

CHOICES IN DISPUTE RESOLUTION EDUCATION

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CHOICE	EDUCATIONAL METHOD	THEORETICAL FOCUS	RESOLUTION APPROACH	SKILL DEVELOPMENT
<p>1. Conflict Resolution Studies at the Institute for Conflict Analysis & Resolution at George Mason University or through similar programs at other universities.</p>	<p>Traditional graduate school education involving the study of relevant social science theory and research through text books, journal articles, lectures and independent reading. May Include some classroom training in skills, opportunities for practical experience and/or an internship depending upon student choices. The primary assessment tools are examinations and term papers.</p>	<p>The focus is on the study of theories of conflict and conflict resolution as independently developed or as drawn from other fields. <i>The approach is the subjective analysis of the human factors involved in conflict, such as values, human needs, interests, culture, social systems, interpersonal relations and communications, etc.</i> and on the processes which can resolve disputes with one or more of these origins. Particular emphasis is placed on the study of the causes and resolution of "deep-rooted conflict" such as is found in divided societies such as the Middle East, Northern Ireland, Sri Lanka, the Transcaucus Region, the former Yugoslavia, South Africa, or between groups with perceptions of profound differences, such as those involving race, gender, class, sexual orientation, etc.</p>	<p>Drawn from the theoretical literature are the core concepts of conflict resolution from which resolution procedures can be custom designed. Students become familiar with a number of processes without becoming expert practitioners. These include mediation, conciliation, facilitation, public policy mediation, regulatory negotiation, interest based negotiation, problem solving workshops, fact finding, visioning, training and others. Students develop the capability to analyze conflicts according to human factors and then use this information to design the appropriate resolution processes.</p>	<p>Some skill development occurs through coursework, internships and practicum, but most skill development is expected to take place upon graduation and will depend upon the organizational and practice area acquired after graduation.</p>
<p>2. American Law School</p>	<p>Involves primarily the study of appellate court decisions in order to draw from them principles of law, rules of court, legal procedures, analytical methods, techniques of fact analysis, etc. Some classroom training in skills and clinical experience may be available, depending upon the law school. The primary assessment tools are 1) the "case presentation" wherein students are judged on their ability to present a summary and analysis of a case studied during homework while undergoing a barrage of adversarial questions, interruptions and attacks by the professor, 2) mid-term and final examinations and 3) the preparation of briefs and legal analyses.</p>	<p><i>The focus is on the objective analysis of human rights and responsibilities based on written codes of conduct, such as the U.S. Constitution, Federal and state laws, local ordinances, appellate court decisions (precedents),</i> and upon objective secondary sources, such as public policy, legislative histories, scholarly writings, etc. as these are applied to the fact situation.</p>	<p>Drawn from the case literature are the core concepts of legal conflict resolution, including owner based negotiation and litigation. These processes include negotiations, complaints, warrants, warrants in debt, subpoenas, summons, writs, interrogatories, depositions, requests for admissions and the production of documents, trials and appeals, motions and arguments. Students develop the capability to perform a rights-based legal analysis and determine the appropriate legal intervention methods.</p>	<p>Some skill development occurs through coursework, internships and participation in law school clinics. The majority of skill development is expected to take place in on-the-job training and apprenticeships with senior attorneys upon employment after graduation.</p>
<p>3. Mediation Skills Training - at the Northern Virginia Mediation Service at the Institute for Conflict Analysis & Resolution or similar training offered by other organizations</p>	<p>This involves short single and multi-day training workshops which focus on the development of skills through a combination of lectures, role-plays, simulations, demonstrations and exercises. The primary assessment tool is observation, feedback and evaluation by the trainer.</p>	<p>There is an extremely limited examination of the conceptual framework from which the skills training is drawn or to which it is related.</p>	<p>The focus is on one core process - the mediation of disputes between a few - usually two - parties in interest. Trainees develop a greater depth and understanding of the practice of this one process without developing the capability to analyze conflict and design an intervention based on the application of several processes.</p>	<p>Skill development is at the core of mediation training. Students are expected to develop the core skills of the mediation process, involving active listening, communications, problem solving, interest based negotiations, dealing with strong emotion, working through potential impasse, etc.</p>