

# Cover Sheet: Request 15018

## LAW 6XXX - Arbitration Law

### Info

Process	Course New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	5/19/2020 12:26:09 PM
Updated	5/19/2020 1:18:34 PM
Description of request	The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

### Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Rachel Inman		5/19/2020
Arbitration law syllabus.pdf					5/19/2020
College	Approved	LAW - College of Law	Rachel Inman		5/19/2020
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			5/19/2020
No document changes					
Statewide Course Numbering System					
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

## Course|New for request 15018

### Info

**Request:** LAW 6XXX - Arbitration Law

**Description of request:** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

**Submitter:** Krista Vaught kfields@law.ufl.edu

**Created:** 5/19/2020 12:15:59 PM

**Form version:** 1

### Responses

**Recommended Prefix** LAW

**Course Level** 6

**Course Number** 315

**Category of Instruction** Intermediate

**Lab Code** None

**Course Title** Arbitration Law

**Transcript Title** Arbitration Law

**Degree Type** Professional

**Delivery Method(s)** On-Campus

**Co-Listing** No

**Effective Term** Fall

**Effective Year** 2020

**Rotating Topic?** No

**Repeatable Credit?** No

**Amount of Credit** 2

**S/U Only?** No

**Contact Type** Regularly Scheduled

**Weekly Contact Hours** 2

**Course Description** This course is an introduction to the law of arbitration as well as an introduction to the process and the specific skills relating to arbitration.

**Prerequisites** None

**Co-requisites** None

**Rationale and Placement in Curriculum** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

**Course Objectives** At the end of the course, students will understand how arbitration fits in the dispute resolution continuum. Students will also understand the differences between various arbitration processes. Students will learn the foundation of arbitration law in the United States and the direction in which arbitration law is moving. Among the skills students will learn how to draft an arbitration agreement, conduct a pre-hearing conference, manage and conduct an arbitration hearing, and draft a post hearing brief and award.

**Course Textbook(s) and/or Other Assigned Reading** ARBITRATION: THEORY, PRACTICE, AND LAW, FOLBERG, GOLANN, STIPANOWICH, KLOPPENBERG (WOLTERS KLUWER, CUSTOM EDITION, 3RD EDITION, 2016).

**Weekly Schedule of Topics** Week One: Monday, January 13

Text Chapter 17-- Introduction and The Big Picture

Week Two: Monday, January 20

– Martin Luther King Day- No Classes

Week Three: Monday, January 27

Text Chapter 18 –Arbitration Agreements

Week Four: Monday, February 3  
Text Chapter 19 – Selecting Arbitrators

Week Five: Monday, February 10  
Text Chapter 20–Arbitration Procedures and Awards

Week Six: Monday, February 17  
Text Chapter 21– The Law of Arbitration: Judicial Enforcement of Arbitration Agreements

Week Seven: Monday, February 24  
Text Chapter 22– Judicial Enforcement of Arbitration Awards

Monday, March 2  
Spring Break – No Class.

Monday March 9  
Text Chapter 23– Fairness in Arbitration, Part I, Employment; Consumer; and Adhesion Contracts

Monday, March 16  
Text Chapter 24 – Fairness in Arbitration part II: Recent Legislative and Judicial Developments

Monday, March 18  
Arbitration Advocacy (Handouts to be Provided) Matt Adler Guest Speaker

Monday, March 23  
Text Chapter 25–Mixing and Matching the Process to the Dispute-- and Review

Monday, March 30  
Handout (to be provided): Guest Speaker, Laura Reich, International Arbitration

Monday, April 6  
Preparation for Mock Arbitration

Monday, April 20  
Mock Arbitration

**Grading Scheme** Students will be graded based on 1) a one hour multiple choice exam; 2) on attendance and class participation, in class work including any written assignments, participation in the final mock arbitration hearing; and 3) on their final reflection paper of 3-5 pages. Students must participate in the final mock arbitration to satisfactorily complete this course.

A one-hour exam will count for 50% of the final grade; attendance, in-class participation, final arbitration, and other written work during the semester will count for 25% of the grade; a final reflection paper based on the mock arbitration will count for 25% of the grade.

**Instructor(s)** Joan Stearns Johnsen

**Attendance & Make-up** Yes

**Accommodations** Yes

**UF Grading Policies for assigning Grade Points** Yes

**Course Evaluation Policy** Yes

# Arbitration Spring, 2020

## Joan Stearns Johnsen

Mondays: 10:00 am – 12:00 pm

Holland Hall 285A

4 6930 15BC

Office: Holland Hall 372 – Phone: 617-549-0742

E-mail: [johnsen@law.ufl.edu](mailto:johnsen@law.ufl.edu)

## Class Syllabus and Policies

### Required Course Materials:

ARBITRATION: THEORY, PRACTICE, AND LAW, FOLBERG, GOLANN, STIPANOWICH, KLOPPENBERG (WOLTERS KLUWER, CUSTOM EDITION, 3<sup>RD</sup> EDITION, 2016). (“TEXT”)

Please note that this text is taken from a larger textbook for courses that also cover negotiation and mediation. For this reason, the first chapter in this shorter book is chapter 17.

