Integrating Non-Litigation Dispute Resolution into the Core Legal Curriculum: Theory and Practice
Sean F. Nolon, Vermont Law School
Third Annual Dispute Resolution Works-in-Progress Workshop
Harvard Law School
November 13-14, 2009

Abstract
Starting more than thirty-five years ago, a small number of U.S. law schools began offering courses in non-litigation dispute resolution such as arbitration, mediation and negotiation. Today, most, if not all, law schools offer at least one course on non-litigation dispute resolution. There are approximately forty law school centers dedicated to the subject. Many professors integrate the core concepts of negotiation, mediation and arbitration into their doctrinal courses. Some law schools require one of these courses for graduation and others have integrated these concepts into the core JD curriculum. While much has been written explaining these changes and suggesting improvements, there has been little, if any, research on how the two-hundred ABA accredited law schools teach non-litigation dispute resolution. How many schools require a dispute resolution course? How many schools integrate dispute resolution into the core JD curriculum? What range of processes are taught? In order to answer these questions and improve law schools’ ability to train skilled advocates, more thorough research must be conducted. This presentation will outline the author’s effort to answer one of these questions – which law schools have integrated non-litigation dispute resolution into the core curriculum and how have they done it? In this presentation, we will discuss some of the challenges that are anticipated and encourage others to conduct similar research. Given the nature of this “Works-In-Progress” conference and the early stage of this research effort, the author is hoping for significant feedback from the conference participants.

Outline
I. A Brief History of How Law Schools Teach Dispute Resolution
II. What we Know and Don’t Know about Teaching Non-Litigation Dispute Resolution (NLDR)
III. Vermont Law School Experience
   A. 1980s - Stand alone courses & early integration
   B. 1990s - “Lawyering” approach
   C. 2000s - Core Curriculum Integration
IV. The Need for Research on NLDR Curricular Initiatives
V. Vermont Law School Survey
   A. Purpose
   B. Method
   C. Organization
VI. Discussion
**Vermont Law School Study: Integrating Dispute Resolution into the Core JD Curriculum**

**Purpose:** To identify law schools with current initiatives to integrate non-litigation dispute resolution into the core JD curriculum and to describe each approach.

<table>
<thead>
<tr>
<th>Questions:</th>
<th>Faculty Responses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Law school</td>
<td></td>
</tr>
<tr>
<td>2. Faculty name and contact information</td>
<td></td>
</tr>
</tbody>
</table>
| 3. Which statements apply to your law school, if any? (Please check all that apply.) | a. Has a program, institute or center for non-litigation dispute resolution – if “yes” please insert the name below  
____________________________________________  
b. Offers non-litigation dispute resolution courses for JD credit (e.g. mediation, negotiation, arbitration, ICN, ADR, restorative justice, etc.)  
c. Integrates non-litigation dispute resolution into other courses  
d. Integrates non-litigation dispute resolution into the core curriculum for all JD students  
e. Completion of JD requires a non-litigation dispute resolution course to be taken |
| 4. Please list the non-litigation dispute resolution courses offered by your school and the associated credit. | |
5. Does your law school offer experiential opportunities (e.g. clinics) in:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediation?</td>
<td></td>
</tr>
<tr>
<td>Arbitration?</td>
<td></td>
</tr>
<tr>
<td>Other? Please specify.</td>
<td></td>
</tr>
</tbody>
</table>

6. Are there other dispute resolution or conflict management classes offered in other departments or colleges at your university that law students may take for JD credit?

7. Is non-litigation dispute resolution incorporated into other courses in the law school?
   If not, please move to # 8.
   **If yes:**
   a. Which courses? (e.g. contracts, employment law, civil procedure, etc.)
   b. How is non-litigation dispute resolution incorporated into these courses? (In other words, is non-litigation dispute resolution a stand-alone subject, or is it discussed consistently throughout the course?)

Yes [ ] No [ ]
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>c.</strong> If incorporated in a stand-alone manner, is the non-litigation dispute resolution segment taught by the instructor or by a guest lecturer?</td>
<td></td>
</tr>
<tr>
<td><strong>d.</strong> Is any one of those courses required to complete a JD degree?</td>
<td></td>
</tr>
<tr>
<td><strong>8.</strong> If your school requires a non-litigation dispute resolution course to complete a JD degree, please answer the questions below. If not, please move to #9. <strong>If yes:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>a.</strong> What course(s) can fulfill this requirement?</td>
<td></td>
</tr>
<tr>
<td><strong>b.</strong> Do you know of any other law schools that required a non-litigation dispute resolution course for graduation?</td>
<td></td>
</tr>
<tr>
<td><strong>9.</strong> Number of full time <strong>tenured or tenure-track</strong> professors teaching non-litigation dispute resolution courses at the law school</td>
<td></td>
</tr>
<tr>
<td><strong>10.</strong> Number of full time <strong>contract</strong> professors teaching non-litigation dispute resolution courses at the law school</td>
<td></td>
</tr>
<tr>
<td><strong>11.</strong> Number of <strong>adjunct</strong> professors teaching non-litigation dispute resolution courses at the law school</td>
<td></td>
</tr>
</tbody>
</table>
Predictor

Sarah

Paul

James

Warren

Paul

Charles

J.

5

Jessica

Melody

Paul

Robert

EFFECTIVE

Beryl

Anita

L.

M.E.

TRANSACTIONS:

Rachel

Douglas

Fall

Bibliography:

Simulation

Nancy

(1980).

Experience

Dispute

Pervasive

2001)

LEGAL

REV.

FLA.

2009

LEGAL

REV.

FLA.

Arnow

D.

Barron,

Barken,

Blaustone,

Bernstein,

Coleman,

Carrington,

Coben,

Coben,

Curricular

Change

Sustaining

Teach

Negotiation

Lawyer’s

Standard

Philosophical

Map,

50

FLA.

L. REV.

735 (1998).


Nancy A. Coleman, Teaching the Theory and Practice of Bargaining to Lawyers and Students, 30 J. LEGAL EDUC. 470 (1980).


Bibliography: Articles Dealing with Teaching Dispute Resolution in Law Schools

Fall 2009


Effective Learning and Teaching in Law (Roger Burridge et al. eds., 2002). (In Great Britain)


James R. Coben, Summer Musings on Curricular Innovations to Change the Lawyer’s Standard Philosophical Map, 50 FLA. L. REV. 735 (1998).


Nancy A. Coleman, Teaching the Theory and Practice of Bargaining to Lawyers and Students, 30 J. LEGAL EDUC. 470 (1980).


Sean F. Nolon, snolon@vermontlaw.edu (802) 831-1376


Ellen Zweibel, Where Does ADR Fit in the Mainstream Law School Curriculum, 17 WINDSOR Y.B. ACCESS TO