



Lesson Plan: Mock Mediation

Objective: Allow students to practice advocacy and compromise skills through mock mediation. Learn about alternative dispute resolution.

Time: One 65 minute session

Number of Participants: 8-30

Procedures:

1. Introduce the activity by describing the situation/dispute to be mediated.
2. Review a fact pattern with all students. Check for understanding, possibly by going around the room and having each student list one fact from the pattern.
3. Review different dispute resolution strategies and the pros and cons of mediation. Review the ground rules for a mediation.
4. Decide whether to have students or facilitators act as mediators. If facilitators will mediate, then divide students into two or more “prep” groups to prepare for each side of the dispute. With smaller classes, you can split into two groups (one for each side). With larger classes, you will need to split into at least four groups (2-3 for each side). These prep groups should not have more than six students. Assign each group to represent one side of the dispute and have at least one facilitator with each group.
5. If students will mediate, divide the class into three groups – one for each side of the dispute and one group of mediators.
6. Have the prep groups discuss their side’s objectives and the arguments to support their point of view. Discuss ideal result, fallback result, and unacceptable result for each point. Note which points are most important to that side. Allow at least 15 minutes for this stage.
7. If students are mediating, have the mediator prep group review mediation techniques and conduct role-plays with facilitators and other students to practice mediation techniques.
8. Create mediating groups – two students representing each side and 1-2 mediators– and sit each mediating group at a table or set of chairs.
9. Review the process for the mediation and let groups begin. The process might be: introductions, opening remarks from each side, individual sessions with the mediator, then a joint session with all parties. Have facilitators circulate to keep the groups on track, answer questions, and offer suggestions. Allow 20-30

minutes for the mediation. Provide students and mediators with a worksheet of key points from the fact pattern and allowing them space to take notes and write down resolutions.

10. Stop the mediation. Ask each group to explain the result of their mediation and compare group results.
11. Ask students: What was the most challenging part of this exercise? The easiest? Which part did you like best? What did you learn about mediation? Was your side pleased with the result? What qualities should a good mediator have? What types of disputes are best suited for mediation?
12. Tell students about real-life mediations, how they are structured, and the role that legal professionals play in mediations.
13. Take questions.