Teaching ADR in the TwentyFirst Century
Retaining an Interactive Classroom While Using Online Technology

Presented By: Ann Woodley

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TEACHING ADR IN THE 21ST CENTURY: RETAINING AN INTERACTIVE CLASSROOM WHILE USING ONLINE TECHNOLOGY

Through the use of ElluminateLive!, you can:

--Interact with your students through their use of emoticons (non-verbal communication of emotions through symbols) and the green checkmarks

--Have interactive class discussions (with students raising their hands to be recognized to speak) by students providing both oral responses and written responses in the “chat” box

--Have students take instant polls/quizzes using the green checkmarks and red “x”s

--Allow students to brainstorm (or respond to questions) by writing on the Whiteboard at the same time

--Show PowerPoint slides

--Show videos

--Share documents from your computer (or a student’s computer)

--Have the students participate in role-plays in separate “rooms”—including separate breakout rooms for caucuses (either during class or on their own during the week)

--Show pre-recorded videos of the professor or guest speakers

--Enable the students to see the professor’s face (via a web cam); and enable the professor and students to see the faces of up to a total of six class members (via their web cams)

For more information, contact:

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Some Selected Asynchronous Assignments for Fall 2011 ADR Online Course

(1) The Burning Sailboat Role-Play:

(a) Look at the role-play assignment sheet on the ADR TWEN Site, and arrange a time to meet ("virtually"—but at the same time) with the other members of your group (schedule a half hour)

(b) Review the general information for the role-play (in the “Course Materials” part of the ADR TWEN Site), and the confidential information that I will e-mail to you separately according to your assigned role

(c) Go on ElluminateLive! at the scheduled time, click “yes” when it asks if you want to record it; talk with each other and do the role-play; if possible, post the video of yourself by using a web cam and clicking on the video icon at the top of the page

(d) Instructions for the role-play (which you will do twice during the half hour period):

First time:

You will have five minutes to come to a resolution of this problem.

This is an adjudication, not a mediation.

The parties (Leslie and Sammy) are not allowed to talk to each other during this process. They can only address their arguments to the third party neutral.

The third party neutral cannot ask questions of the parties. The job of the third party neutral is to listen to the arguments of the parties and then to announce his or her decision to them.

The third party neutral is not to help the parties negotiate -- their job is to decide the case.

[The Observers observe, keep time, and write down the decision.]

After you have finished, do not discuss this exercise.
Second time:

Now, everyone will remain in the same role, but now I want the third party neutral to act as a mediator and try to mediate the dispute.

The third party neutral's job is to get the two parties (Leslie and Sammy) talking to each other and to help them find a mutually acceptable solution to the problem.

The mediator has no power to impose a solution on the parties.

Finally, everyone within the group (of three) is permitted to talk to each other during this discussion.

This time you will have ten minutes to attempt to reach a solution.

[The Observers observe, keep time, and write down the resolution, if any.]

You may discuss it after it is over if you would like to do so.

(e) Leslie, Sammy, and the Third Party Neutrals then each complete a “Post Role-Play Self-Reflection Sheet” (on the ADR TWEN Site) about themselves; and a “Post Role-Play Peer Evaluation Sheet” (on the ADR TWEN Site) about each of the other role-play participants. The observers just fill out a “Post Role-Play Peer Evaluation Sheet” about Leslie, Sammy, and the Third Party Neutral. All of these sheets then need to be uploaded in the “Assignment Drop Box” on the ADR TWEN Site.

(f) Go to the ADR TWEN Forum Site and post an answer to each of the questions that apply to the role you played in the role-play.

