

Using AI to Help Mediators, Attorneys, Parties, Professors, Students, Program Directors ...

UC Law San Francisco

March 12, 2025

John Lande

Isidor Loeb Professor Emeritus

University of Missouri School of Law

Center for the Study of Dispute Resolution

Our Conversation

- Thanks for inviting me back to “Hastings”
- I’m looking forward to our conversation
- I will give overview of Real Practice Systems theory
- Then a summary of RPS Negotiation and Mediation Coach
- Then the fun part – improv taking your questions
- I will provide a copy of this powerpoint

Real Practice System Theory

- **Dissatisfied with traditional models, I developed Real Practice System (RPS) Theory**
- **Each mediator and mediation is unique, affected by:**
 - **Mediators' contributions to their mediations**
 - **Participants and types of cases they mediate**
 - **Their mediation practice system design**
 - **Their reflections on their system**
- **Applies to other DR practitioners, e.g., attorneys**

Mediation Practice Systems

- **People who mediate regularly have systems**
 - **Actions before, during, and after mediation sessions**
 - **Partially conscious and unconscious**
- **Factors affecting systems**
 - **History, values, motivations, knowledge, skills**
 - **Categories of cases, parties, and behavior patterns**
- **Design of their systems**
 - **Routine procedures**
 - **Strategies for dealing with recurring challenges**

Mediation Practice System

| Stages | Attorneys | Parties | Mediators |
|---------------------------------------|---|--|------------------------|
| Case Evaluation and Client Counseling | Learn facts Evaluate case Advise clients Retain mediator | Arrive stressed, confused, angry etc. “Client school” | |
| Preparation for Mediation Session | Coordinate with mediator | Prepare for mediation session with attorney | Coordinate preparation |
| Mediation Session | Represent client | Decision time | Mediate |
| Follow-up | Follow up if needed | ??? | Follow up if needed |

This is an overview of a theoretical system for mediation of legal cases, which is not necessarily achieved in practice. Some parties represent themselves. For more detail, see [*Theory and Practice of Mediation Representation*](#). Copyright John Lande 2024.

RPS Coach

I am developing a new AI tool to help:

- **Attorneys:** Strategize & help clients
- **Mediators:** Prepare & promote good decision-making
- **Disputing Parties:** Make good decisions
- **ADR Program Administrators:** Develop rules, policies, & materials
- **Educators and Trainers:** Teach practical theory & skills
- **Students and Trainees:** Learn practical theory & skills

“Training” RPS Coach

- Many of my practical and theoretical writings
 - Checklists for mediators and attorneys in mediation
 - Litigation Interest and Risk Assessment book
 - Others, eg, Model Standards of Conduct for Mediators
- Instructions
 - Specialized practical applications
 - Creative problem-solving
 - Clear and concise explanations
 - Ethical considerations
 - Good language guidelines
- BUT it doesn't always follow instructions

Examples

- **Party wants advice about non-legal dispute**
- **Attorney advises client and they develop negotiation strategy**
- **Mediator prepares for mediation session or de-briefs difficult case**
- **Professor drafts syllabus and simulation**
- **Student gets help with papers and simulations**
- **Program director drafts ADR court rules**

Now You

- **Let's take RPS Coach out for a spin together**
- **Please suggest questions – preferably based on real situations BUT without identifying information**
- **You can suggest questions other than my examples**

Wanna Try it Yourself?

- Click on [Introducing RPS Coach](#)
 - The link is on the last page
 - Please do send me feedback
- If you email me, I'll send you the link (landej@missouri.edu)

Resources

- [Real Practice Systems Project Menu of Mediation Checklists](#)
- [Real Practice Systems Project Menu of Checklists for Attorneys in Mediation](#)
- [How Can You Turn Adversarial Attorneys into Quasi-Mediators?](#)
- [The Critical Importance of Pre-Session Preparation in Mediation](#)
- [Litigation Interest and Risk Assessment: Help Your Clients Make Good Litigation Decisions](#)

For More Information

Feel free to follow up with me:

- Email: landej@missouri.edu
- Website: lande.missouri.edu