

SYLLABUS: THE JUDICALLY SUPERVISED SETTLEMENT CONFERENCE FALL 2012

Professor:

Judge Maria-Elena James

US Magistrate Judge

maria-elena_james@cand.uscourts.gov

Location: 450 Golden Gate Avenue, 15th Floor, Courtroom B

Time: 4:40-6:10PM

Court Visit:

As a required element of this course, each student is expected to visit Judge James in her chambers at the Federal Courthouse, where he/she will observe a judicially supervised settlement conference.

Lecture Topics:

Class #1: Introduction (August 23th)

- Comparative Analysis of the Judicially Supervised Settlement Conference with Other Forms of ADR
- The Confidentiality of Settlement Negotiations

Readings:

- Wayne D. Brazil, Protecting the Confidentiality of Settlement Negotiations, 39 Hastings L.J. 955, (1988).
- Kokkonen v. Guardian Life Insurance, 511 U.S. 375

Class #2: Setting Up Your Case (August 30th)

- Interviewing your client
- Preparing your client for the settlement conference
- Writing an effective settlement conference statement

Class #3: The MBTI (September 6th)

- Using insights from the Myers-Briggs Type Indicator as an aid to mediation

Readings:

- Peters, "Forever Jung: Psychological Type theory, the Myers-Briggs Type Indicator and Learning Negotiation", 42 Drake L. Rev., 1-121 (1993)
- For reference see Keirse, D. "Please Understand Me II" (1998)

No Class: September 13, 2012

(This compensates for the time spent in the settlement class.)

Class #4: Downsizing the Law Firm Exercise (September 20nd)

Class #5: Handling the Settlement Conference Itself (September 27th)
Mediation Madness: When Litigators are Thrown into Mediation – “How not to do it”

Settlement Conference Statements are due!

Writing Assignments:

Each student will be required to prepare a settlement conference statement based on a hypothetical litigated case.