(2) Caught with Cocaine Role-Play:

(a) Look at the role-play assignment sheet on the ADR TWEN Site, and arrange a time to meet (“virtually”—but at the same time) with the other two members of your group (schedule 30-45 minutes)

(b) Lawyers review their instructions ahead of time, clients review their instructions ahead of time; and observers review both sets of instructions

(c) Go on ElluminateLive! at the scheduled time, click “yes” when it asks if you want to record it; talk with each other and do the role-play; if possible, each of you post the video of yourself by using a web cam and clicking on the video icon at the top of the page
(d) Instructions for the role-play:

--the lawyer should conduct the counseling session with the client (for the purpose of helping the client decide whether to accept the plea bargain or proceed to trial), and the client should decide

--the observer should give the lawyer oral feedback about the counseling techniques of the lawyer

--the client should give the lawyer oral feedback about the counseling techniques of the lawyer

(e) Post-Role Play:

--the lawyer should fill out a self-reflection sheet (and e-mail it to me)

--the client and observer should each fill out a peer-evaluation sheet about the lawyer (and e-mail it to me)

(3) Go to the ADR TWEN Forum Site and post an answer to each of the two topic questions under the “The Attorney-Client Relationship: Interviewing and Counseling” Forum, and then post a response to at least one of your classmate’s posts to each question.

(4) Follow Up on the Missing Tenant Role-Play (that was done during the “Live” Class):

(a) Again, as stated in the general information, if your group did not reach an agreement during this time but both sides think that such an agreement might be possible, please spend some time outside of class completing the process.

(b) Each group should post to the Assignment Drop Box one Negotiation Results form (with everyone’s names on it), and post their copies of the Negotiator Assessment Forms as follows by Friday, September 16, at 5 p.m.:

--Attorney for Landlord, Frank Lawrence:
(1) Negotiator Assessment Form about himself;
(2) Negotiator Assessment Form about opposing counsel.
(Also: e-mail a copy of the form about opposing counsel TO opposing counsel)

--Attorney for Tenant, Adam Turner:
(1) Negotiator Assessment Form about himself;
(2) Negotiator Assessment Form about opposing counsel.
(Also: e-mail a copy of the form about opposing counsel TO opposing counsel)
(5) **Complete the Closing the Circuits Role-Play:**

(a) Look at the role-play assignment sheet on the ADR TWEN Site (for Round One of this role play), and arrange a time to meet ("virtually"—but at the same time) with the other member of your group (schedule 1 hour).

(b) Lawyers for both sides should review your confidential information ahead of time.

(c) Go on ElluminateLive! at the scheduled time, click "yes" when it asks if you want to record it; do the negotiation role-play; if possible, during it each of you appear by video (by using your web cam and clicking on the video icon at the top of the page).

(d) Instructions for the role-play:

--the lawyers should conduct the negotiation session with each other (on behalf of their clients) for one hour.

--assuming you reach an agreement, you should negotiate the specific wording of the noncompetition clause, a liquidated damages clause and perhaps a clause for arbitration or some other non-court method for dealing with disputes that might arise over the contract. (If you want to negotiate the specific language of the clauses asynchronously—by exchanging drafts after the negotiation is over—that's fine.) One of you should then fill out the Closing the Circuits Agreement Form (and post it in the Assignment Drop Box by Saturday, Sept. 17, 2011, at 5:00 p.m.)

(Note: As stated in each party's confidential information, if you do not reach an agreement, in the alternative each side should submit the last proposal it had on the table before negotiations broke down. Use the "agreement" form to do this—but make it clear that this is one side's proposal—and include very specific proposed language.)

(6) Go to the ADR TWEN Forum Site and post an answer to each of the two topic questions under the "Week #5—Negotiation" Forum, and then post a response to at least one of your classmate's posts to each question.
(a) **Lying in the Negotiation Process:**

After reading the parts of this week’s reading assignment about ethical obligations in negotiation and lying specifically, also watch the following excerpt from the movie “Liar Liar” on YouTube --
http://www.youtube.com/watch?v=wBeiKpAGXzc
(the scene from the movie “Liar Liar” in the courtroom during a quick negotiation when Jim Carrey cannot support his demand for 50% of the estate for his family law client—particularly since she signed a pre-nuptial agreement and is guilty of adultery--since he is unable to lie).

(For those of you who have not seen this movie, Jim Carrey plays a lawyer who lies frequently to his son, so his son makes a birthday wish—that inexplicably comes true!—that his father can no longer lie. The movie is about whether a lawyer can actually function if he cannot lie.)

