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Dispute Resolution: Beyond The Adversary Model



Synopsis

This comprehensive, sophisticated examination of the current state of ADR incorporates four key aspects for each of the Negotiation, Mediation, Arbitration, and Hybrid dispute resolution processes: the theoretical framework defining the process, the skills needed to practice it, the ethical issues implicated in its use, and the legal and policy analyses relevant to the process. This thorough and rigorous approach results in a casebook that is both up-to-date and provocative. &p

The book immerses students in the dispute resolution experience:

- comprehensive, current coverage of all key areas of ADR, with a rich range of timely cases and readings
- a distinguished, author team, each member a leader in dispute resolution practice and scholarship, making full use of each member's experience and accomplishments in teaching, field work, policy making, and standards drafting
- a practical approach to problem solving that engages students as active participants in resolving human and legal problems and uses individual or combined resolution processes in varying gender, race, and cultural contexts
- separate chapters addressing international and multi-party dispute resolution, providing thorough, comprehensive treatment of these important, high-interest contexts and applications

Instructors will appreciate these valuable teaching devices:

- readings balance theory and theory-in-use through cases, behaviorally and critically based articles, examples, empirical studies, and relevant statutory and other regulatory materials that illuminate the difficulty of balancing rules and laws with the economic and emotional constraints inherent in disputes
- challenging readings representing a wide range of perspectives, among them, Gilligan's feminist *In Another Voice*; Fisher, Ury, and Patton's *Getting to Yes*; Raiffa's *Art and Science of Negotiation*; and Machiavelli's *The Prince*
- key cases, including *Gilmer v. Interstate/Johnson Lane Corp.* and *Folb v. Motion Picture Industry Pension & Health Plans*
- an exceptionally useful Teacher's Manual, containing information on ADR careers and training; teaching notes; sample role-plays, simulations, and other exercises; recommendations for supplemental materials (such as videos and transcripts); and examination and paper suggestions for each chapter

An author website to support classroom instruction using this title is available at

<http://www.aspenlawschool.com/menkel-meadow>

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Book Information

Hardcover: 1056 pages

Publisher: Aspen Publishers (December 3, 2004)

Language: English

ISBN-10: 0735544433

ISBN-13: 978-0735544437

Product Dimensions: 7.5 x 1.5 x 10.2 inches

Shipping Weight: 2.6 pounds

Average Customer Review: 3.0 out of 5 stars 2 customer reviews

Best Sellers Rank: #987,020 in Books (See Top 100 in Books) #95 in Books > Law > Rules & Procedures > Alternative Dispute Resolution #9737 in Books > Textbooks > Law

Customer Reviews

If any professor is thinking about getting this book for their ADR or negotiations class, PLEASE THINK TWICE! This is a HORRIBLE casebook with nothing but pure FLUFF and ZERO substance. We have a joke in my ADR class that not even Menkle Meadow read the book it is so unbelievably lacking in substance. If you want to learn about negotiation just buy a \$12 copy of "Getting to Yes". Not only will you have about 80% of what you'll find in the Menkle Meadow book, but you will actually learn something. However, if you want to get a book to read to your parents to prove to them how horrible law school is, than this is the book for you.

After having to research different ADR textbooks, I found that this book gave a great balance of "soft" skills and the law that isn't found in the rest of the books. For those law students who are used to reading incredibly case-heavy texts, this book takes a bit getting used to and seems like there isn't much to it. In fact, the skills taught in the law review articles are what can make the difference between an effective and ineffective mediator.

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