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SIMULATIONS BASED ON ACTUAL CASES – WHY REINVENT THE WHEEL?

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SIMULATIONS BASED ON ACTUAL CASES – WHY REINVENT THE WHEEL?

NOVEMBER 29, 2021 | JOHN LANDE | LEAVE A COMMENT

From Debra Berman:

I know there have been many discussions over the years regarding how to effectively use simulations in negotiation and mediation classes. After reflecting on my semester, I'd like to take this opportunity to reopen the conversation and provide you with my perspective.

This year, I decided to substantially change how I utilize simulations in my mediation class which meets once a week for three hours. Now, my students do two and a half hour mediations of actual pending lawsuits. The students receive the Complaint and MtD or MSJ, along with any other relevant documents such as discovery requests, disclosures, and scheduling orders, plus a short settlement memo that I draft. The reading is substantial, and the students playing the lawyer role each week are required to email a pre-mediation submission to their assigned mediator.

The change in my students' performance has been dramatic. They were more prepared than ever and were excited to be working with real cases. After we debriefed in class, I informed the students about the actual procedural status of the case – whether the case was dismissed, settled, or is still pending. This is the closest thing to reality that I can provide them, and it has been a game changer.

Many of you may already be doing this (and if so, I'd love to hear about your experience). But for those of you that are not, I encourage you to give it a shot. Finding pending or recently settled cases is doable, and there are also many cases that have integrative components. It is also a good opportunity for students to be exposed to and work with litigation documents. I am happy to share previous cases that I have used for the Negotiation Practicum (some of which I also used in my mediation class). [Those can be found here.](#)

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