

## Sustaining Incremental Expansion: Ohio State's Experience in Developing the Dispute Resolution Program

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SUSTAINING INCREMENTAL EXPANSION: OHIO STATE'S  
EXPERIENCE IN DEVELOPING THE DISPUTE  
RESOLUTION CURRICULUM

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INTRODUCTION

Fifteen years ago, only a handful of American law schools offered dispute resolution courses.<sup>1</sup> By 1989, nearly all American law schools

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1. See Frank E.A. Sander, *Alternative Dispute Resolution in the Law School Curriculum: Opportunities and Obstacles*, 34 J. LEGAL EDUC. 229, 231 (1984) (estimating about a dozen dispute resolution courses were then being offered in law schools); see also generally SPECIAL COMM. ON ALTERNATIVE METHODS OF DISPUTE RESOLUTION, ABA, 1983 LAW SCHOOL DIRECTORY OF DISPUTE RESOLUTION SERVICES (1983) (listing some dispute resolution efforts in 47 law schools).

offered at least one dispute resolution elective.<sup>2</sup> Since then, dispute resolution offerings have grown at a moderate rate;<sup>3</sup> from 1989 to 1997 the nation's law schools added an average of one dispute resolution course each.<sup>4</sup> Yet in the vast majority of law schools, only a portion of the students study negotiation, mediation, or arbitration.<sup>5</sup> The University of Missouri-Columbia represents one model that differs from this trend; it reaches all students through the integration of dispute resolution teaching throughout the first-year curriculum. In about a dozen other law schools, including the Ohio State University College of Law, electives and course segments are extensive enough that they are likely to reach most students.<sup>6</sup>

The University of Missouri-Columbia introduced its integrated dispute resolution curriculum after making a faculty-wide decision to do so.<sup>7</sup> At Ohio State, by contrast, the curriculum grew incrementally based on a series of events and decisions. In 1984, Professor Leonard Riskin suggested that the latter approach was likely to be more common:

Like most activities on the fringes of legal education, mediation is likely to work its way into the curriculum of a given law school only if a faculty member wishes to teach it. . . . The real problems will start if proponents want their colleagues to regard mediation seriously as part of legal education and lawyers' work, and to include it in many places

2. See generally STANDING COMM. ON DISPUTE RESOLUTION, ABA, DIRECTORY OF LAW SCHOOL DISPUTE RESOLUTION COURSES AND PROGRAMS (1989) (listing at least one dispute resolution course in 164 of the 174 law schools responding).

3. In a study of 83 law schools from academic years 1994 to 1997, growth in dispute resolution courses lagged behind growth in 12 other subject areas. See Deborah Jones Merritt & Jennifer Cihon, *New Course Offerings in the Upper-Level Curriculum: Report of an AALS Survey*, 47 J. LEGAL EDUC. 524, 537 (1997). New international and comparative law courses (265) numbered more than three times as many as new dispute resolution courses (61). See *id.*

4. See Kimberlee K. Kovach & James J. Alfini, *Foreword* to SECTION OF DISPUTE RESOLUTION, ABA, DIRECTORY OF LAW SCHOOL ALTERNATIVE DISPUTE RESOLUTION COURSES AND PROGRAMS (2d ed. 1997).

5. Cf. SECTION OF DISPUTE RESOLUTION, ABA, DIRECTORY OF LAW SCHOOLS ALTERNATIVE DISPUTE RESOLUTION COURSES AND PROGRAMS (2d ed. 1997) (listing 165 law schools with fewer than six dispute resolution courses and no integrated or required dispute resolution curriculum at the time of the survey).

6. See *id.* at 6-7, 12-15, 26-31, 40-41, 46-47, 60, 72-74, 92-93, 118-19, 127-28, 136-37 (showing that the law schools at the Univ. of California, Hastings Univ., Pepperdine Univ., George Washington Univ., Georgetown Univ., DePaul Univ., Northwestern Univ., Univ. of Maryland, Hamline Univ., Fordham Univ., Univ. of Pittsburgh, Univ. of Houston, and Vermont Law School offered more than seven dispute resolution courses or an extensive integrated curriculum at the time of the survey). Ohio State's dispute resolution curriculum expanded to 12 courses after this survey was taken.

