: Carl Straumsheim, 'Access Moves': *How One Instructor Seeks Accessibility*, available through Inside Higher Ed [here](#).

Article: Edmonds, Curtis M.. "Providing Access to Students With Disabilities in Online Distance Education: Legal and Technical Concerns for Higher Education." (2004), available [here](#).

Guide: Humboldt State University's *Accessibility Guide*, available [here](#).

Great twitter thread by Aimi Hamraie about accessibility issues in online classes:

<https://twitter.com/AimiHamraie/status/1237057301204197377>

Blog post: Aimi Hamraie, *Accessible Teaching in the Time of COVID-19*, available on Mapping Access blog [here](#).

Good General Online Teaching Resources from University Teaching & Learning Centers

Carnegie Mellon University's [Eberly Center for Teaching Excellence & Educational Innovation](#)

University of Denver's [Office of Teaching & Learning](#)

Vanderbilt University's [Center for Teaching](#)

University of Florida's e-learning website's *Adapting to Online Teaching* guide, available [here](#).

Accounts to Follow on Twitter Who Specialize in Online Pedagogy/Digital Pedagogy

Matt Crosslin: [@grandeped](#)
Karen Costa: [@karenraycosta](#)
Jody Greene: [@Jodyji](#)
Dave Cormier: [@davecormier](#)
Rebecca Glazier: [@rebeccaglazier](#)
Amanda S. Gould: [@stargould](#)
Jesse Stommel: [@jessifer](#)
Sean Michael Morris: [@slamteacher](#)
Thomas J. Tobin: [@ThomasJTobin](#)
Andrew Zubiri: [@jadz](#)
Sarah Rose Cavanaugh: [@SaRoseCav](#)
Dustin Hosseini: [@DustinHosseini](#)
Shannon Riggs: [@shannonriggs](#)
Aimi Hamraie: [@aimihamraie](#)
Digital Pedagogy Lab: [@digpedlab](#)
Hybrid Pedagogy: [@hybridped](#)

There are also #onlinepedagogy, #RemoteTeaching, #remotelearning, #onlinelearning, #OnlineEducation, and #digped hashtags.

People to Subscribe to on YouTube Who Specialize in Online Pedagogy/Digital Pedagogy

Michelle Pacansky-Brock: <https://www.youtube.com/user/mpacanskybrock/featured>.

Facebook – Teaching Law Online

Facebook Group - [Pandemic Pedagogy: Law in a Time of Coronavirus](#) - Admin: Diane Klein/U of LaVerne Law

Professional Organizations Devoted to Online Learning

[International Society for Technology in Education](#)

[Online Learning Consortium](#)

Tools for Teaching Online – Content Resources

Law-specific Teaching Resources to Use in Online or Hybrid Settings:

- *CALI Lessons*

Document: Eric Voight, Faulkner Law, *Online Self-Assessment Resources for Law Professors and Students*, available [here](#).

Tools for Teaching Online – Technology Resources

Learning Management Systems (LMS):

- Canvas (Humboldt State University has curated [these useful videos](#) for using Canvas)
- Blackboard
- Google Classrooms

Polling Tools:

- [Poll Everywhere](#)
- Instapoll

Collaborative Tools:

- [Google Docs](#)
- [Microsoft Teams](#)
- Slack
- [Padlet](#)
- [Microsoft OneNote](#)
- [Flipgrid](#) (instructions for using Flipgrid for remote learning [here](#))

Tools for Creating Presentations and Videos:

- Voice-over PowerPoint (Instructions [here](#).)
- Google Slides
- Apple Keynote (Instructions [here](#).)
- Panapto (Available [here](#); Panapto support and videos [here](#); some additional instructions [here](#) and [here](#) on Harvard's website.)
- Adobe Presenter
- Kaltura Capture
- Vimeo
- ScreenFlow (Available [here](#); instructions [here](#) and [here](#).)
- [Screencastify](#) (Google chrome extension)
- [Nimbus Capture](#)

Synchronous Classroom/Live Meeting Tools:

- Zoom (Some instructions for using screen sharing, breakout rooms, polling, and other tools in Zoom available [here](#).)

- Article: Jody Greene, *Zoomnosis: Avoiding Mischief and Mayhem in the Great Leap to Zoom*, available on Inside Higher Ed [here](#). (Good info about student instructions, best practices, setting up profiles, and privacy, among other tips.)
- Blog post: Artie Berns, *How to Zoom: An Introduction*, available [here](#). (Good discussion of how to use various Zoom tools, including screenshots of what things look like.)
- *Zoom's Tips and Tricks: Teachers Educating on Zoom*, available [here](#).
- WebEx
- GoToMeeting
- Microsoft Teams (not good for larger numbers, but good for small groups or 1-on-1)
- Adobe Connect
- [Skype](#) (best for one-on-one or small groups)

Other Tools for Creative Lesson-Design or Assignments:

- Medianotes (allows for annotation of videos)
- Classcaster (blogging and podcast software)
- [Socrativ](#) (app that can be used to increase student engagement, do formative assessment, collaborative work, etc.)
- [Mentimeter](#) (Get real-time input from remote teams and online students with live polls, quizzes, word clouds, Q&As and more)
- [Pear Deck](#) (add-on for Google slides – allows you to add formative assessments and interactive questions to your presentations right from Google Slides)
- [EdPuzzle](#) (Allows you and your students to engage with video content from a variety of sources)
- [Quizlet](#)
- [Quizzizz](#)
- [Kahoot!](#)
- [GoConqr](#)
- [Anchor](#) (podcasting app)

Creative Teaching Ideas:

- Two Truths and a Lie (h/t Natalie Rodriguez, Southwestern Law School)

Online Learning Guidance for Law Students

Blog Post: Brittany L. Raposa, *Online Learning Guidelines in the Wake of Coronavirus*, available on the Law Tutors website [here](#).

Blog Post: Steven Foster, *Online Learning Tips*, available on the Law School Academic Support blog [here](#).

Blog Post: Susan Landrum, *A Student Guide to Best Practices for Online Classrooms*, available on the Law School Success blog [here](#).

Blog Post: Susan Landrum, *Six Steps for Successful Online Learning*, available on the Law School Success blog [here](#).

Article: The National Jurist, Spring 2020, *The Coronavirus Survival Guide*, available [here](#).

Article: Imran Malek, *A Student's Guide to "Working from Home,"* available [here](#).

Document: Curated by Cat Moon, *Moving Law School Online: Resources for Students*, available [here](#).

Online Learning Resources for Students – Not Law School Specific

Blog Post: Clint Lalonde, *Resources to Help Learners Learn Online*, available on Ed Tech Factotum blog [here](#).