Then answer these questions (and then respond to at least one posting by one of your classmates):

(i) Do you agree or disagree with Professor James White, who writes (on p. 267 of your text) that “To conceal one’s true position, to mislead an opponent about one’s true settling point, is the essence of negotiation”? (And why do you agree or disagree?)

(ii) If negotiators were literally incapable of lying (as in the “Liar Liar” movie), would they be able to negotiate, and, if so, how?

(7) **CALI Exercise on Arbitration:** Go to the assignment in the ADR TWEN Site, which will direct you to log on to http://www.cali.org/lessonlink/369/ARB01/1502/flash and complete the first arbitration exercise. Then complete and submit the “CALI Arbitration Exercise #1 Report Form” (which includes your score, and what you learned from the exercise) no later than Saturday, October 29, 2011, at 5:00 p.m.

(8) **Take the (Timed) Quiz on TWEN (about Mediation)** no later than Saturday, October 24, 2011, at 5:00 p.m. Since it will be timed, I suggest that you review your Mediation notes and materials before you take it. If you exceed the time limit, ½ point will be deducted for each minute you exceed the time limit.

(9) **Monkey Lamp ODR Exercise**

After reviewing the general information (attached) and the confidential information (to be provided separately) for Bea Ware, those students who are playing the role of Bea Ware must initiate the dispute resolution process on E.Win.Win.Win. no later than Tuesday, November 8, 2011 at 6:00 p.m. and e-mail the completed version of the attached form to Professor Woodley.
Professor Woodley then will e-mail the response form to those students representing Sally/Sal Lemon. After reviewing Sal Lemon's confidential information (to be provided separately), Sal will fill out the form and e-mail it to Professor Woodley.

Both parties will then receive a letter from E.Win.Win.Win. with the information and asking them to try to negotiate the matter directly between them using e-mail.

If that is not successful, then Bea Ware may request the services of a mediator (not later than Friday, November 11, 2011 at noon). At the end of the exercise, turn in a completed "Monkey Lamp ODR Exercise Results Form."
What's New in Elluminate Live! V9.5 and Higher

New and Improved User Interface
- Updated icons creating a fresh look
- Polling buttons are now located in the Participant window and the Quiz Manager button has been added to the main toolbar

Audio and Video
- Improved audio fidelity and significantly reduced audio lag for high bandwidth users
- Near lip sync with video yet significantly reduced bandwidth requirements
- Much smoother frame rates and an increased default frame rate (now set at 10 fps)

Whiteboard
- Text tool redesign making it easier to add content and to edit text
- A new clip art palette of Elluminate buttons and icons allowing users to load images onto the whiteboard for user help and to include in documentation
- The Screen Explorer now shows screens in text or as graphical images. In addition, whiteboard screens can easily be reordered using drag and drop functionality.
- Speaker notes in PowerPoint or OpenOffice presentations can be loaded into the Elluminate Live! Synchronized Notes tool

Breakout Rooms
- A new copy screen panel allows moderators to easily select content from all or selected breakout rooms and copy the content into another room

- The distribution of users has two enhancements:
  - Using new drag and down functionality, attendees can be selected from the Participant window and moved to a new breakout room in one set.
  - Users can be given the permission to move from room to room. This is ideal for academic fairs, orientations where topics of interest can be hosted in each breakout room and participants can move through the rooms to learn at their own pace.

Application Sharing
- Visual indicators are now provided to identify the shared area for the host by a colored border. A new option to “Emphasize Cursor” is available for the host of the shared application where the host’s cursor will appear surrounded with a colored circle making it easier to follow.
- An access controller is available for the host of the shared applications to easily stop or pause sharing or to capture a screen shot.
- When viewing a shared application, the Application Sharing window can be resized and repositioned by each attendee. The shared application window can be moved to a second monitor as well.