7. See Leonard L. Riskin & James E. Westbrook, *Integrating Dispute Resolution Into Standard First-Year Courses: The Missouri Plan*, 39 J. LEGAL EDUC. 509, 511 (1988).

in the curriculum.<sup>8</sup>

Ohio State's experience over the past fifteen years provides a basis for suggestions about what may fuel the expansion of dispute resolution teaching within law schools absent a school-wide program or initiative at the beginning of the process.<sup>9</sup>

In 1983-84, Ohio State's dispute resolution faculty consisted of two junior faculty, each of whom taught one dispute resolution elective. During that year, students started a second law review, focusing on dispute resolution. At the time, the new journal's financial future was uncertain.

The 1998-99 academic year provides a contrast to this modest beginning. Regular faculty will offer twelve dispute resolution courses, including two mediation clinics.<sup>10</sup> In addition, faculty teaching twelve other substantive law courses will integrate dispute resolution concepts and policy concerns into one or two of their class sessions.<sup>11</sup> The *Ohio State Journal on Dispute Resolution* will publish four issues during the year while generating the bulk of its own financial support. A nationally-renowned scholar will give the annual Schwartz Lecture on a dispute resolution topic. Two national policy-oriented research initiatives also will be conducted. Fifty second-year students, representing one-fifth of the class, have registered to pursue, as part of their normal course of study, a prescribed series of courses in dispute resolution and social science research methodology. When the students complete their course work, they will earn a Certificate in Dispute Resolution. During the summer, the regular College dispute resolution faculty will conduct its second annual advanced institute on dispute resolution and the adjunct faculty will teach dispute resolution skills classes.

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8. Leonard L. Riskin, *Mediation in the Law Schools*, 34 J. LEGAL EDUC. 259, 267 (1984).

9. Professor Robert Gorman, a former President of the Association of American Law Schools, wrote, "Typically, curricular change comes slowly and in small steps. Individual instructors incrementally incorporate new perspectives, subject matter, materials, and instructional techniques in their traditional courses or gradually develop new courses." Robert A. Gorman, *Curriculum Developments: A Symposium*, 39 J. LEGAL EDUC. 469, 470 (1989).

10. For the 1998-99 academic year, the Ohio State University College of Law will offer several entry level dispute resolution classes, including two sections of legal negotiation, a mediation clinic dealing with small claims cases, a mediation clinic dealing with multi-party complex cases, a survey dispute resolution course, an intensive one-credit course in facilitating group decisions and a course in commercial and labor arbitration. Advanced offerings include a course in dispute systems design, a seminar in jurisprudence in ADR, a seminar in inter-ethnic conflict resolution, a seminar in conflict in the Middle East, and a seminar in advanced studies in dispute resolution. In the 1998 summer session, the College offered courses in mediation and negotiation taught by adjunct faculty.

11. In 1997-98 these included two sections of Torts, three sections of Civil Procedure, Administrative Law, Professional Responsibility, Family Law, Business Associations, Legal Writing and Analysis, and Judging. We expect a similar pattern in 1998-99.

This Article examines the forces that triggered and sustained this significant expansion of the dispute resolution curriculum. We suggest that the Ohio State curriculum expanded as a result of the combination of two dynamics. First, and perhaps most significantly, dispute resolution courses fit within programmatic and curricular initiatives that the school was otherwise pursuing. Second, dispute resolution faculty, through their research and public service projects, garnered significant support from government leaders and external funding sources for policy-oriented projects. The recognition and resources enabled the dispute resolution faculty to develop and support research projects, course offerings, symposia and conferences that created opportunities for other regular faculty members to become involved with dispute resolution personnel and activities.

