



The University of New Mexico

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Exam No. _____

570 ALTERNATIVE DISPUTE RESOLUTION
Fall Semester 1999-2000

Final Examination
Hughes
UNM School of Law
Examination

Professor Scott H.

Take-Home

Wednesday, December 8, 1999

THE DETAILS:

Due Date: **Friday, December 17, 1999, by NOON.**
Place: **Janet's Office**

THE DIRECTIONS:

Place your confidential exam number on every page. Do not otherwise identify yourself. As a suggestion, if your word processor can do footers, place your exam number in a footer and it will automatically appear on every page.

Please start each answer at the top of a new page, except for the short answer questions that may be placed on the same page or pages, if you wish. Staple all pages together in the order of the questions. Number your answers to coincide with the number on the questions. You don't need to repeat the questions. **Remember to keep a copy of your answers, just in case I lose an exam.**

For purposes of the exam questions, you will be responsible for incorporating all of the reading material (including the textual materials, and all handouts), all of the lectures and presentations in class, and the discussions.

You are not to consult with each other nor anyone else regarding the subject matter of the class or the preparation of your answers from the time you receive the exam until **Friday, December 17, 1999, at NOON** or until you turn it in to the Registrar, whichever is later. You may, however, ask me any questions about whether or not you are missing any of the handouts.

Deliver your stapled answers to Janet's Office by the date and time specified above. **Do not be late. I reserve the right to penalize any late exam.** I do not need these questions back, just your answers.

Your answers to all of the questions must be limited to the number of pages stated at the beginning of each question. Use only the front side of 8½ inch x 11 inch paper. Do not use the back of the page. Each answer should be typed and double spaced. I will not accept handwritten answers. Be concise and edit your answers.

Yes, I understand that you might be tempted to narrow the margins, reduce the type size on your wordprocessor, or take other undeniably necessary steps in a last minute effort to get all of your pithy and cogent ideas onto the page allotment. If you have to, go ahead, but take it easy on me. I still have to read the answers and my eyesight isn't what it used to be.

1. **Short answer - one paragraph.** What does it mean to create value?
2. **Short answer - one paragraph.** What does it mean to claim value?
3. **Short answer - one paragraph.** The story of the negotiation for the Dionne Quints can be found at pages 95 and 96 of the text. In their dealings with the Quints, the Canadian government had the power of the Crown. Why did the matter end as it did and what sources of power were the Quints able to exploit for the result?
4. **Length: One page.** Chris Moore, in his piece beginning at 267 in the text discusses three different mediator types. How does the concept of neutrality differ between the three types?
5. **Length: Two pages.** If negotiation involves the inescapable tension between competitive and cooperative impulses, what tools, do you believe, are the most important to managing this tension and how would they work? Explain your answer.
6. **Length: Two pages.** Draft an argument to support this statement: "Mediation is a normative process and, therefore, we must be very diligent when drafting provisions dealing with neutrality and confidentiality."
7. **Length: Two pages.** What might you do as a mediator in the following situations:
 1. The parties with whom you are working refuse to spend any time at all in joint session.
 2. One of the parties tells you in private caucus that she has no means of making any payment under the financial settlement plan being discussed.
 3. One of the parties rebuffs what you consider to be a reasonable offer made in private caucus and asks you to go back to the other side and ask for more.You may apportion the space as you see fit.
8. **Papers.** Your writing projects are due at the same time as this final exam. To maintain confidentiality, whatever there is of it with just the two of you, please bring your paper with all attachments and a disk containing an electronic version of your paper to my office by the deadline. If I am not in, please ask Ethel if she will kindly put your paper, disk, and attachments in my box. Please bind them appropriately so that I can't lose any of the material. Place your name and file name on the label for the disk.