CONFLICT RESOLUTION (INTRODUCTION TO AMERICAN LAW)

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City University of New York | Baruch College

COM 3704
Asynchronous Online Course

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"I've always felt that a person's intelligence is directly reflected by the number of conflicting points of view he can entertain simultaneously on the same topic."
– Abigail Adams

"It is the spirit and not the form of law that keeps justice alive."
– Chief Justice Earl Warren

"A jury consists of twelve persons chosen to decide who has the better lawyer."
– Robert Frost

This online course introduces students to American law generally, as well as the ways in which legal conflicts are resolved in American society. We place particular emphasis on the use of legal processes and legal communications. Together, we will examine the legal conflicts – particularly business-related legal conflicts – that you are likely to encounter over the course of your careers. How can these conflicts be most effectively and efficiently resolved, and what legal mechanisms are available?

Over the course of the semester, you will grow your legal vocabulary. You have probably heard many legal terms before, such as "lawsuit," "mediation," "complaint," "deposition," "arbitration," "appeals," "judicial opinion," "merger," "acquisition" and "treaty." In this class, we will put these sometimes-confusing words into context, so that you will feel confident with common legal terminology.

While we will read academic texts and articles, this class is ultimately practical. We will consider real-life situations that you are likely to encounter: negotiating your first employment agreement; bringing a lawsuit on behalf of your business; defending a lawsuit against your business; and reading (and understanding) newspaper articles about the U.S. Supreme Court.

Our goal is to marry the theories of legal problem-solving with reality, so that you can recognize legal and non-legal conflicts and respond to them appropriately.

Contact Information

E-mail (preferred): bdfarkas@gmail.com
My pledge: I will always get back to you within 24 hours.

Office Hours: Because our class is based online, "office hours" will be conducted via telephone, FaceTime, or Zoom (whatever is most convenient) rather than physically. I do ask that you e-mail me in advance to ensure we have a time slot reserved. However, I am generally available for discussions on evenings and weekends throughout our course. Despite the circumstances, I really do hope that we can get to know one another. Much of this work can happen during office hours. That said, there is absolutely no requirement to meet with me; this is a "no pressure" situation.

Course Objectives

- Understand the structure of American government.
- Study the U.S. Constitution and the structures that it establishes.
- Explore the many forms and shapes of legal and non-legal conflict.
- Understand the spectrum of options for resolving a particular legal conflict.
- Sharpen negotiation skills.
- Explore adversarial and collaborative bargaining.
- Understand the role of gender, race, class, nationality and background may play in negotiations and conflicts.
- Observe conflict dynamics between individuals, groups, and nations.
- Understand the role that lawyers, courts, and dispute resolution professionals might play in resolving various types of legal conflict.
- Study the structure of the court system, including federal and state judges.
- Understand the differences and similarities between arbitration and mediation.
- Learn about the function of the U.S. Supreme Court in American life.
- Enhance legal communication skills by reviewing common litigation documents.
- Consider the limits of litigation as a mechanism for conflict resolution.

Attendance

This course will be taught **asynchronously**. Generally, this means that the class will not "meet" in person or "live" – so there is no "attendance." Instead, all course information, audio lectures, and readings will be delivered to you via Blackboard (or sometimes email). Additionally, all written assignments will be submitted via email or Blackboard.

There may be occasions where we do meet synchronously ("live") over Zoom, but I will notify you in advance of those dates.

Required Texts

This course does **not** have a traditional textbook. Reading for this course will be mostly articles, both academic articles (i.e. by scholars) and articles from newspapers and trade journals (i.e. by businesspeople, journalists and politicians). These materials will be posted each week in folders corresponding to the week in Bright Space's "Course Documents."

All articles will be interesting, relevant and (generally) short. In exchange for this brevity, you are expected to do the readings with care.

Evaluation of Student Performance

Each student's grade will be determined as follows:

Reflections via Bright Space Discussion Forums You are responsible for submitting three short "reflections" to our reading assignments over the course of the semester. A reflection need not be very long or formal. It should be roughly 1-3 paragraphs, discussing a particular reading or set of readings. What surprised you? What did you learn? What did you agree with, or disagree with? You will find a Discussion Forum for each week of our course on Bright Space.	30% (10% each, not graded, but merely as "completed" or "not completed" though I may give extra credit for particularly strong reflections. You can post these three reflections any time before the end of the semester).
Take-Home Examination, sent to you on 12/9/24 at 9 a.m. via email; due back to me via email to bdfarkas@gmail.com by 12/11/24 by 11:59 p.m. The Take-Home Examination will focus on the readings and lectures, and ask you to apply different theories to hypothetical legal and non-legal conflicts. You will have a little over two days to complete the exam, and email it back to me. It is "open book" and "open Internet." The exam should not take more than two hours to complete, however. You may work on it at your convenience depending on your schedule during these two days; I am giving this extended time in recognition of the fact that many students have particularly complicated schedules during the pandemic.	30%
Final Research Paper, due by 12/16/24 by 11:59 p.m. via email to bdfarkas@gmail.com (Word version). Details on last page of syllabus.	40%