We think that the incremental expansion approach at Ohio State can be replicated elsewhere. This Article seeks to draw generalizations from this experience, particularly as it relates to what dispute resolution faculty can do to foster similar growth.

## I. WHY EXPAND THE DISPUTE RESOLUTION CURRICULUM?

Expansion of dispute resolution teaching to reach most students serves a number of purposes. It provides students with a more balanced view of practice. In 1984, Harvard Law Professor Albert Sacks wrote:

What troubles me is the feeling that our present emphasis on litigation in law school study is not a function of a rounded analysis of the place of litigation in the life of most practicing lawyers or in the provision of legal services generally, or in the development of new law. It may flow, rather, from the interplay of a past pedagogy that focused almost exclusively on appellate litigation and present pressures from the bench and bar that stress visible competence in the courtroom.<sup>12</sup>

The analysis seems apt for dispute resolution today, with studies showing that most cases settle<sup>13</sup> and surveys indicating that most lawyers participate in mediation and arbitration.<sup>14</sup> Thus, to understand modern legal practice,

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12. Albert M. Sacks, *Legal Education and the Changing Role of Lawyers in Dispute Resolution*, 34 J. LEGAL EDUC. 237, 244 (1984).

13. See Samuel R. Gross & Kent D. Syverud, *Don't Try: Civil Jury Verdicts in a System Geared to Settlement*, 44 UCLA L. REV. 1, 2 & n.2 (1996) (citing studies); see also Carrie Menkel-Meadow, *To Solve Problems, Not Make Them: Integrating ADR in the Law School Curriculum*, 46 SMUL. REV. 1995, 1996 (1993) ("Most cases settle and students need to know how the modal cases are handled.") (footnote omitted).

14. Roselle L. Wissler, *Ohio Attorneys' Experience with and Views of Alternative Dispute*

students should learn about negotiation, mediation, and arbitration.

Moreover, there is a danger that lawyers unfamiliar with dispute resolution processes will fail to meet clients' expectations for competent representation. Experienced clients, such as corporations, sometimes complain that their outside counsel do not make effective use of mediation.<sup>15</sup> Lawyers who advise clients about the use of non-trial dispute resolution processes should understand their characteristics and potential advantages and disadvantages.

Professor Sacks also emphasized the role of law schools in preparing law students not only to represent individual clients' needs but also to provide leadership in improving the design and operation of the legal process.<sup>16</sup> He wrote, "The bar and bench have an independent responsibility for designing and maintaining a system of justice, and for this the public, including their legislative representatives, will in the long run hold them accountable."<sup>17</sup> Teaching dispute resolution in law school helps prepare students to discharge this important dimension of their professional careers.

## II. FITTING DISPUTE RESOLUTION CURRICULUM WITHIN OTHER LAW SCHOOL INITIATIVES

Expansion of the dispute resolution curriculum at Ohio State fit within initiatives that the faculty was interested in pursuing for other reasons. Institutionalization of the *Ohio State Journal on Dispute Resolution*, for example, satisfied the faculty and students' interest in providing a second avenue for membership on a law review. Integrating dispute resolution topics into traditional substantive law classes supported professors' continuous commitment to keep students informed about challenging issues or practice developments in their respective fields. Electives in dispute resolution fit within the law school's efforts to offer ample writing courses, to add clinical and skills courses that combine theory and practice, and to respond to student interest.

The law review initiative occurred first. In 1983-84, a group of student

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Resolution Procedures 1 (1996) (unpublished manuscript, on file with authors) (of 2330 Ohio attorneys responding to a survey, two-thirds had represented clients at dispute resolution processes and 60% had served as a dispute resolution neutral).

15. See Nancy H. Rogers & Craig A. McEwen, *Employing the Law to Increase the Use of Mediation and to Encourage Direct and Early Negotiations*, 13 OHIO ST. J. ON DISP. RESOL. 831, 846-47 (1998).

