

ENVIRONMENTAL CONFLICT RESOLUTION
Course 7250-1, Spring 2014
2 Credits – Approved for Skills Credit

Thursdays – 3:15-5:15 pm – Moyle Conference Room

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SYLLABUS

Course Description: This course examines the application of conflict prevention and dispute resolution (EDR) processes to address a wide range of environmental, natural resource, and public policy conflicts. The course uses case studies, conceptual and policy readings, and simulations that apply EDR processes to typical conflict situations. EDR processes to be studied include site-specific negotiation and mediation, facilitated policy dialogue, negotiated rule-making, collaborative decision-making, and facilitated community dialogue. Conflict situations to be studied will be selected to reflect the students' interests, and may include Clean Water Act enforcement actions, Superfund (CERCLA) cleanups, access to and use of public lands and resources, wildlife management, watershed management, and growth management. Students are graded on a paper, class discussion, and participation in simulations.

Prerequisites: There are no formal prerequisites, but completion of or contemporaneous registration in Natural Resources, Environmental Law or Administrative Law are recommended.

Specific Course Objectives:

1. Develop understanding of environmental, natural resource and public policy conflicts – their sources, nature, and potential for resolution.
2. Develop understanding of the variety of conflict prevention and dispute resolution approaches available to address environmental, natural resource and public policy conflicts.
3. Learn to recognize the intergroup dynamics and communication challenges inherent in environmental, natural resource and public policy conflicts, and identify techniques to move parties toward agreement.
4. Develop ability to analyze environmental, natural resource and public policy conflicts, and identify possible conflict resolution strategies.

Course Requirements / Basis for Evaluation: Class participation is mandatory; students are expected to attend all of the classes.

Skills practiced in this course include:

- Interest-based negotiation
- Multi-party negotiation
- Mediation (two-party)
- Document drafting (consent agreement in environmental enforcement case)
- Facilitation/mediation (multi-party)
- Consensus-building process design

A 20-page (minimum) double-spaced, typewritten paper analyzing a real-life environmental, natural resource or public policy conflict must be submitted on the last day of class. The instructor will work with each student to identify an appropriate paper topic. If the conflict has already been addressed using EDR, the student will prepare a case study identifying lessons learned and best practices. If the conflict is current and unresolved, the student will design an EDR process using best practices. In both cases (past and present conflicts), information about the conflict will be gathered through traditional research and interviews.

Students' grades will be determined on the basis of:

- Participation in class discussions and simulation exercises (50% of grade), and
- Class paper (50% of grade).

Required Texts:

- *Getting to Yes: Negotiating Agreement Without Giving In*, by Roger Fisher, William L. Ury and Bruce Patton. Revised edition, May 2011.
- *Managing Public Disputes* by Susan L. Carpenter and W.J.D. Kennedy. Second Edition, 2001.
- *Common Ground on Hostile Turf: Stories from an Environmental Mediator* by Lucy Moore. July 2013.

Additional required readings will be available on a weekly basis on the course's TWEN (The West Education Network) site, on reserve at the law library, and/or may be handed out in the previous class session.

There are also a large number of books on reserve at the law library; students are encouraged to pick one of these books (or pick another relevant book) to read during the semester and write a brief book review to share with the professor and fellow students.

Americans With Disabilities Act Notice: The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean for Student Affairs, and to the Center for Disability

Services (CDS) to make arrangements for accommodations. CDS is located at 200 So. Central Campus Drive, Room 162, or you can call 801-581-5020.

All written information in this course can be made available in alternative format with prior notification.

Course Outline (as of 3/3/14) ¹

Class	Date	Class Topic	Skills Exercise
1	1-9-14	Introduction / Theoretical Background <ul style="list-style-type: none"> Conflict prevention continuum Public Participation core values / spectrum Definition of ADR 	Win As Much As You Can
2	1-16-14	Conflict Styles Interest-Based Negotiation	<i>Style Matters</i> assessment Written interests / BATNA / mutual gains analysis
3	1-23-14	Multi-Party Negotiation	Multi-party negotiation
4	1-30-14	Multi-Party Negotiation <ul style="list-style-type: none"> Debrief negotiation Site-Specific EDR <ul style="list-style-type: none"> Settlement negotiations / agreement drafting 	Draft Consent Decree language
5	2-6-14	Guest Speaker: Lucy Moore, author of <i>Common Ground on Hostile Turf: Stories from an Environmental Mediator</i>	
6	2-13-14	Guest Speaker: Jim Moore, former General Counsel for Huntsman Corporation	Harvard 7 analysis of personal negotiation
7	2-20-14	PAPER PROPOSALS DUE Conflict Assessment Principles	Collaborative process design simulation / stakeholder and convener identification, framing issue

¹ The course outline is a work-in-progress, depending in part on guest speakers' availability, current events, and students' specific interests.

8	2-27-14	Site-Specific EDR <ul style="list-style-type: none"> • Use of third-party neutrals History of EDR in Federal Government Policy-Related EDR <ul style="list-style-type: none"> • Federal Advisory Committee Act (FACA) 	
9	3-6-14	Policy-Related EDR <ul style="list-style-type: none"> • Policy dialogues • Negotiated rulemaking Collaborative Planning <ul style="list-style-type: none"> • Collaborative / iterative NEPA 	Collaborative exercise / walk through collaborative process
	3-13-14	NO CLASS -- SPRING BREAK	
10	3-20-14	DRAFT PAPERS DUE Collaborative Problem-Solving <ul style="list-style-type: none"> • CPS principles and process • Charters / operating guidelines • Decision-making approaches 	Snow Valley simulation / identifying collaborative opportunities
11	3-27-14	Community-Based Collaboration <ul style="list-style-type: none"> • Place-based watershed partnerships • Public/private collaborations Risk Communication	In class exercise Hunter Holman book report
12	4-3-14	Neuroscience of Conflict (Haley Carmer) Facilitation Skills Training	Facilitation skills training
13	4-10-14	FINAL PAPERS DUE Student Paper Presentations	