

# **Project Mediation Pros, LLC.**

## **Course Syllabus and Training Agenda**

### **Course Description: 40-Hour Basic Mediation Online Training**

**Instructor:** Elaine Garcia, [elaineg@projectmediationpros.com](mailto:elaineg@projectmediationpros.com), 210-812-0044

State Bar of Texas Sponsor #14642

#### **Basic Mediation Skills:**

This course is designed as a web-based comprehensive study in the skills and knowledge needed to become a mediator and to enhance professional skills in the trainee's current occupation. This course is designed to inform and teach a skill set intended to qualify the successful graduate as a court certified mediator; co-mediations with a qualified mediator may be required in some jurisdictions. Successful candidates of this class may seek registration in the various courts' roster of mediators and the various associations for mediators. This course will be conducted entirely online. This course is interactive with extensive role-play and mediation simulations. This course comports with the Texas Mediation Trainers Roundtable (TMTR) and national standards for mediation courses.

#### **Course Objectives:**

Students will be exposed to and learn the history of mediation, an overview of ADR legislation, conflict resolution theory, mediation theory and practice, court processes, mediation processes and techniques, self-awareness, and ethics. As well, trainees will be exposed to new learning materials to assist them in Building a Mediation Business. Mediation skills are life skills and may be utilized every day in all situations involving others as well as an opportunity to transform yourself.

#### **Theoretical Foundations:**

The student will have the opportunity to practice selected written and oral communication skills to enable the mediator to foster understanding and trust, elicit relevant information, and accurately track and record key areas of agreement. Training methods include lecture, group discussion, mediation simulations and role-plays as well as readings, exercises, video clips, and slide presentations. Students will receive individual feedback from the instructor and each other on their performance in training practice sessions. Guest lecturers will be invited from time to time to share their views on mediation philosophy and practice.

#### **Learning Outcomes:**

The student will be able to demonstrate competence in effective listening and communication skills, knowledge of conflict sources, the ability to differentiate various mediation processes, distinguish interest from positional based negotiation, demonstrate ethical standards of practice for mediators, and possess the skills to serve as a mediator in court referred cases. Trainees will attain a level of advocacy knowledge and skills to prepare clients and counsel for the mediation process.

#### **Instructor's Expectations for the Course:**

The student is expected to keep up with assigned readings, critically evaluate the information assigned, participate in the discussion areas, complete assignments on time, maintain a high energy level with a positive attitude, participate in role-play simulations in good faith and make constructive evaluations of classmates' performance. The student can expect the instructor to give timely and analytical feedback

and guidance, monitor skill development, and demonstrate concern for the development of mediator skills and the understanding of relational aspects of conflict resolution. Opportunities for learning will occur through online education, assigned readings, lecture, and practical hands-on application of concepts and knowledge through simulations and evaluations. The instructor reserves the right to amend or change the syllabus throughout the duration of the class to adjust, accommodate, and improve learning or teaching of the materials and skills.

**Required Textbook:**

*“Project Mediation Pros, LLC. 40-Hour Basic Mediation Course- Class Workbook”* (provided). Students will be given access to online materials each week of the class as modules are assigned. Reading materials and articles will be supplied by the instructor, and students are encouraged to share articles and publications relevant to the topic.

**Required Equipment:**

PC/Mac/Surface/iPad/MacBook or Phone with video/audio and microphone capabilities. Participation is required through both audio and visual attendance. If you are unable to meet these requirements, you may want to consider a different method of certification.

**Components to Student Success:**

Several components contribute to a student’s success. Not the least is attendance and participation.

**Attendance of the complete 40-hours of training is mandatory.** If the student is unable to complete the full 40-hours, the expectation is that the student will enroll in a future course to complete the participatory requirement. Upon successful completion of the required components, the student will receive certification.

Discussion Responses	10%
Quizzes	10%
Module & Portfolio Assignments	30%
Final Project	30%
Role Play Participation	20%
Attendance	40-Participatory hours required

**Discussion Responses (10%)** – Each week the instructor will assign case studies or introspective exercises designed to give students an opportunity to apply the concepts they are learning. Responses should be based upon your experiences and readings and will require a thoughtful, insightful, challenging, and reflective answer. You will need to thoroughly respond to the questions and support your response with text or other outside scholarly sources. Evaluating your participation in discussions will be determined by:

- Sharing ideas, insights, and feelings
- Sharing personal experiences and observations
- Relating and synthesizing the ideas of others
- Helping others develop their ideas
- Raising and answering questions related to the reading
- Linking the theories presented to current conflict situations

**Quizzes (10%)** – Each week the instructor will assign a quiz after each Module. The purpose of the quiz is to ensure the student has grasped the context of the reading material and various instructional presentations and resources.