16. See Sacks, *supra* note 12, at 243-44.

17. *Id.*; see Harry T. Edwards, *The Role of Legal Education in Shaping the Profession*, 38 J. LEGAL EDUC. 285, 292 (1988) ("In addition to improving upon the teaching mission, the law schools face a second challenge, that of shaping the directions dispute resolution takes and thus the ways in which justice will be done and the law will develop in the next century.").

leaders visited with individual faculty members, presenting a well-researched argument that the law school would benefit from adding a second law review. The two dispute resolution faculty were enthusiastic supporters of a second law review and of dispute resolution as an appropriate focus. The new journal had no institutional funding, but students sought and obtained \$100 donations from a number of lawyers intrigued by the topic or supportive of the school. The Student Bar Association welcomed the new law review into its own tiny office and members of the *Ohio State Law Journal* helped to write a constitution and set of governing procedures. A group of prominent lawyers and mediators consented to the use of their name as advisors for the fledgling journal, and the Society for Professionals in Dispute Resolution provided publicity to help launch it. The effort to establish a second journal had such breadth and earnestness that it may have succeeded even if the law review had picked another area of focus. Nonetheless, support from faculty and the bar helped steer the effort toward dispute resolution.

A second initiative—to integrate the analysis and discussion of dispute resolution topics into traditional substantive law courses—built on the faculty's sustained commitment to ensure that their course coverage addressed changing issues in their fields. Faculty awareness of emerging dispute resolution issues stemmed from multiple sources beyond their own research. Student staff of the *Ohio State Journal on Dispute Resolution* frequently asked faculty for dispute resolution topics that could be the basis for their student notes; they also sought faculty review of article submissions within the faculty members' areas of substantive expertise. These student-faculty contacts increased significantly between 1984 and 1998 as the *Journal* editorial staff grew from twenty-eight students publishing one issue per year to a sixty-four-person staff publishing four issues per year. School-wide events focusing on dispute resolution topics supplemented faculty awareness of dispute resolution issues.

The College dedicated an endowed annual lecture to dispute resolution, so faculty heard nationally prominent scholars and jurists speak about important issues and trends in the field. Professors visiting to teach a dispute resolution skills course sometimes also spoke at a faculty colloquium. The College hosted symposia and policy conferences on the condition that any interested Ohio State faculty could attend without charge. These events served as additional vehicles for mingling nationally prominent scholars, judges, and policy makers in the dispute resolution field with Ohio State faculty. Faculty members from targeted disciplines—for example, Criminal Law and Family Law—participated in a series of faculty seminars discussing the increased use of dispute resolution processes in these specific fields.

The *Journal* and school-wide events fostered an environment in which faculty frequently talked about developments in dispute resolution. During

this period, faculty added dispute resolution segments to courses in Property, Civil Procedure, Contracts, Family Law, Civil Law Practicum, Professional Responsibility, Administrative Law, and Evidence.

A third College initiative arose in the early 1990s in a time of clarion calls that law schools add teaching in professional skills and values.<sup>18</sup> The College of Law developed a series of one-credit courses, including courses in negotiation and mediation, that combined practice and theory.<sup>19</sup> These one-credit hour skills courses initially were scheduled during the summer school session but later were also offered as one-week intensive courses during the College's fall, winter, and spring one-week intercessions.<sup>20</sup>

The College expanded its writing opportunities for students by increasing the number of seminar offerings.<sup>21</sup> Two seminars, one on dispute resolution and one on inter-ethnic conflict resolution, were included in this expansion, another "fit" with a College initiative.

In 1995, the University announced a competition for targeted budget enhancement for particular initiatives of excellence. The College of Law decided in 1996 to nominate expansion of the dispute resolution curriculum for support. The favorable University decision produced funds for the addition of two dispute resolution faculty.<sup>22</sup> This permitted the College to add six dispute resolution courses by Fall of 1998 and expand its mediation clinic.

