

**THE UNIVERSITY OF TENNESSEE
COLLEGE OF SOCIAL WORK**

SW 540: Principles and Techniques of Mediation

Course Outline

Spring 2004

Instructor:	William R. Nugent, Ph.D.	Tuesday 9:40 - 12:25
Office:	123 Henson Hall	Room 113 Aconda Court
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Required Text

Kruk, E. (Ed.), (1997). *Mediation and conflict resolution in social work and the human services*. Chicago, IL: Nelson-Hall.

This book is on sale at the bookstore in The University Center.

“Mediation techniques for persons in disputes.” In Kevin Corcoran, (1992), *Structuring change*.

This is a book chapter that presents a generic mediation model. The instructor may also require the reading of specific journal articles during the course of the semester.

Recommended Books

Leviton, S., & Greenstone, J. (1997). *Elements of mediation*. Pacific Grove, CA: Brokks/Cole.

Umbreit, M. (1994). *Victim meets offender: The impact of restorative justice and mediation*. Monsey, NY: Willow Tree Press.

Grading

Exams (2)	70%
In-class mediation simulations	20%
Daily quizzes	<u>10%</u>
	100%

Exams

There will be two exams, one at approximately mid-term, and the other at the end of the semester. Both exams will be composed of multiple choice, matching, and fill-in-the-blank items. Each exam will account for 35% of your course grade.

Bibliography and Recommended Readings

- Araki, C. (1990). Dispute management in the schools. Mediation Quarterly, 8(1), 51 - 62.
- Barshy, A.E. (1995b) Mediation in Child Protection Cases. In H. H. Irving & M. Benjamin, eds., Family Mediation: Contemporary Issues. Thousand Oaks, CA: Sage.
- Benjamin, M. & Irving, H.H. (1989). Shared Parenting: critical Review of the Research Literature. Family and Conciliation Courts Review, 27, 21-35.
- Bernard, S.E., Folger, J.P., Weingarter, H.R., & Zumeta Z.R. (1984). The Neutral Mediator: Value Dilemmas in Divorce Mediation. Mediation Quarterly, 4, 5-17.
- Brotsky, M., Steinman, S., & Zimmelman S. (1988). Joint custody Through Mediation Reviewed. Conciliation Courts Review, 26, 53-58.
- Chandler, D. (1990). Violence, fear, and communication: The variable impact of domestic violence on mediation. Mediation Quarterly, 7(4), 331 - 346.
- Chandler, D.B. (1990). Violence, Fear, and Communication: The Variable Impact of domestic Violence on Mediation. Mediation Quarterly, 7(4), 331-46.
- Cobb, S., & Rifkin, J. (1991). Practice and paradox: Deconstructing neutrality in mediation. Law and Social Inquiry, 16, 35 - 62.
- Corcoran, K.O. & Melamed, O. (1990). From Coercion to Empowerment: Spousal Abuse and Mediation. Mediation Quarterly, 7(4), 303-316.
- Cox, E.O., & Parsons, R.J. (1992). Senior-to-Senior Mediation Service Project. The Gerontologist, 32(3), 420-422.
- DeLeon, L. (1994). Using Mediation to Resolve Personnel Desputes in a State Bureaucracy. Negotiation Journal, 10(1), 69-86.
- Docking, B., & Pries, B. (1995). Trasformative mediation and settlement driven mediation: Examining the divide. Manitoba Social Worker, 27(5), 1 - 11.
- Duryee, M. (1992). Mandatory Court Mediation: Demographic Summary and Consumer Evaluation of One Court Service. Family and Conciliation Courts Review, 30(2), 260-267.
- Dworkin, J., Jacob, L. & Scott, E. (1991). The Boundaries between Mediation and Therapy: Ethical Dilemmas. Mediation Quarterly, 9(2), 107-119.
- Erickson, S.K. & McKnight M.S. (1990). Mediating Spousal Abuse Divorces. Mediation Quarterly, 7(4), 377-388.
- Gadlin, H. (1994). Conflict resolution, cultural differences, and the culture of racism. Negotiation Journal, 10(1), 33 - 47.
- Gadlin, H., & Ouelette, P. (1986). Mediaion Milanese: An application of systemic family therapy to mediation. Mediation Quarterly, 14/15, 101 - 118.
- Gentry, D., & Benenson, W. (1992). School-age peer mediators transfer knowledge to home setting. Mediation Quarterly, 10(1), 101 - 109.

