

CHINA ADR CLASS SCHEDULE

WEEK #1

| MONDAY, JULY 16th | |
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| 9:00 – 10:00 | – Welcome; Introduction (Landsberg; Harris) |
| 10:00 – 11:00 | – Overview (Landsberg; Harris) |
| 11:00 – 12:00 | – Overview (Landsberg; Harris) |
| BREAK | |
| 3:00 – 4:00 | – Overview (Landsberg; Harris) |
| 4:00 – 5:00 | – Alternative Dispute Resolution Introduction (Galves) – Negotiation/Settlement Overview – Mediation/Settlement Overview |
| 5:00 – 6:00 | – Arbitration/Decision Overview – Online Dispute Resolution Overview – <i>Jane v. Grow Co.</i> Negotiation Hypothetical |

TUESDAY, JULY 17th

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| 9:00 – 10:00 | <ul style="list-style-type: none"> – Negotiation/Settlement Overview – <i>Jane v. Grow Co.</i> Negotiation Hypothetical: – Fact Gathering; Witness Interviewing; Evidence Evaluation – Assessing Factual & Legal Strengths and Weaknesses – Develop of Settlement Positions/Strategies – Negotiation Theories, Advantages, Disadvantages – <i>Student Goals; Instructor Goals</i> |
| 10:00 – 11:00 | <ul style="list-style-type: none"> – <i>Jane v. Grow Co.</i> Negotiation Hypothetical: – Conduct Large Group Negotiation Simulation – Review & Critique of Simulation – HOW to Review & Critique Simulation – <i>Student Goals; Instructor Goals</i> |
| 11:00 – 12:00 | <ul style="list-style-type: none"> – Drafting the Settlement Agreement & Release – Scope of Release – Review & Critique of Draft Settlement Agreements – <i>Student Goals; Instructor Goals</i> – Case Materials [<i>Phoenix v. Intech</i>] Review – Break into Small Negotiation Groups – Confidential Client Materials |
| BREAK | |
| 3:00 – 4:00 | <ul style="list-style-type: none"> – Case Materials [<i>Phoenix v. Intech</i>] Review (Cont.) – Fact Gathering; Witness Interviewing; Evidence Evaluation – Assessing Factual & Legal Strengths and Weaknesses – Develop of Settlement Positions/Strategies – Consider Confidential Client Materials in Small Groups |
| 4:00 – 5:00 | <ul style="list-style-type: none"> – Conduct Small Group Negotiation Simulations – Review & Critique of Simulations – HOW to Review & Critique Simulations – <i>Student Goals; Instructor Goals</i> |
| 5:00 – 6:00 | <ul style="list-style-type: none"> – Drafting the Settlement Agreement & Release – Scope of Release – Review & Critique of Draft Settlement Agreements – <i>Student Goals; Instructor Goals</i> |

WEDNESDAY, JULY 18th

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| 9:00 – 10:00 | <ul style="list-style-type: none"> – Enforcement of Settlement Agreements – Ethical Issues in Negotiation & Settlement – Negotiation/Settlement Curriculum Development – <i>Student Goals; Instructor Goals</i> |
| 10:00 – 11:00 | <ul style="list-style-type: none"> – Introduction to Mediation – Duties, Responsibilities of a Mediator – Mediation Theories, Advantages, Disadvantages – Settlement Persuasion Skills/Strategies – Compare & Contrast with Negotiation – Case Materials [<i>Phoenix v. Intech</i>] Review: – Roles of: Mediators & Parties – New Confidential Memos from Parties to Mediator – Preparation for Mediation Simulations; Small Groups |
| 11:00 – 12:00 | <ul style="list-style-type: none"> – Conduct Small Group Mediation Simulations – Review & Critique of Simulations – HOW to Review & Critique Simulations – <i>Student Goals; Instructor Goals</i> |
| BREAK | |
| 3:00 – 4:00 | <ul style="list-style-type: none"> – Enforcement of Mediation Settlement Agreements – Ethical Issues in Mediation, Both of Mediators and Parties – Mediation Curriculum Development – <i>Student Goals; Instructor Goals</i> – Consider Other Forms of Mediation (Mini-Juries) (Non-Binding Arbitration) |
| 4:00 – 5:00 | <ul style="list-style-type: none"> – Introduction to Arbitration – Duties & Responsibilities of an Arbiter – Arbitration Theories -- Advantages, Disadvantages – Arbitration Decisions – Compare & Contrast with Negotiation & Mediation |
| 5:00 – 6:00 | <ul style="list-style-type: none"> – Enforcement of Arbitration – International Arbitration – Drafting Arbitration Clauses – Review & Critique of Drafting Clauses – HOW to Review & Critique Drafts of Arbitration Clauses – <i>Student Goals; Instructor Goals</i> |