In sum, most growth in the dispute resolution curriculum occurred because it was consonant with these broad-based College initiatives. The dispute resolution faculty pointed out the fit. More was involved, however. The concurrent, complementary activities of the dispute resolution faculty seemed to support the expansion. We turn now to a discussion of those efforts.

### III. CHANNELING LAW SCHOOL CHANGE

Dispute resolution faculty members secured help from colleagues and engaged in research and public service activity that enabled them to

18. See SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, ABA, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 330-34 (1992) (Report of the Task Force on Law Schools and the Profession: Narrowing the Gap); STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standards 302 & 303 (1995).

19. For a general discussion of dispute resolution courses as skills training, see generally Menkel-Meadow, *supra* note 13 (discussing dispute resolution courses as fitting with a focus on lawyering skills).

20. The dispute resolution faculty used grant monies to bring in nationally prominent dispute resolution faculty to teach these one-week, one-credit courses.

21. Nationally, *supra* note 13, about 44% of new law school courses added between fall 1994 and spring 1997 had a writing or skills aspect. See Merritt & Cihon, *supra* note 3, at 534.

22. The two faculty are Sarah Rudolph Cole and Joseph B. Stulberg.



advance the implementation of the College's curricular initiatives. First, the College of Law received critical assistance in helping interested faculty develop a dispute resolution unit within their traditional substantive law courses. As part of the University of Missouri's federal grant from the U.S. Department of Education's Fund for the Improvements of Post-Secondary Education (FIPSE), Professor Leonard Riskin spoke to the Ohio State law faculty, demonstrated a course segment, and met with individual faculty members to suggest how a segment might be developed for their courses. The FIPSE grant supported several of our faculty attending meetings at the University of Missouri-Columbia at which its first-year dispute resolution project was discussed. Ohio State faculty attending the meetings reported back to the College's Academic Affairs Committee regarding the feasibility of integrating dispute resolution into other courses. In addition, the FIPSE grant enabled college faculty to develop teaching exercises and funded the purchase of course and research materials. Faculty, with this assistance, added course segments on dispute resolution in Torts, Legal Writing and Analysis, Business Associations, and Employment Law.

Regular, as opposed to adjunct, faculty taught most of the primary dispute resolution courses, a development made possible because the Dean supported the faculty members' desire to teach in this area.<sup>23</sup> As a result, at Ohio State participation of these professors in faculty governance decisions regarding curricular development increased the likelihood that dispute resolution courses would be integrated into the curriculum. Having regular faculty teaching dispute resolution courses also kept other faculty informed about the field, because when the dispute resolution faculty engaged in research, they asked colleagues to help in research design. When they wrote, they submitted working drafts to faculty colleagues for their critiques.

The scholarship activities contributed in a second way, by winning professional recognition. One faculty member co-authored books that received the book prizes awarded by the Center for Public Resources (CPR) Institute on Dispute Resolution.<sup>24</sup> In addition, the CPR Institute honored three law students whose notes were published in the *Journal*,<sup>25</sup>

23. Nationally, by contrast, 40% of ADR courses were taught by adjuncts about five years ago. See Francis Flaherty, *B+ for ADR on Campus*, 11 ALTERNATIVES TO THE HIGH COST OF LITIG. 65, 69 (1993).

24. See *Judicial ADR and Special Honor for Sander Highlight 1989 CPR Legal Program Awards*, 8 ALTERNATIVES TO THE HIGH COST OF LITIG. 39, 47 (1990) (Nancy H. Rogers & Craig McEwen were co-recipients of the Book Prize for *MEDIATION: LAW, POLICY, AND PRACTICE* (1990)); *A Variety of ADR Methods Figures in '87 CPR Awards*, 6 ALTERNATIVES TO THE HIGH COST OF LITIG. 33, 43 (1988) (Nancy H. Rogers and Richard A. Salem were awarded the Book Prize for *A STUDENT'S GUIDE TO MEDIATION AND THE LAW* (1987)).