**Module and Portfolio Assignments (30%)** - Utilizing the text provided, video clips and presentations, etc., the instructor will release the module assignments on a weekly basis. These assignments will cover mediation theories, skills and concepts by varying means of delivery such as reading the text, viewing clips, participating in live discussions, and conducting research. The portfolio assignment is designed to help you apply the concepts, theories, and skills you are learning in the class. Each week you will be asked to complete an assignment and include it in your portfolio. The purpose of these assignments is to help you begin to use the skills you are learning in this class to productively work through conflict areas of your life. The Portfolio Assignments will be released weekly (Tuesday) and are due the following week (Monday) unless otherwise stated.

**Final Project (30%)** – The final project will consist of a final role play mediation assigned by the instructor. Each student is to develop an opening statement, apply the skills learned in the class in relation to; the steps of the mediation process, developing an agenda, communication and listening skills, negotiation and bargaining skills, developing the agreement, dealing with difficult parties, what to do in case of an impasse, and applying skills from the Mediator’s Toolbox.

**Role Play Participation (20%)** - Each student is expected to participate in three or more role play exercises as a disputant, as a mediator, and will also observe other students in their facilitation of a role play scenario. The role play scenarios will be delivered online to acquaint the student with an alternative mediation method to the standard in-person session. Students will become familiar with the mediation process and will have a hands-on opportunity to put their skills into practice.

## **Training Modules, Theory and Practice**

### **Module 1: History of Mediation (4 Hours)**

- Overview and History of Mediation
- Mediation Key Terminology
- Inside the Mediation Process:
  - What is Mediation?
  - Should I take this case? When is Mediation Appropriate/Not Appropriate?
  - Who Can Mediate? Role and Characteristics of a Mediator
  - About the Mediator
  - About the Mediation Process
  - Mediation in Action
  - Practicum: Demonstration of a Mediation Session (60 minutes)

### **Module 2: Overview of ADR Legislation in Texas (4 Hours)**

- What is Alternative Dispute Resolution?
- Overview of ADR Terms and Processes
- Overview of Texas Legislation
  - ADR Procedures Act
  - Settlement Weeks
  - ADR Systems and Financing Act
- Glossary of Dispute Resolution Terminology

### **Module 3 Conflict Resolution Theory (2 hours)**

- What is Conflict? Defined and Described
- Definitions, Types of, Sources of, and Responses to Conflict
- Conflict Management Styles
- Conflict Resolution Continuum, Theories and Models
- Practicum: Maslow's Hierarchy of Needs- Video (20 minutes)

### **Module 4: Mediation Theory and Practice (10 hours)**

- Stages of the Mediation Session
  - Preliminary Arrangements
  - Mediator Opening Statement; Structuring the Session
  - Introduction / Orientation of Disputants / Attorneys
  - Opening Statement of Parties
  - Communication Between Parties / Gathering of Information
  - Issue & Interest Identification / Clarification / Agenda Setting
  - Generating Options
  - Bargaining & Negotiation
  - Agreement Writing
  - Closing the Session

### **Module 5: Mediation Process and Techniques (6 hours)**

- Mediation Terms
- Overview and Structure of the Mediators Opening Statement
- Implementing and uses for a Caucus
- Writing the Agreement & Structure
- Enforceability

### **Module 6: Self-Awareness of Trainee (2.0 hours)**

- Diversity in Mediation
- Diversity & Cultural Awareness (overcoming personal biases)
- Power Imbalances
- How the Trainee Responds to Conflict
- Personality Styles During Conflict
- Practicum: PACE Test (1 hour)

### **Module 7: Ethics (4.0)**

- Ethical Considerations
- Codes and Standards
- Conflicts of Interest/Appearance of Impropriety
- Neutrality / Impartiality
- Confidentiality: Policy. Laws and Regulations
- Standards of Dispute Resolution Guidelines of Organizations
- Violence; Screening for substance abuse, child/elder abuse and neglect. Screening and Reporting
- Awareness of Grievance Process
- Liability and Immunity
- UPL: Unauthorized Practice of Law

