

**MEDIATION PROCESSES & TECHNIQUES**  
**(Spring 2025)**

Prof. James M. Cooney, Esq.  
Rutgers University, SMLR, Labor Studies & Employment Relations Department  
Course #38:578:569 (3 Credits)  
Thursdays, 7:20 PM – 10:00 PM (U.S. Eastern Time)  
Location: Room 106, Janice Levin Building (Livingston Campus)  
Tel: 848-932-8560; E-mail: jacoooney@rutgers.edu  
Office Hours: Before & after class or by appointment

**Course Description:** Overview and comparison of various alternative dispute resolution (“ADR”) methods, with a focus on mediation. The course will present both a theoretical and practical approach to mediation. Guest speakers will provide students with the perspectives of professional mediators, advocates, and governmental agency representatives. Students will participate in simulated mediation.

**Course Materials:** No textbook. Readings will be posted on the Canvas online course website. I reserve the right to supplement, substitute, and/or modify the listed readings.

**Grading Criteria:**

- (1) Midterm Exam (45%)
  - (2) Final Exam (45%)
  - (3) Short Critique Paper (10%)
- (\*Credit is also earned for in-class contributions)

**Attendance:** Students are expected to attend class on a timely and regular basis. Excessive unexcused absences may lower your grade. Unexcused absences in excess of three (3) classes may result in a failing grade. **Please note that I take into account any extenuating circumstances or hardships that any student may be experiencing.**

**Academic Integrity:** The conduct of all students is governed by the Rutgers University Academic Integrity Policy. (See Canvas course site for details).

**Use of “AI” Prohibited:** The use of Artificial Intelligence (“AI”) such as ChatGPT is not permitted in any stages of the writing process on any assignment, including papers and essay answers on exams. GPTZero and similar tools may be utilized to detect student use of AI. ***Further, using AI for legal issues is a recipe***

*for disaster and can lead to hallucinations! (See Canvas for link to supporting research)*

**Recording Policy:** Students are not permitted to record, videotape, or photograph any class lecture or activity, absent prior express consent and authorization by the Instructor.

**Laptops/Cell Phones:** Students are permitted to bring and use laptop computers in class, for taking notes and viewing class readings. However, please do not engage in laptop-related activities that may distract other students. Students should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

**Students With Disabilities:** Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation. (See Canvas course site for more details).

**Class Schedule:**

JAN. 23: Course Overview & Introductions

**NO READINGS**

JAN. 30: Comparison of Various ADR Methods  
Student Mediation Over Selected Syllabus Items

**READINGS:**

*Interagency ADR Working Group, "Comparing ADR Processes"*  
*EEOC, "Types of ADR Techniques"*

FEB. 6: Labor Arbitration  
Forced Employment Arbitration

**READINGS:**

*Colvin, Alexander, "The Growing Use of Mandatory Arbitration"*  
*Harris & Roose, "Surviving Your First Labor Arbitration"*

FEB. 13: Mediation History  
Diversity/Cultural Issues

**READINGS:**

*Saul, Judith, "The Legal and Cultural Roots of Mediation in the United States"*

*LeBaron & Zumeta, "Windows on Diversity: Lawyers, Culture, and Mediation Practice"*

FEB. 20: Mediator Qualifications  
Simulated Mediation: Work Schedule Conflict

**READINGS:**

*N.J. Assoc. of Prof. Mediators, "How to Become a Mediator"*

*U.S. District Court for District of New Jersey, "Guidelines for Mediation"*

*N.J. Judiciary, "Civil Mediation Program Resource Materials"*

FEB. 27: **ASYNCHRONOUS (NO IN-PERSON CLASS THIS WEEK)**  
Mediation Scenarios (videos) & Critique Paper

MARCH 6: Guest Speaker #1

MAR. 13: **MIDTERM EXAM**

MAR. 20: **NO CLASS (Spring Break)**

MAR. 27: Ethical Issues/Standards of Conduct  
Confidentiality

**READINGS:**

*JAMS, "Mediator Ethics Guidelines"*

*N.J. Judiciary, "Standards of Conduct for Mediators In Court-Connected Programs"*

*State v. Williams*

APRIL 3: Guest Speaker #2

APRIL 10: Labor Mediation  
Mediating Employment Discrimination Cases

**READINGS:**

*NLRB v. Macaluso, Inc.*

*Weatherspoon & Issac, "Resolving Race Discrimination in Employment Disputes through Mediation"*

APRIL 17: Mediator Misconduct

**READINGS:**

*Allen v. Leal*

*Everett v. Morgan,*

*Vitakis-Valchine v. Valchine*

*Jacobs v. NY Fin. Ctr. Hotel*

APRIL 24: TBD

MAY 1: FINAL EXAM (not cumulative)

(Dated: 01/03/2025)