25. See *Migrant Farm Project, N.J. Court, Are Honored in Program for Merit and Innovation in ADR*, 10 ALTERNATIVES TO THE HIGH COST OF LITIG. 31, 34 (1992) (noting winners

a law professor whose article was published by the *Journal*,<sup>26</sup> and the report of a committee chaired by a College faculty member.<sup>27</sup> In 1994, the ABA's Section on Dispute Resolution designated the *Journal* as its official publication for members, thereby enhancing its national reputation among practitioners and stabilizing its financial operation.

The quality and value of these scholarly activities garnered additional sources of recognition that have been critical to an expanded dispute resolution presence at the law school. In 1992, the William and Flora A. Hewlett Foundation designated the University as one of its "Dispute Resolution Theory Centers." This designation by the nation's pre-eminent source of private philanthropy for dispute resolution activity brought the University into a group of seventeen, similarly designated universities. The original grant and subsequent renewal awards were predicated on the recognition of a critical mass of faculty scholars interested in dispute resolution issues. The initial grant and subsequent renewals also sustained the expanding identity and commitment of this faculty to the enterprise and provided direct financial support for student research assistants and other help to assist faculty research and teaching. Further, these funds were used to provide the stipends for visiting faculty who were teaching the one-credit dispute resolution courses. Similar professional prestige and standing for faculty research activity was secured when faculty received financial support for selected research projects from the National Science Foundation<sup>28</sup> and the Exxon Education Foundation.<sup>29</sup> The grants and recognition from these external sources solidified the credibility of this field of inquiry within the law school, throughout the community, and among alumni.

Third, College faculty engaged in public service that focused on courts and the development of law regarding mediation. This public service

of the ninth annual CPR Legal Program Awards including student Nancy Reynolds who won second place for her note, *Why Should We Abolish Penalty Provisions for Compulsory Nonbinding Alternative Dispute Resolution?*, 7 OHIO ST. J. ON DISP. RESOL. 173 (1991)); *CPR Awards for Excellence in ADR*, (last modified Aug. 8, 1998) <<http://www.cpradr.org/awards.htm>> (Robert A. Wells won Second Prize for his note, *The Use of Arbitration in Director and Officer Indemnification Disputes*, 13 OHIO ST. J. ON DISP. RESOL. 199 (1997)).

26. See *CPR Awards Program for Excellence in ADR* (last modified Aug. 8, 1998) <<http://www.cpradr.org/biblio.htm>> (Harvard Professor Robert H. Mnookin won the Book Prize for his article, *Why Negotiations Fail: An Exploration of Barriers to the Resolution of Conflict*, 8 OHIO ST. J. ON DISP. RESOL. 235 (1993)).

27. 1991 CPR Legal Program Award to the Society of Professionals in Dispute Resolution Law and Public Policy Committee, Nancy Rogers, Chair, for its report, "Mandated Participation and Settlement Coercion: Dispute Resolution as it Relates to the Courts." See *Migrant Farm Project*, *supra* note 25, at 34.

28. National Science Foundation Grant #SBR-922 4332 (1993) (Phil Sorensen, Nancy Rogers, and Richard Klimoski, principal investigators).

29. Exxon Education Foundation (1986) (Nancy Rogers, principal investigator).

included working with the state supreme court dispute resolution committee to develop a law and social science approach to monitoring the quality of court mediation programs and joining with faculty from three other institutions to provide academic support for a uniform/model mediation law project.<sup>30</sup> The College also launched a pilot Court Consultation Project to provide free technical support to courts planning mediation programs. The structure of each initiative reflected one or more of four governing themes: (1) participating faculty would apply research skills and insights to the development of public policy; (2) project activity would enable participating faculty members to provide student research assistants with valuable learning opportunities; (3) financial support for the initiatives should be provided by grants from public institutions or private contributors rather than through a fee-for-service; and (4) public agencies should be primary partners or beneficiaries.