- Girdner, L.K. (1990). Mediation Triage: Screening for Spouse Abuse in Divorce Mediation. Mediation Quarterly, 7(4), 365-376.
- Gire, J., & Carment, D. (1992). Dealing with disputes: The influence of individualism-collectivism. Journal of Social Psychology, 133(1), 81 - 95.
- Gold, L. (1993). Influencing unconscious influences: The healing dimension of mediation. Mediation Quarterly, 11(1), 55 - 65.
- Grillo, T. (1991). The Mediation Alternative: Process Dangers for Women. Yale Law Journal, 100(6), 1545-1610.
- Grose, P. (1995). An Indigenous Imperative: The Rationale for the Recognition of Aboriginal Dispute Resolution Mechanisms. Mediation Quarterly, 12(4).
- Hart, B. (1990). Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation. Mediation Quarterly, 7(4), 317-330.
- Johnson, D., & Johnson, R. (1994). Constructive conflict in the schools. Journal of Social Issues, 50.
- Johnson, D., Johnson, R., & Dudley, B. (1992). Effects of peer mediation training on elementary school students. Mediation Quarterly, 10(1), 89 - 99.
- Kahana, J.S. (1994). Reevaluating the Nursing Home Ombudsman's Role with a view toward Expanding the Concept of Dispute Resolution. Journal of Dispute Resolution, (2), 217-233.
- Kelley, J. (1983). Mediation and psychotherapy: Distinguishing the differences. Mediation Quarterly, 1, 33 - 44.
- Kelly, J.B. & Duryee, M.A. (1992). Women's and Men's Views of Mediation in Voluntary and Mandatory Settings. Family and Conciliation Courts Review, 30(1), 43-49.
- Kelly, J.B. (1990). Is Mediation Less Expensive? Comparison of Mediated and Adversarial Divorce Costs. Mediation Quarterly, 8(1), 15-26.
- Kruk, E. (1983). Promoting of co-operative parenting after separation: A therapeutic/interventionist model of family mediation. Journal of Family Therapy, 15(3), 235 - 261.
- Lederach, J. (1987). Cultural assumptions of the North American model of mediation: From a Latin American perspective. Conflict Resolution Notes, 4(3), 23 - 25.
- Lemmon, J. (1985). The Mediation Method Throughout the Family Life Cycle. Mediation Quarterly, 7, 5-21.
- LeResche, D. (1993). Special Issue: Native American Perspectives on Peacemaking. Mediation Quarterly, 10.
- Maida, P. (1986). Components of Bowen's family theory and divorce mediation. Mediation Quarterly, 12, 51 - 63.
- Maida, P. (1992). Diversity: Some Implications for Mediation. Special Issue. Mediation Quarterly, 9(4).
- Mazade, N., Blanch, A., & Petrila, J. (1994). Mediation as a New Technique for Resolving Disputes in the Mental Health System. Administration and Policy in Mental Health, 21(5), 431-445.
- Meierding, N.R. (1993). Does Mediation Work? A Survey of Long-Term Satisfaction and durability Rates for Privately Mediated Agreements. Mediation Quarterly, 11(2), 157-170.
- Merry, S.E. (1987). The Culture and Practice of Mediation in Parent-Child Conflicts. Negotiation Journal, 3(4), 411-422.

- Nader, L. (1992). Harmony models and the construction of law. In K. Avruch, P. Black, and J. Scimecca (Eds.), Conflict Resolution: Cross-Cultural Perspectives. Westport, CN: Greenwood.
- Palmer, S.E. (1989) Mediation in Child Protection Cases: An Alternative to the Adversarial System. Child Welfare, 68, 21-31.
- Pearson, J. (1991). The Equity of Mediated Divorce Agreements. Mediation Quarterly, 9(2), 179-197.
- Pearson, J., Thoennes, N., Mayer, B., & Golten, M.M. (1986). Mediation of Child Welfare Cases. Family Law Quarterly, 20, 303-320.
- Retzinger, S. (1990). Mental Illness and Labeling in Mediation. Mediation Quarterly, 8(2), 151-160.
- Rifkin, J., Millen, J., & Cobb, C. (1991). Toward a new discourse on mediation: A critique of neutrality. Mediation Quarterly, 9(2), 151 - 164.
- Savoury, G.R., Beals, H.L., & Parks, J.M. (1995). Mediation in Child Protection: Facilitating the Resolution of Disputes. Child Welfare, 74(3), 743-762.
- Shaw, M.L. (1989). Mediating Adolescent/Parent Conflicts. In M. Wright and B. Galaway. Eds., Mediation and Criminal Justice. London: Sage.
- Shonholz, R. (1984). Neighborhood Justice Systems: Work, Structure, and Guiding Principles. Mediation Quarterly, 5, 3-30.
- Skratek, S. (1990). Grievance Mediation: Does It Really Work? Negotiation Journal, 6(3), 269-280.
- Sloan, G. (1992). Power: Its Use and Abuse in Mediation. Interaction, 4(1), 7-8.
- Stahler, G.J., DuCette, J.P., & Povich, E. (1990). Using Mediation to Prevent Child Maltreatment: An Exploratory Study. Family Relations, 39, 317-322.
- Stamato, L. (1992). Sexual harassment in the Workplace. Mediation Quarterly, 10(2), 167-172.
- Thoennes, N. (1991) Mediation and the Dependency Court: The controversy and Three Courts' Experiences. Family and Conciliation Courts Review, 29, 246-258.
- Tjaden, P.G. (1994). Dispute Resolution in Child Protection Cases. Negotiation Journal, 10, 373-390.
- Triandis, H., Bontempo, R., Villareal, M., Asai, M., & Lucca, N. (1988). Individualism and collectivism: Cross cultural perspectives on self-ingroup relationships. Journal of Personality and Social Psychology, 54(2), 323 - 338.
- Triandis, H., Brislin, R., & Hui, C. (1988). Cross cultural training across the individualism-collectivism divide. International Journal of Intercultural Relations, 12, 269 - 289.
- Umbreit, M.S. (1991). Mediation of Youth Conflict: A Multi-System Perspective. Child and Adolescent Social Work, 8(2), 141-153.
- Wallerstein, J. (1986). Psychodynamic perspectives on family mediation. Mediation Quarterly, 14/15, 7 - 21.
- Whiting, R.A. (1992). The Single-Issue, Multiple-Issue Debate and the Effect of Issue Number on mediated Outcomes. Mediation Quarterly, 11(3), 247-260.