THURSDAY, JULY 19th

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| 9:00 – 10:00 | <ul style="list-style-type: none">– Introduction to Online Dispute Resolution “ODR” Online Negotiation, Mediation, Arbitration– ODR: Advantages, Disadvantages– Compare & Contrast with Traditional ADR |
| 10:00 – 11:00 | <ul style="list-style-type: none">– Conduct ODR Simulations (demonstration) |
| 11:00 – 12:00 | <ul style="list-style-type: none">– Review & Critique of ODR Simulations (demonstration) |
| BREAK | |
| 3:00 – 4:00 | <ul style="list-style-type: none">– HOW to Review & Critique ODR Simulations– <i>Student Goals;Instructor Goals</i> |
| 4:00 – 5:00 | <ul style="list-style-type: none">– Enforcement of Arbitration Awards– Ethical Issues in Arbitration, Both of Arbiters and Parties– Arbitration Curriculum Development– <i>Student Goals;Instructor Goals</i> |
| 5:00 – 6:00 | <ul style="list-style-type: none">– Preparation for Traditional Arbitration Sessions Simulations– Preparing Parties– Preparing Arbiters– HOW to Prepare for Arbitration Sessions Simulations– <i>Student Goals;Instructor Goals</i> |

FRIDAY, JULY 20th

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| 9:00 – 10:00 | – General Review of ADR/ODR (Overview) |
| 10:00 – 11:00 | – Persuasive Use of Litigation Technology in the Presentation of Facts, Evidence, & Legal Arguments |
| 11:00 – 12:00 | – Software, Visual/Oral Advocacy |
| BREAK | |
| 3:00 – 4:00 | – Transition from ADR/ODR to Trial Techniques – Face-to-Face ADR v. ODR – (Bricker) |
| 4:00 – 5:00 | – Intro to Oral Advocacy/Arbitration(Bricker) |
| 5:00 – 6:00 | – Oral Advocacy/Arbitration Basics (Bricker) |

CHINA ARBITRATION ADVOCACY CLASS

SCHEDULE

WEEK # 2

Notes on terminology:

During Week #2 participants will be divided into two groups (A and B) for the practice sessions. Assignments to these groups will be made at beginning of the Program.

All participants attend the lectures, brainstorming, and the sessions on “discussion/feedback on critique techniques,” in plenary session.

The individual groups (A and B) will meet in separate rooms wherever the schedule indicates “break-out groups.”

“P-M faculty” refers to the faculty members from Pacific-McGeorge.

“Participant-faculty” refers to those members of a break-out group assigned to play the part of the critiquing professor during a given skills session. These assignments will be rotated so that all get this experience and training.