This structure contributed to strengthening the curriculum in both predictable and unpredictable ways. Working with public sector leaders in local jurisdictions enabled faculty to solidify “case referrals” and secure continued support for clinical course activity. Increased faculty and student interaction with public leaders resulted in publicity about expanding activities in dispute resolution and the College faculty’s contributions to that growth.<sup>31</sup> Also, the projects with court, legislative and bar leaders from non-Ohio jurisdictions expanded the web of interaction and participation among College faculty, as scholarly expertise possessed by colleagues in such areas as civil procedure and legislation became critical to executing the particular partnership initiative. We speculate that the public service partnerships and research also assisted the College in persuading the University to fund two more dispute resolution faculty.

#### IV. DEALING WITH BARRIERS

Working to fit dispute resolution initiatives within a dynamic college-wide strategic initiative helps to avoid a common pitfall in curriculum reform—that faculty members are already occupied with other endeavors, challenged to teach key concepts in the time allotted their courses, and anxious to devote scarce time to deepening expertise in their primary fields of scholarship and teaching. As the dispute resolution curriculum develops further, though, we anticipate several additional challenges.

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30. See generally *Symposium on Drafting a Uniform/Model Mediation Act*, 13 OHIO ST. J. ON DISP. RESOL. 787 (1998).

31. See Editorial and Comment, *National Attention: Ohio Nurtures Dispute-Resolution Leaders*, COLUMBUS DISPATCH, Dec. 2, 1993, at 12A; John D. Feerick, *ADR in Law Schools: The New Curricula*, 51 DISP. RESOL. J., Jan. 1997, at 60, 61; Steven H. Goldberg, “Wait a Minute. This Is Where I Came In.” *A Trial Lawyer’s Search for Alternative Dispute Resolution*, 1997 B.Y.U.L. REV. 653, 653 (regarding Ohio State’s Institute on Dispute Resolution).

Typically, dispute resolution courses make heavy demands on faculty resources. By design, student enrollments for these courses are limited in order to promote multiple opportunities for writing and performance skill activity. While this fits nicely with the law school's commitment to offer sufficient small section teaching to meet student needs for seminar paper and clinical courses, it restricts the number of students who can enroll in these courses, and thereby creates some critical challenges regarding access and sequencing. We have tried to structure some of the new courses to be more "survey like" so that larger numbers of students could enroll. To promote access for students, we have required little sequencing among the dozen dispute resolution courses.<sup>32</sup> That decision creates the challenge of minimizing redundancy in an effort to bring students up to speed.

Grading is also on the agenda.<sup>33</sup> Few dispute resolution courses have traditional exams. Dispute resolution faculty may be tempted by the more flexible nature of various evaluation options to allow the grade distribution to drift upward. If that occurs, faculty and students may discount the dispute resolution courses as less rigorous offerings.

## V. CONCLUSION

The story of the Ohio State dispute resolution curriculum expansion seems to be one of fitting within the rhythm of the institution. We think that the expansion can be replicated in other law schools, even when the faculty does not make a firm commitment to expand dispute resolution teaching at the beginning of the effort. One faculty member teaching in the area can be instrumental in expanding the curriculum by suggesting that dispute resolution become a part of school initiatives. To facilitate the choice of dispute resolution, the Ohio State experience suggests that it is important to keep colleagues informed about the field and to help them when they are departing from their primary expertise to teach in dispute resolution. A law school should also spread news of the curriculum's successes, secure the decanal and faculty support to expand the number of full-time faculty who teach at least one course in the field, and seek non-law school sources of funding for public service and pilot projects.

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32. Students must take other dispute resolution courses before or concurrently with Dispute Systems Design and Advanced Studies in Dispute Resolution.

33. See Robert B. Moberly, *A Pedagogy for Negotiation*, 34 J. LEGAL EDUC. 315, 324-25 (1984) (discussing grading negotiation classes).

