**General Information:**

Professor: Justin Van Dyke, Esq., MBA

Contact Info.:

Email: [jvd@uic.edu](mailto:jvd@uic.edu)

Cell Phone: (609) 721-3937

Class Schedule: Wednesdays 6:00 to 8:00 PM

Office Hours: I do not have set office hours; however, I will generally be available before class and to schedule virtual meetings should anyone have issues, concerns, or questions.

Credits: 2

**Course Description:**

This course is designed to provide you with an introduction and overview to Alternative Dispute Resolution (ADR), specifically focusing on Negotiation, Mediation, and Arbitration. Almost every attorney will be exposed to these forms of ADR, and this course is meant to provide real-world insight on how ADR works and to build a base for the practical skills necessary to succeed in ADR. This is intended to be a practical course, not simply a theoretical course. Every class will include real-world ADR examples, the different approaches used, and an opportunity to put what you have learned into practice. My goal is to provide you with the skills and knowledge necessary to apply what you have learned throughout your legal career.

**Policies:**

\*\*Please note, the Law School’s Common Syllabus Provisions, available at <https://go.uic.edu/lawcsp>, are incorporated by reference.

**Expectations:**

As law students, you are now part of the legal community, and it is a much smaller community than you may realize. This community runs on professional reputations. A professional reputation takes years to build and only a few careless moments or actions to ruin. As far as I am concerned, you are all professionals, and I will treat you as such, but I expect the same in return. Conduct yourself in the classroom (and generally) as though you represent your law firm and client. This means being respectful, thoughtful, timely, and prepared.

I take pride in being an attorney. I believe that experienced attorneys and legal professors have an obligation to prepare law students and new lawyers with the practical skills needed to successfully navigate their legal career. In return, I expect you to approach this class with the understanding that these are skills you will use, regardless of the type of law you choose to practice. I have high expectations for our profession and, as a result, high expectations for each of you. However, I know you will rise to meet and exceed those expectations if you work hard, have fun, and appreciate the practical aspects of the skills taught in this class.

As the saying goes, “the best ability is availability,” and I expect you to be present and participate in every class. Absences will be dealt with per school policy. Three (3) absences is the maximum number permitted per before a student receives an automatic “WF” grade.

In the legal profession, there are many things outside of your control, but the two things you always have control over are attitude and effort, and I expect youto demonstrate that throughout the semester.

**Required Text:**

* Alternative Dispute Resolution: Negotiation, Mediation, Collaborative Law, and Arbitration, by John Burwell Garvey and Charles B. Craver.
* Additional cases and handouts will be assigned in class.

**Recommended Reading:**

* Getting to Yes: How to Negotiate Agreement Without Giving In, by Roger Fisher, William Ury, and Bruce Patton.

**Course Policy/Grading:**

Based on the goals and interactive nature of this course, your final grade will be determined as follows:

* 20% - Course Participation
* 30% - Written Assignments (3 assignments worth 10% each)
* 50% - Final Exam (which will include a written and practical aspect)

Written Assignments: Three Written Assignments will be given out, one for each major ADR area discussed, negotiation, mediation, and arbitration. All written assignments (including the final) must conform with all school policies regarding plagiarism. Each Written Assignment will have a word count limit, which will be strictly applied. The following will NOT count towards the word count:

* Citations;
* Tables;
* Diagrams;
* Appendices;
* References;
* Footnotes;
* Endnotes; and,
* Bibliography.

Final Exam: The final exam will contain both a written and practical portion. The written portion will be take home. The practical portion will be live (virtual or in-person).

**Professional Development:**

The ultimate goal of this class is to help build your professional reputation and learn and hone skills you will use in your post-law school career. To that end, please use me as a resource for questions, concerns, or advice. No attorney has all the answers, but I will do whatever I can to help you as you prepare for the transition from law student to lawyer. Please reach out to your colleagues or me if you need assistance, struggle with a concept, or simply need to talk out an idea.

I encourage you to get involved in the legal community through bar associations, shadowing, and availing yourself of the opportunities to watch legal proceedings (trial, mediation, arbitrations, depositions, etc.). There will be times throughout the semester when I will be able to accommodate a limited number of students to attend various proceedings, and I strongly encourage you all to take advantage of it at least once.

**Guest Speakers:**

Throughout the semester, I hope to have guest speakers discuss their experiences and perspectives on specific aspects of ADR. These guests take time out of their schedules for you, the next generation of brilliant attorneys. As a result, I ask you to treat them with the utmost respect, show up on time, and be prepared to ask questions and challenge them.

**Schedule/Assignments:**

* January 12th - Negotiation
  + Introductions
  + Review of Syllabus
  + Overview of ADR and Trends
  + Introduction to Negotiation
  + Reading: pp. 1-11; 19-33
* January 19th - Negotiation
  + Reading: pp. 33-55
  + Practical Assignment
* January 26th - Negotiation
  + Reading: pp. 69-89
* February 2nd - Negotiation
  + Reading: pp. 98-120
  + 1st Written Assignment Due
* February 9th - Mediation
  + Reading: pp. 125-150
* February 16th - Mediation
  + Reading: pp. 155 – 192
  + Practical Assignment:
* February 23rd - Mediation
  + Reading: pp. 155-192
  + Assigned Reading
* March 2nd - Mediation
  + Reading: 195-204; “Sizing Up Settlement: How Much Do The Merits of a Dispute Really Matter” – Tim A. Baker
  + 2nd Written Assignment Due
* March 9th - Arbitration
  + Reading: pp. 205-220
* March 16th - Arbitration
  + Reading: pp. 247-254
  + Practical Assignment
* March 30th - Arbitration
  + Reading: “Bargaining in the (Murky Shadow) of Arbitration” – Jill I. Gross
* April 6th - Arbitration
  + Reading: “Uber Hitches a Ride with Arbitration: How Pro-Arbitration Attitudes and Uber Will Prevail in California and the Ninth Circuit” – Neil Eddington
  + 3rd Written Assignment Due
* April 13th – Review for Final Exam
  + Bring Questions
  + Closing Thoughts