Recording
- The Elluminate session now provides a reminder to start the recording at the beginning of a session. When a moderator joins a session, a dialog box appears with a prompt to start the recording. An audible indicator is also provided when the recording starts and stops.
- Improved indexing in a recording showcasing the index marks and allowing users to easily fast forward and rewind the recording and to jump to a particular index marker in the recording.
Moderator Quick Reference Guide

- Change Layout
- Presentation Mode
- Quiz Manager
- Multimedia
- File Transfer
- Web Tour
- Notes
- Whiteboard Tools
- View Whiteboard Screens
- Whiteboard Synchronization
- Visit the Elluminate Website
- Whiteboard
- Video
- Timer
- In Session Invite
- Whiteboard Navigation Arrows
- Whiteboard Synchronization
- Participant List and Permissions
- Click to Assign Permissions to All
- Stepped Away
- Raise Hand
- Emotion Indicators
- Filter Messages
- Date/Time Stamps
- Supervised Private Chat
- Chat
- Public and Private Chat
- Microphone and Speaker Controls
- Talk Button
- Connection and Security Status Indicators
- Recording Indicators and Controls
- Telephony
- Create Breakout Rooms
- Access the Audio Setup Wizard
- Use advanced Whiteboard features
- Select a new Poll... and more!
- Some features may not be available depending on your version of Elluminate Live! and configuration

Note:
New Wireless Connection Speed Preference
A new Connection Speed preference for wireless connections has been added to the Session Connection preferences dialog.

New Color Indicator for Unapplied Preferences
Yellow highlighting on a preference Panel in the Preferences list indicates there are changes to the Panel that have not yet been applied. The Module to which the Panel belongs also will be highlighted. For example, in the screen capture below, the Application Sharing Module is highlighted because its Hosting Options Panel has unapplied changes.

To clear highlighting from all Panels and Modules, click on Apply.

Clip Art Library Tab
The "Elluminate" tab in the Clip Art Library has been renamed to "Application".

Other Enhancements
- Multimedia window now supports the playback of WMV files.
- Multiple participants can be promoted to Moderator status simultaneously.
- Elluminate Live! supports the display of international dial-in numbers for both moderators and participants.

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Elluminate Live!

Moderator Quick Reference Guide

Elluminate Live!® is a world-class, real-time training, demonstration and collaboration environment that is powerful, flexible, and easy to use. Elluminate's collaboration environment enables the delivery of live, online learning, training, coaching, mentoring, and meeting. Effectiveness is increased by engaging participants with the ability to talk over the Internet (with full, 2-way audio) or using integrated telephony, exchange text messages, display live video, share whiteboards, multimedia files, and applications—all in one intuitive, graphical interface. Whether the environment is hosted by Elluminate or installed on your server, it is easy to set up, easy to use, and customizable.

Unlike the Internet, Elluminate Live! is built specifically for live, multimedia collaboration. Our unique Collaborative Communications Framework (CCF) automatically ensures that everything is in the right place at the right time. Whether you have a dial-up modem or a high-speed LAN, you get the same superior quality, high performance, and dependability—with no lag time or garbled communication. So you can focus on content, not technology.

Tips on Conducting Elluminate Live! Sessions

Preparation

- Design sessions to include interactivity and include variety of content and interaction in your session. Provide opportunities for participants to interact and collaborate with each other.
- Practice before leading your first session.
- Become familiar with the session content.
- Open Web pages, applications needed for application sharing and screen captures before session begins.
- Find a comfortable place with no distractions to deliver the session.

In-Session Tips

- Greet participants as they join your session.
- Remind your participants to use the Audio Setup Wizard in order to test their microphone and speakers.
- Speak clearly and don’t rush.
- Ask questions and provide opportunity for interaction. Poll the class at various intervals to obtain their feedback. Remember to clear responses after each poll.
- Animate your delivery.
- Look at the whole screen, not just the whiteboard area.
- Encourage participants to respond and to raise their hands when they have a question or comment.
- Use the whiteboard tools to assist you in your delivery. For example, use the Highlighter to call attention to specific regions on the screen.
- Include features such as application sharing, Web tours, video, multimedia files, quiz manager, and breakout rooms to assist you in delivering your content.

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