

Course Planning in the Dispute Resolution Stream

Prof. Keet, June 2023

Now that you have the First Year Dispute Resolution Program under your belt, a number of you may be interested in taking further courses in this area. If so, then you may find the following planning suggestions helpful.

Think about the DR Curriculum as being structured in three tiers.

The first tier is the mandatory course that you took in first year. This course introduces you to the range of communication and problem-solving skills which are core to the lawyer's work – and, as well, to basic dispute resolution processes that lawyers will encounter in today's justice system.

The Negotiation course is the second tier of education in this area. It takes those skills to a more advanced level, and integrates topics such as client interviewing and counseling, preparing for negotiation, negotiating in a litigation environment, and many other aspects of the lawyer's problem-solving role. Students in this course learn at a deeper level about negotiation, in a self-directed and reflective way. It's an assignment-based course, so expect heavier work throughout the term, but assignments are all completed by the last day of classes and there is no exam.

The third tier includes the yet-even-more-advanced skills and processes in the dispute resolution area. This includes three strands: Mediation, Family DR and DR Moots. Mediation is a pervasive process in today's justice system, and students who want to understand it better and become better advocates inside mediation (or even explore the mediator's role) often take that course. The advanced course in Family Dispute Resolution is explained further below, as are DR Moots. *All of these Tier 3 classes require Negotiation as a pre-requisite because they build on the models and skills introduced in Negotiation. If you want to leave open the opportunity to take third-tier courses in this area, then try to take Negotiation in the 2nd year of your program.*

Take advantage of the team of experts who teach in this stream.

Professor Keet works with a team of experienced mediators and lawyers, to deliver the programming in this area at the College. The team works closely together to ensure that curriculum content is aligned and that assignments are administered thoughtfully and uniformly. From year to year, different people teach the Negotiation course, but—no matter whom you take it from—you will be learning the same skills. Our 2023-24 DR teaching team includes Mark Baerg, Charmaine Panko, Gisele Dumonceaux, Lauren Scharfstein, Joe Fingerote, and Madasan Yates—as well as Michaela Keet. All are law graduates, and experienced mediators and dispute resolution trainers; all have worked with government and in private professional roles. And while we work together as a team, you may find you learn different things from each.

You will see that there are 6 sections of **Negotiation** in 2023-24. All follow the same general curriculum. Note that:

- The section in Term 2 taught by Joe Fingerote, is **all online** with class time all on Zoom rather than in person, since Joe works in Vancouver. *Only this section is all online; the remaining sections will be in person.*
- The section in Term 2 taught by Mark Baerg and Lauren Scharfstein will have a **business law focus**.

If you're interested in the area of family law, consider taking the course “Advanced Negotiation and Dispute Resolution in Family Law”

Dispute Resolution is now mandatory in all family law disputes in Saskatchewan, including a spectrum of hybrid DR processes—and this follows a growing trend across Canada. In particular, EVERY family law matter (unless granted an exemption from the court) is required to participate in one of the following processes: mediation, collaborative law, parent co-ordination, or arbitration: <https://www.saskatchewan.ca/residents/births-deaths-marriages-and-divorces/separation-or-divorce/early-family-dispute-resolution>. Family lawyers will need to be better equipped than in the past, to advise their clients on the range of process options in these often complex matters. They will also need greater capacity to work in inter-disciplinary and cross-cultural settings, to help resolve family conflict. Finally, new models for the delivery of legal services are emerging more quickly in this field than in any other area of legal practice—raising considerations around professional responsibility, regulation, and even professional identity.

Charmaine Panko's **Advanced Negotiation in Family Law** course is designed to help you build skills and capacities in this field. It is well-suited for third-year students who see themselves working with families in their legal work (this could include divorce & separation, child protection, estate work, or even small businesses). This course will teach you about the above range of process options, how to advise your client about them, and how to be an effective advocate within these processes. It requires both Negotiation and Family Law I as prerequisites.

One-on-one coaching and practice: DR Moots

The **Dispute Resolution Moot** can be considered a capstone course in this area. It requires that you have taken Negotiation. The number of students accepted for this moot varies from year to year, as it depends on the year's plan for which competitions we'll be attending and how much funding we have. In the past years, we have attended competitions which focus on lawyer-lawyer negotiation (in teams of two), lawyer-lawyer negotiation in the family law area, lawyer-client negotiation inside a mediation process, and, finally, client counseling (where the lawyer interviews and plans with the client).

The Moot is well-suited for people who want to challenge themselves with the competitive environment, and are looking for more of a one-on-one opportunity for skills growth. Work is especially heavy in January and February, but is all completed by mid-March. In this kind of a training program, you will learn as much from your small team of peers as you will from your coach ... and self-motivation is key.

Applications for the moot happen in the first 2 weeks of September, and then successful applicants are invited onto the team.

Will any of the DR courses satisfy my minor or major paper writing requirements?

The simple answer is “no”! All courses have writing assignments built into them, but they are not traditional academic papers. The writing attached to this stream of courses is instead (1) practical and focused on preparing for simulations; (2) reflective, helping the writer analyze and learn from practical experiences.

I hope that this description of how we have designed the DR program helps with your choices. If you have any questions at all, please don't hesitate to contact Professor Keet at m.keet@usask.ca.