- Practicum: Critical Thinking Discussion, “It Was Late and The Printer Was Out”

### **Module 8: Communication Skills (4.0 hours)**

- Barriers to Communication
- Communication and Listening Techniques
- Trust Building
- Reframing/Listening Techniques
- Note Taking
- Questioning – Asking Open Ended Questions
- Managing the Process and Keeping on Track
- Focusing on Interests vs. Positions
- Nonverbal Communication/Recognizing Feelings and Emotions
- Use of Neutral Language
- Building on Partial Agreements
- Caucusing
- Reality Testing
- Working with Third Parties
- Managing Difficult People and/or Strong Emotions
- Practicum: Class Exercise
- Practicum: The Anger Volcano – Video (15 min)

### **Module 9: Negotiation Skills (2.0 hours)**

- Negotiation Theory and Approaches
- Bargaining types
  - Integrative
  - Interest Based
  - Collaborative
  - Distributive
- Practicum: Reading Assignment – “*Getting to Yes*,” Roger Fischer & William Ury

### **Module 10: Professional Considerations (2.0 hours)**

- The Mediators Toolbox
- Obtaining and Accepting Cases
- Co-Mediating, Gender Balanced Mediation, Multiple Party Cases
- Liability and Immunity
- Networking
- Continuing Education
- Community Service
- Professional Organizations
- Practicum: Conducting a Co-Mediation Session- Video 45 mins.

### **Module 11: Building Your Mediation Business (2 hours)**

- Creating a Business Plan
- Choosing a Business Name
- Building Your Website; email & extensions
- Incorporating
- Register with Appropriate Entities

- Bookkeeping & Fees
- Templates & Forms
- Notes & Prospects
- Professional Organizations / Networking
- Marketing; SEO Marketing, Social Media, Other Marketing
- Methods of Accepting Payment
- Signing Documents
- Getting Free Assistance
- Doing Business Easier
- Don't Give Up

### **Module 12: Practicum Role Play (8 hours)**

End of Modules

#### **Training Methodology**

##### 1. Training methods:

- Lecture
- Group Discussion
- Mediation Simulations
- Role Plays
- Reading Assignments
- Written Exercises
- Quizzes
- Video Presentation
- PowerPoint Presentations

##### 2. Role Play:

Each student will participate in three role play exercises as a mediator and at least two role play exercises as a disputant under the supervision of the instructor.

##### 3. Mediation Observation:

Students will observe at a minimum one simulated, videotaped, or actual mediation.

##### 4. Participatory Activities:

A minimum of 50 % of training hours will be spent in participatory activities that require interaction of two or more people.

#### **Training Administration**

The mediation training will be organized in a manner that guarantees students receive individualized attention and feedback on their skills, so trainees leave with a realistic understanding of their expectations and abilities. The course will be administered in a manner that encourages completion of the entire course and documents only the actual hours attended.

1. Individual Feedback – Students will receive individual feedback from experienced mediators/trainers on their performance in training practice sessions. This is facilitated through trainer feedback, trainer facilitated coaching, trainee observation, or videotaping.

2. Mandatory Full Participation- Students will not only be present for the 40-hour course but will also need to participate in all participatory activities and role play exercises to gain a comprehensive understanding of course materials.
3. Evaluation – Instructor/Trainer will solicit course evaluation comments from students to help further determine the effectiveness of the training and to help shape future mediation courses.
4. Documentation of Attendance – The Instructor/Trainer will provide written documentation to students verifying students’ 40-hour attendance or partial attendance hours completed.
5. TMTR Standards – The Instructor/Trainer will indicate in training materials and certificate of completion that this program satisfies the Texas Mediation Trainers Roundtable standards for the 40-hour Basic Mediation Course.

### **Legislation**

The course will follow additional guidelines established by Texas Legislation to include

- Texas Alternative Dispute Resolution Act, Civ. Prac. & Rem. Code Ann., Chapter 154
- The Negotiated Rulemaking Act, Tex Gov’t Code, Chapter 2008
- The Governmental Dispute Resolution Act, Tex Gov’t Code, Chapter 2009

### **Availability of Instructor**

Please contact me if you have any problems, questions or concerns.

Elaine Garcia

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Please allow 24 hours for a response. Office hours are from 5am-6pm (CST).