

INNOVATIVE LAW PRACTICE: DELIVERING UNBUNDLED, COLLABORATIVE, AND PREVENTIVE LEGAL SERVICES TO EXPAND LEGAL ACCESS

**Course Syllabus
Forrest S. Mosten, Instructor**

COURSE LEARNING OBJECTIVES AND REQUIREMENTS

Learning Objectives:

- Learn the basic concepts, values and perspectives of peacemaking, limited scope representation values, collaborative law, and preventive legal services; survey developments in the legal profession and field of conflict resolution.
- Learn and practice lawyering skills involved in these basic concepts
- Explore alternative role models and possible career opportunities in peacemaking

Course Requirements:

- Completion of required readings
- Attendance. Attendance at all class sessions is mandatory. Please arrive on time. Students are expected to return to class on time after breaks.
- Constructive participation in class discussion and exercises. Proactive participation is a cornerstone of this course.

Required Reading from Course Reader

Due to the condensed schedule of this course, all of the readings should be completed before the first class.

Instructor's Office Hours and Communication

Instructor will be in his office the hour immediately preceding all class sessions.

If you wish to communicate with the Instructor, the Instructor's email is mosten@mostenmediation.com and cell phone is 310-721-4291

Assessment

25% - Student's preparation for class (completion and knowledge of readings) and active and thoughtful participation in class

75% - Written Legal Career Vision Statement: Based on the concepts and lessons learned in class, each student will write a paper (8-12 pages) visioning her/his first 5 years after graduation including:

1. Applying life core values and personal attributes to type of work setting, population served, income anticipated, work setting;
2. Lawyering Roles and Models of Service that student anticipates providing;
3. Further training, time and capital investment, and other efforts necessary to achieve desired outcome after 5 years in practice

Class Format

There are 3 class sessions in this course, described below. Each session will consist of an opening lecture on the topic, class discussion, demonstration of the exercise, and class exercise. It is anticipated that a module scheduled for one class will continue into the following class session.

CLASS SCHEDULE

ALL CLASSES SHALL BE HELD IN ROOM 2-G

Friday, May 30 1:30-5:30PM

Lawyer as Peacemaker and Manager of Dispute Resolution

This module introduces the central concepts and themes for this course. The focus will be on ethical issues regarding peacemaking and the lawyer's duty to provide informed consent of various dispute resolution processes. You will explore establishing your Lawyering Signature (core values, attributes, type and style of services offered to the public) and designing your legal career as a Peacemaker and Manager of Dispute Resolution.

Class Exercise: Interview Client Comparing Traditional and Peacemaking Approaches;
Write a Law Practice Mission Statement Incorporating Peacemaking Values and Services

Readings:

- Mosten, F. S: *The Lawyer as Peacemaker*, ABA Family Law Quarterly, Fall 2009
- Do You Have What It Takes To Be a Mediator?" in Mosten, F. S. *Mediation Career Guide: A Strategic Approach to Building a Successful Practice*. Jossey-Bass, 2001
- "The Mediator's Presence and Personal Qualities of the Mediator" in Bowling, D and Hoffman, D., *Bringing Peace Into The Room*
- "Peace, Authenticity, Role of the Practitioner of Peace, Listening, Caring and Humility, excerpts from Nan Waller Burnett
- "The Lawyer as Dispute Resolution Manager" in Mosten, F.S. *Complete Guide to Mediation* (ABA 1997)
- Mosten, F. S. *Beyond Mediation Toward Peacemaking*, ACR Magazine, Fall 2013

Lawyer as Unbundled Service Provider

The focus of this module will be on the concept of Unbundled Legal Services to meet the needs of self-represented litigants. We will discuss coaching clients and being a shadow lawyer to improve knowledge of the law. We will also review the skills of negotiation, letter/court document drafting, and mediation advocacy as they apply to limited scope representation of clients.

Class Exercise: Interview Client Discussing Limited Scope Representation as an Informed Consent Option to Full Service Representation

Readings:

- Macfarlane, J., *Identifying and Meeting the Needs of Self--Represented Litigants* (May 2013, Canada)
- Mosten, F. S: *Unbundling Legal Services* (ABA Family Law Advocate, 2012)

Saturday, May 31 9:00-1:00PM

Collaborative Lawyering

This module will explore the basic concepts of Collaborative Law, the Lawyer Disqualification Clause contained in a Collaborative Participation Agreement, Interdisciplinary Law Practice, and the use of Interest-Based Negotiation

Class Exercise: Discuss and Negotiate a Collaborative Participation Agreement in a Meeting with Lawyers and Clients

Readings:

- “Collaborative Law: *What It Is and How It Works*” and “*Structuring the Interdisciplinary Practice Model*” in Mosten, F.S. *Collaborative Divorce Handbook*, Jossey- Bass, 2009
- . *Collaborative Law: Principles and Guidelines*
- Mosten, F. S. *The Lawyer as Collaborative and Preventive Peacemaker*, Chapter in *Innovations in the Practice of Law* (ABA, 2014)

Friday, June 6 1:30-5:30PM

Lawyer as Preventive Health Care Provider

The last module will focus on Preventive Legal Practice. Key concepts include the lawyer's role as preventive health care provider, making a law office a client classroom, symptomatic and asymptomatic legal angina, and building a preventive tool box.

Class Exercise: Conduct a Preventive Personal Legal Wellness Check-up

Readings:

- Barton, T., *Preventive Law and Problem Solving: Lawyering for the Future*, Vandeplass 2009
- "Creating a Mediation Friendly Environment," in Mosten, F. S. *Mediation Career Guide: A Strategic Approach to Building a Successful Practice*. Jossey-Bass, 2001
- "Preventing Future Conflict" in Mosten, F.S. *Complete Guide to Mediation* (ABA 1997)