| Monday, July 23, 2007 | Tuesday, July 24 | Wed., July 25 |
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| <p data-bbox="235 310 415 342">9:00 to 10:00</p> <p data-bbox="235 348 354 380">Lecture:</p> <ul data-bbox="235 386 623 453" style="list-style-type: none"> - Theories of persuasion - Theory/theme/brainstorming <p data-bbox="235 495 431 527">10:00 to 10:45</p> <p data-bbox="235 533 607 638">Brainstorm session with all participants using <u>Phoenix v. Intech</u> case</p> <p data-bbox="235 680 431 711">10:45 to 12:00</p> <p data-bbox="235 718 354 749">Lecture:</p> <ul data-bbox="235 756 607 894" style="list-style-type: none"> - Who wins and why: brief pointers on closing argument - “Two-point” critiques / methodology <p data-bbox="235 936 326 968">Lunch</p> <p data-bbox="235 1010 399 1041">3:00 to 3:45</p> <p data-bbox="235 1047 623 1115">Preparation time to draft 6 minutes of a closing argument</p> <p data-bbox="235 1157 399 1188">3:45 to 5:00</p> <p data-bbox="235 1194 623 1333">Break-out session: Half of participants perform 6 minutes of a closing argument with P-M faculty critique</p> <p data-bbox="235 1375 407 1407">5:00 to 6:00</p> <p data-bbox="235 1413 623 1593">Break-out session: Remaining participants perform 6 minutes of a closing argument. Participant-faculty will conduct short critiques.</p> | <p data-bbox="654 310 818 342">9:00 to 9:45</p> <p data-bbox="654 348 773 380">Lecture:</p> <p data-bbox="654 386 997 453">Direct Exam/Critiquing of direct</p> <p data-bbox="654 495 834 527">9:45 to 10:30</p> <p data-bbox="654 533 997 672">Preparation time for direct examinations in <u>Phoenix v. Intech</u> file: prepare 6 minutes of a direct</p> <p data-bbox="654 714 850 745">10:30 to 12:00</p> <p data-bbox="654 751 959 932">Break-out session: Half of participants performs direct examinations with P-M faculty critique</p> <p data-bbox="654 974 747 1005">Lunch</p> <p data-bbox="654 1047 818 1079">3:00 to 4:30</p> <p data-bbox="654 1085 997 1295">Break-out session: Remaining participants perform direct examinations. Participant-faculty will conduct short critiques.</p> <p data-bbox="654 1337 818 1369">4:30 to 5:15</p> <p data-bbox="654 1375 959 1442">Discussion/feedback on critique techniques</p> <p data-bbox="654 1484 818 1516">5:15 to 6:00</p> <p data-bbox="654 1522 899 1627">Lecture: Cross examination/ Critiquing of cross</p> | <p data-bbox="1031 310 1195 342">9:00 to 9:45</p> <p data-bbox="1031 348 1370 453">Preparation time for cross exams: prepare 6 minutes of a cross</p> <p data-bbox="1031 495 1211 527">9:45 to 11:15</p> <p data-bbox="1031 533 1338 714">Break-out session: Half of participants perform cross examinations with P-M faculty critique</p> <p data-bbox="1031 756 1227 787">11:15 to 12:00</p> <p data-bbox="1031 793 1338 858">Discussion/feedback on critique techniques</p> <p data-bbox="1031 900 1123 932">Lunch</p> <p data-bbox="1031 974 1195 1005">3:00 to 4:30</p> <p data-bbox="1031 1012 1370 1222">Break-out session: Remaining participants perform direct examinations. Participant-faculty will conduct short critiques</p> <p data-bbox="1031 1264 1195 1295">4:30 to 5:15</p> <p data-bbox="1031 1302 1338 1369">Discussion/feedback on critique techniques</p> <p data-bbox="1031 1411 1195 1442">5:15 to 6:00</p> <p data-bbox="1031 1449 1289 1587">Lecture: Opening statements/ critiquing opening statements</p> |

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| <p>Thursday, July 26</p> <p>9:00 to 9:45 Preparation time for opening statements: prepare 6 minutes of an opening statement</p> <p>9:45 to 11:15 Half of participants perform 6 minutes of an opening statement with P-M faculty critique</p> <p>11:15 to 12:00 Break-out session: Other half of participants perform 6 minutes of an opening statement. Participant-faculty will conduct short critiques</p> <p>Lunch</p> <p>3:00 to 3:45 Continuation of morning break-out session</p> <p>3:45 to 4:30 Discussion/feedback on critique techniques</p> <p>4:30 to 6:00 Preparation time for Arbitration hearing</p> | <p>Friday, July 27</p> <p>9:00 to 12:00 Arbitration hearing in the case of <u>Phoenix Enterprises, Inc. v. Intech Electronics, Inc.</u> 1/3 of participants will serve as lawyers in the Arbitration hearing. 1/3 of participants will serve as witnesses in the hearing. 1/3 of participants will serve as Participant-faculty critiquers at the end of the hearing.</p> <p>Lunch</p> <p>3:00 to 4:30 Participant-faculty will conduct critique of lawyers' performances during Arbitration</p> <p>4:30 to 6:00 Wrap-up session including brief discussion of how to construct an Arbitration-Advocacy Syllabus for Chinese Law Schools. Introduction to next week's agenda</p> | |
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University of the Pacific/McGeorge School of Law
Persuasive Writing and Oral Argument: Post Hearing Phase
Guangzhou, China, July 30 – August 3, 2007

Monday, July 30, 2007:

9:00 a.m. to 10:15 a.m. - Discussion of Ethics and Advocacy by Professor Harris.

10:15 – 10:30 a.m. – Break.