Please note that we will schedule a final mock arbitration on a date to be determined when your schedules are set.

**Description and Goals of the Course:** This course is two credit hours. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in class instruction. Accordingly, it is expected that you will spend two hours preparing for every hour of in-class instruction each week.

This course is an introduction to the law of arbitration as well as an introduction to the process and the specific skills relating to arbitration. At the end of the course you will understand how arbitration fits in the dispute resolution continuum. You will also understand the differences between various arbitration processes. You will learn the foundation of arbitration law in the United States and the direction in which arbitration law is moving. Among the skills you will learn how to draft an arbitration agreement, conduct a pre-hearing conference, manage and conduct an arbitration hearing, and draft a post hearing brief and award.

Arbitration is a binding method of dispute resolution arrived at contractually. Arbitration is used in various contexts and in various forms. It is popular in resolving domestic business to business commercial disputes, cross border commercial disputes, investor state disputes, consumer disputes, labor disputes, employment disputes, antitrust class action disputes, and securities disputes. Arbitration continues to grow in importance and popularity.

### Final Mock Arbitration

We will devote our final two classes to our mock arbitration. You will be assigned roles randomly. Attendance is mandatory.

**Grading:** You will be graded based on 1) a one hour multiple choice exam; 2) on your attendance and class participation, in class work including any written assignments, your participation in the final mock arbitration hearing; and 3) on your final reflection paper of 3-5 pages. You must participate in the final mock arbitration to satisfactorily complete this course.

**Your one-hour exam will count for 50% of your grade; your attendance, in-class participation, final arbitration, and other written work during the semester will count for 25% of your grade; your final reflection paper based on the mock arbitration will count for 25% of your grade.**

**Class Schedule:** We will meet once each week on Monday. Monday's class will be from 10:00 until 12:00. We will meet in Holland Hall 285D.

**Office Hours:** I will have regular office hours from 1:00-2:00 on Mondays. Additionally, I am always available by appointment. You may call, text, or email if you would like to speak with me. My cell phone is listed on this syllabus. (Please identify yourself if you text.) I encourage you to come and talk with me if you are having difficulties with, or simply want to clarify your understanding of, any of the materials covered in the reading or in class.

**UF Student Honor Code:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Accommodations:** Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**Attendance:** Your attendance is essential to your ability to apply the theory discussed to your final arbitration exercise. Also, since you will be working in teams, any absences will not only hurt you, but will also disadvantage those with whom you have been paired. For this reason, regular and punctual attendance at classes is essential. I do take attendance Please e-mail me to request an excused absence. Anything in excess of 15% unexcused absences may render a student ineligible to receive credit for the course. Excused absences are consistent with University policies (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>) and require appropriate documentation.

**Canvas:** Please check Canvas regularly for new postings. If you have difficulty accessing or working with Canvas, please let me know as soon as possible.

### **Assignments and Important Dates and Events:**

Week One: Monday, January 13

**Text Chapter 17--** Introduction and The Big Picture

Week Two: Monday, January 20

*– Martin Luther King Day- No Classes*

Week Three: Monday, January 27

**Text Chapter 18** –Arbitration Agreements

Week Four: Monday, February 3

**Text Chapter 19** – Selecting Arbitrators

Week Five: Monday, February 10

**Text Chapter 20**–Arbitration Procedures and Awards

Week Six: Monday, February 17

**Text Chapter 21**– The Law of Arbitration: Judicial Enforcement of Arbitration Agreements

Week Seven: Monday, February 24

**Text Chapter 22**– Judicial Enforcement of Arbitration Awards

Monday, March 2

**Spring Break** – No Class.

Monday March 9

**Text Chapter 23**– Fairness in Arbitration, Part I, Employment; Consumer; and Adhesion Contracts

Monday, March 16

**Text Chapter 24** – Fairness in Arbitration part II: Recent Legislative and Judicial Developments

Monday, March 18

**Arbitration Advocacy (Handouts to be Provided) Matt Adler Guest Speaker**

Monday, March 23

**Text Chapter 25**–Mixing and Matching the Process to the Dispute-- and Review

Monday, March 30

**Handout (to be provided): Guest Speaker, Laura Reich, International Arbitration**

Monday, April 6 You will have class time to work in groups on your Mock Arbitration.

Preparation for Mock Arbitration

Monday, April 20 You may not miss this class. You may not arrive late for this class.

Mock Arbitration