

## **Family Law Dispute Resolution Laws 2258**

**Instructor: Amanda Dillman (am834181@dal.ca)**

**Credit Hours: 2                      Room 309 (but for Oct. 19, Glube Room)**

**Thursdays 6:05 p.m. to 7:50 p.m.**

### **Course Summary**

Over 90% of family law cases settle before trial. This seminar provides an intensive introduction to the settlement of family cases. It requires students have knowledge and understanding of family law and to a lesser extent, civil procedure and evidence (the relevant portions will be briefly reviewed). The course is designed to prepare students to engage with clients on a practical level, to organize and work a file, including disclosure, negotiations, and court pleadings, and to participate four-way meetings.

The course is conducted in a seminar method and significant participation is required both for the class work as well as the model case for four-way meetings. Out of class work consists of readings, preparation for class participation, and preparation of various aspects of the model case. Evaluation will be a combination of class participation/attendance, assignments (not all weighted evenly), and performance at the model four-way meeting. The class will be held one evening per week.

Pre-requisites: Family law

### **Course Goals**

1. Understand dispute resolution and its context in family law.
2. Examine assumptions that lie behind popularity and public support (or lack thereof) for specific forms of dispute resolution and dispute resolution generally.
3. Examine the theoretical, practical, and ethical issues related to family law disputes and dispute resolution while working through a case study.
4. Develop practical skills and techniques to practice dispute resolution meaningfully.

**Class Outline and Readings**

<b>Session</b>	<b>Readings</b>	<b>Assignments</b>
<b>1 – September 7</b> Intro to Course Intro to Process Options Intro to Conflict		Complete “Dealing with Conflict Questionnaire” for Sept 14 class
<b>2 – September 14</b> Conflict (debrief Questionnaire) Negotiation 101 Family Law 101 Family Law Evidence 101	Collaborative Practice: Deepening the Dialogue, Chapters 4 and 5 (pages 59-85 inclusive)  The Conflict Resolution Toolbox Introduction, Chapters 1 and 2 (pages 1 – 24 inclusive)	<b>Bring completed “Dealing with Conflict Questionnaire”</b>
<b>3 – September 21</b> Interest Based Negotiation Initial Client Interview (handout hypo)	Collaborative Practice: Deepening the Dialogue, Chapter 6 (pages 87-118 inclusive)  Review Statements of Property, Income, and Expenses, and Parenting Statement	
<b>4 – September 28</b> Disclosure Statements – intro and how to (SOI, SOP, SOE, Spreadsheet)  *set teams for model case	Introduction to the Negotiation Process Model, Chapter 3 (pages 41-65)  Civil Procedure Rules (relevant)	<b>Complete Disclosure Statements using hypo</b>
<b>5 – October 5</b> Skills session (handouts) Settlement Proposal Letters	Strategic Negotiation: Moving through the Stages, Chapter 4 (pages 67-97)  The Styles and Characteristics of Highly	<b>Assignment #1 (due October 12) – Draft settlement proposal letter</b>

	Effective Negotiators Communication Chapter 6 (pages 110-139)	
<b>6 – October 12</b> Debrief Settlement Proposal Letters and exchange  Client group meetings (small groups with instructor assistance)	Ethics: Representative Negotiators of Integrity, Chapter 5 (pages 101- 119)	<b>Assignment #1 due</b>
<b>7 – October 19</b> Skills session (conduct in meeting/communication)	Collaborative Practice: Deepening the Dialogue, Chapter 7 (pages 121- 144)	Assignment #1 returned
<b>8 – October 26</b> 4-way meeting simulation	Emotion in Negotiation, Chapter 9 (pages 219- 243)	<b>Attendance required for evaluation</b>
<b>9 – November 2</b> Debrief 4-way meeting	Why Do People Settle (pages 665-711)  Trust (pages 90-97)  Think Before You Speak: A Complete Guide to Strategic Negotiation (pages 240-251)	<b>Assignment #2 (due November 16) – Reflection Paper</b>
<b>10 – November 9</b>	<b>No class</b>	
<b>11 – November 16</b> Child protection and dispute resolution	Review <i>Child and Family Services Act</i> .	<b>Assignment #2 due</b>
<b>12 – November 23</b> Critiques of Settlement Advocacy	Critiques of Settlement Advocacy, Chapter 11 (pages 275-316)	Assignment #2 returned
<b>13 – November 30</b> Enduring Conflict	Conflict Specialists and Enduring Conflict (pages 237-266)	

## **Evaluation**

In-class participation (attendance, participation) – **24%**

Student-led, Reading Discussion – **11%**

4 Way Meeting Simulation – **35%**

- preparation - 5%
- Position Letter (Assignment #1) – 15%
- participation/performance in simulation - 15%

Reflection Paper (Assignment #2) – **30%**

## **Communication**

All communication shall occur via email at the address noted at the top of the Syllabus. Please ensure you have activated and are regularly checking your official @dal.ca accounts. You will be deemed to have received anything sent to you via your @dal.ca accounts.

We will be using Brightspace for readings and other communication.

### **Please take note of the following policies and procedures:**

#### **1. Student Requests for Accommodation**

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Michael Deturbide or the Director of Student Services as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require medical documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

## 2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

## 3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.