10:30 a.m. to 12 p.m. - Introduction of the Post-Hearing Phase problem. Describe process of writing a post-hearing brief and presenting oral argument to the Arbitrator. Discuss the transferability of persuasive brief writing to many different tribunals and levels of courts. Narrow the universe to the covenant of good faith and fair dealing and the measure of damages for this writing and argument exercise but explain that a real post-hearing brief would cover all legal issues presented in the arbitration. Discuss the approach that would be taken in actual CIETAC arbitration and how our approach will differ for training purposes.

12:00 p.m. to 3:00 p.m. - Mid-Day Break

3:00 to 4:30 p.m. – Introduction of CRAC as a tool for framing a legal argument. Explain the component parts and how we use CRAC to teach a very formulaic system to students who are novice legal writers. Our expectation is that they will eventually follow the system less rigidly as they become better at persuasive writing.

4:30 to 4:45 p.m. – Break.

4:45 to 6:00 p.m. – Present CRAC exercise. Discuss how we use this exercise with students as an initial assignment and provide time for workshop participants to get started on the completion of the exercise.

Tuesday, July 31, 2007:

9:00 to 10:30 a.m. - Complete the CRAC exercise. CRAC exercises will then be taken off to be translated during the rest of the day.

10:30 to 10:45 a.m. - Break

10:45 a.m. to 12:00 p.m. – Review hypothetical student CRAC examples and teacher's guide for providing feedback on these examples.

12:00 p.m. to 3:00 p.m. - Mid-Day Break

3:00 to 4:30 p.m. – Introduction to the concepts of core theory, theme, and perspective in persuasive writing. Discussion of how core theory informs all aspect of a persuasive brief and helps to determine which cases to rely on and which order to present arguments.

4:30 to 4:45 p.m. – Break.

4:45 to 6:00 p.m. – Break out groups for core theory and theme exercise. Divide into groups of 4 or 5. Review a problem based on Phoenix v. Intech measure of damages. Present a few authorities relating to the appropriate measure of lost profits. Discuss how to ascertain the core theory and how to present the theme depending on which side is represented. Articulate a core theory and draft a theme and then discuss how the core theory helps to inform the rules that will be advocated.

Wednesday, August 1, 2007:

9:00 to 10:30 a.m. - Review CRAC exercise from the previous day – first peer review and then review by Pacific/McGeorge faculty.

10:30 to 10:45 a.m. - Break

10:45 a.m. to 12:00 p.m. – Lecture on organization in brief writing including outlining, sign posting, road maps, and umbrella sections.

12:00 p.m. to 3:00 p.m. - Mid-Day Break

3:00 to 4:30 p.m. – Draft outlines of lost profits portion of the post-hearing brief including initial road map paragraph and headings for any sub-parts of the argument.

4:30 to 4:45 p.m. – Break.

4:45 to 6:00 p.m. – Break out groups for outlining exercise. Peer review outlines drafted earlier in the afternoon. Re-convene for group observations about differences in approaches taken and reliance on authorities depending on which side of the argument the advocate advances.

Thursday, August 2, 2007:

9:00 to 10:30 a.m. – Writing about the facts. Focus on the importance of telling a coherent story even in a situation where the arbitrator has heard the facts emerge from live witnesses. Chronological or topical orientation is appropriate, but there must be a flow to the story and proper citation to the record. Exercise relating to fact selection and emphasis.

10:30 to 10:45 a.m. - Break

10:45 a.m. to 12:00 p.m. – Draft Statement of Facts for Post-Hearing Brief.

12:00 p.m. to 3:00 p.m. - Mid-Day Break

3:00 to 4:30 p.m. – Lecture on Oral Argument skills. Demonstration oral argument and critique by Pacific/McGeorge leaders. Start oral arguments by workshop participants.

4:30 to 4:45 p.m. – Break.

4:45 to 6:00 p.m. – Practice brief oral arguments with other workshop participants serving as judges and critiquers.

Friday, August 3, 2007:

9:00 to 10:30 a.m. – Complete oral arguments from the prior day. Discuss teaching written and oral advocacy skills. Focus on the importance of small groups and individual feedback for both types of advocacy. Conclude the persuasive written and oral advocacy phase.

10:30 to 10:45 a.m. - Break

10:45 a.m. to 12:00 p.m. – Curriculum drafting session for Advocacy phase. Discuss how to incorporate all skills into Chinese curriculum, plan pilot projects.

12:00 p.m. to 3:00 p.m. - Mid-Day Break

3:00 to 6:00 p.m. – Re-convene with American University clinical group for end of the workshop wrap up. Round table discussion about how the work of the workshop can be incorporated into Chinese law school classrooms.