Your final grade may also be raised if you show significant improvement over the course of the semester. You'll find that I'm a very fair teacher when it comes to grading, as long as I see that you're working hard and doing the reading. My goal is not to lower your GPA. However, there is absolutely zero tolerance for (i) plagiarism and (ii) late assignments. Enough said.

Topic Schedule

Because this course is being taught asynchronously, the schedule is divided into weeks rather than individual "classes" (since we do not actually meet in individual "classes"). For each week, you will receive one or more MP4 files containing a recorded lecture that you should listen to (conveniently on your phone, laptop, or other device!). In the same email, you will receive readings for the week as PDF documents or links to news articles.

Week of August 26

- Introduction to the Course
- Review of Syllabus

Week of September 2

- Understanding the Nature of the U.S. Legal System
- The Three Primary Sources of Law

Week of September 9

- The U.S. Constitution: Overall Structure
- Article I: The Role of the Legislative Branch

Week of September 16

- Article II: The Role of the Executive Branch

Week of September 23

- Article III: The Role of the Judicial Branch

Week of September 30

- The Bill of Rights
- Federal, State and Local Government
- Federal State and Local Laws

Week of October 7

- Introduction to Individual Claims: Torts, Contracts, and Statutory Violations
- Introduction to Methods of Conflict Resolution

Week of October 14

- Negotiating for Mutual Advantage: Styles and Strategies, Part I

Week of October 21

- Negotiating for Mutual Advantage: Styles and Strategies, Part II
- Gender, Culture and Negotiation

Week of October 28

- Mediation of Conflict: Purpose, Benefits and Process

Week of November 4

- Arbitration of Conflict: History, Purpose, Benefits and Process

Week of November 11

- Arbitration vs. Mediation: Similarities and Differences

Week of November 18

- Litigation of Conflict: Pre-Trial and Trial

Week of November 25

- Litigation of Conflict: Appellate Courts and The Supreme Court

Weeks of December 2 and December 9:

- Individual Research Paper Consultations
- **Take-Home Exam due by 12/11/24 by 11:59 p.m.**
- **Final Research Paper due by 12/16/24 by 11:59 p.m.**

Final Research Paper, due by 12/16/24 by 11:59 p.m. by e-mail to bdfarkas@gmail.com (Word)

Your final research paper assignment is to write 7-9 double-spaced pages on any topic in the field of legal analysis or conflict resolution. Your research paper could discuss a topic that we've covered this semester that you'd like to delve into more deeply (e.g., the effect of gender on negotiation performance) *or* a topic that we haven't discussed this semester (e.g., recent U.S. Supreme Court cases related to arbitration). The purpose of this assignment is for you to find a topic that you're genuinely interested in learning more about, and then locating source materials – books, articles, newspaper pieces, etc. – so that you can truly gain a comprehensive understanding of the topic.

Papers must be Times, size 12, normal (1'') margins, double-spaced. **Absolutely no late papers will be accepted or graded**. **If you do not submit your final paper by this deadline, you will automatically receive a ZERO for this assignment.** Do not submit papers with typos, emoticons, or incorrect grammar. Write a paper that's interesting and engaging – that teaches the reader something about dispute resolution.

You will be evaluated based on the depth of your research; the quality of your writing and presentation; and your mastery of the topic. Include a bibliography showing what you have read and cited. Quote directly from sources, where appropriate. See if you can identify the most important thinkers/scholars/writers in your particular area. Generally speaking, almost any area has four or five academic "leaders" who have written extensively on the subject.

What is a "good topic"? You'll know it when you see it. An interesting research topic might be, for example, "The Use of Arbitration in Baseball." A "bad topic" is often a subject that is either too broad (e.g., "Negotiation") or too narrow (e.g., "The Negotiation of the Lease Between Party A and Party B in November 1999"). You want to ensure that there will be enough scholarly material to draw upon. Feel free to ask me whether your topic sounds like a "good" one.

Some potential resources for topics:

- Our reading! Look at the footnotes, citations, and arguments of the authors.
- The Baruch College Library.
- Harvard's Alternative Dispute Resolution Research Page: http://guides.library.harvard.edu/c.php?g=310591&p=2078474
- The American Bar Association Journal's dispute resolution topic page: http://www.abajournal.com/topic/alternative+dispute+resolution