

Legal Studies Department



Master of Arts Dispute Resolution Concentration

Program 2006

Montclair State University
1 Normal Avenue
Montclair, New Jersey 07043
Dickson Hall, Room 348
tel: 973 655 4152
fax: 973 655 7951

The Master of Arts in Legal Studies offers a program of study for students seeking advanced preparation in legal studies. It provides academic opportunities leading to career enhancement for legal professionals. The degree offerings are on the cutting edge of specialty areas such as dispute resolution, human resource management, private sector compliance, law office management, legal technology, legal information management, trademark law, ethics and professional responsibility.

Legal Studies provides graduate instruction through a broad range of topics which develop the student's critical understanding of law. Graduate offerings in Legal Studies are designed:

- ✚ To enhance professional development in law-related fields.
- ✚ To advance the study of law within the context of an interdisciplinary liberal arts education.
- ✚ To provide a more advanced level of legal knowledge in areas such as compliance and human resources.
- ✚ To prepare for the technologically sophisticated legal environment of the twenty-first century.
- ✚ To develop theoretical and practical knowledge of advocacy and dispute resolution.
- ✚ To develop advanced research and writing abilities.
- ✚ To enhance analytical and critical thinking skills essential to the legal field.

Students may choose the Master's program without a concentration. The Master of Arts in Legal Studies General Program is recommended for graduate students who wish to meet their individual academic needs by incorporating courses from diverse offerings. There is the opportunity to choose from among all of the graduate-level department electives, including courses from the optional concentrations in Dispute Resolution; Governance, Compliance, & Regulation; Intellectual Property; and Legal Management, Information, & Technology. The optional concentrations are intended to meet the requirements of two more specialized dynamic and growing fields for legal professionals. At the end of their course of study, students may choose either to write a thesis or be tested by comprehensive examination.

The programs of the department of Legal Studies incorporate education in the liberal arts with sound preparation for law-related profession. Many career alternatives are possible for graduates in government, the corporate sector and private arenas. Graduate course work in legal studies serves the needs of a broad range of professional including:

- ✚ Managers; supervisors; human resource directors; claims managers and administrators; government administrators; international specialists; and information specialists.
- ✚ Paralegal managers; legal assistant/paralegals; human resource officers; investigators; criminal justice professionals; legal advocates for victims of domestic violence, the disadvantaged and the physically and mentally challenged.
- ✚ Primary and secondary school teachers desiring education in law or conflict resolution/peer mediation; consultants; newspaper reporters; practitioners in the field of dispute resolution; professionals who utilize dispute resolution in various forums, such as labor, insurance and financial markets.

In contrast to the Master of Arts in Legal Studies, the Post-Baccalaureate Paralegal Studies Certificate Program is an appropriate course of study for entry level preparation. Students may elect to pursue the Post-Baccalaureate Certificate and also the Master of Arts degree. Contact the Department of Legal Studies for further information.

REQUIREMENTS

Candidates for admission to the Master of Arts in Legal Studies must have a baccalaureate degree from an accredited college or university and meet Montclair State University's minimum requirements for the Graduate Records Examination. In addition, candidates should have a minimum cumulative grade point average of 2.75 for their undergraduate work and in the three undergraduate prerequisite courses (an introductory law course, civil litigation, and legal research). Candidates who do not meet these criteria may be accorded deferred matriculation status and permitted to enroll in a maximum of two graduate courses in the M.A. program. If they attain a minimum of 3.0 in those graduate courses, then they may be granted full matriculation status for the M.A. program.

CONCENTRATION

The study of Dispute Resolution (LSDR) concentration provides students with practical applications and theoretical considerations in negotiation, mediation and other alternative or contemporary ADR processes. The federal courts as well as the New Jersey Supreme Court have begun to mandate the incorporation of dispute resolution into many aspects of the judicial system. The private

provision of dispute resolution is also growing. In corporate employment, a dispute resolution concentration enhances the value and mobility of an employee in areas such as human resources and employee relations. Additionally, law-related education in primary and secondary education includes a focus upon the area of peer mediation.

DISPUTE RESOLUTION CONCENTRATION

I. REQUIRED COURSES (6 - 9 credits):

LSLW 500 United States Legal System

LSLW 501 Ethical and Professional Issues in the Legal Environment

LSLW 511 Research Methods and Analysis ***

II. Select five from concentration courses (15 credits):

A. Must take these three courses:

LSLW 551 Negotiation Theory and Practice

LSLW 552 Mediation Theory and Practice

LSLW 553 Arbitration and Other Alternative Adjudicative Processes

B. Students must select an additional two courses:

LSLW 554 Conflict Management & Peer Mediation in Schools

LSLW 555 Family Mediation

LSLW 556 Dispute Resolution in the Workplace

LSLW 558 Cross-Cultural Conflict Resolution

LSLW 559 Advanced Conflict Resolution in Education

LSLW 560 Bullying Preventions in School

III. Select three courses from the following departmental electives (9 credits):

LSLW 512 Statutory and Regulatory Analysis

LSLW 516 Comparative Legal Systems

LSLW 517 Evidence

LSLW 518 Terrorism: Legal & Regulatory Perspectives

LSLW 519 International Criminal Law

LSLW 520 Private Civil Responsibility: Contracts and Torts
LSLW 524 Juvenile Law
LSLW 525 Introduction to Jurisprudence
LSLW 527 Computer Crimes
LSLW 531 Administrative Law
LSLW 537 Entertainment Law
LSLW 538 Trademark Law
LSLW 540 Criminal Trial Preparation
LSLW 541 Advanced Computer Applications in Legal Environment
LSLW 545 Cyberlaw
LSLW 547 Intellectual Property: Copyright, Licensing, and Advertising
LSLW 550 Law Office Management and Technology
LSLW 554 Conflict Management & Peer Mediation in Schools
LSLW 555 Family Mediation
LSLW 556 Dispute Resolution in the Workplace
LSLW 557 Law Office Financial Management
LSLW 558 Cross-Cultural Conflict Resolution
LSLW 559 Advanced Conflict Resolution in Education
LSLW 560 Bullying Preventions in School
LSLW 572 Legal Information Management
LSLW 573 Seminar in Law & Literature
LSLW 574 Human Rights Law
LSLW 577 International Law and Transnational Legal Issues
LSLW 578 Legal Aspects of Human Resource Management
LSLW 579 Private Sector Compliance with Public Regulations
LSLW 580 Field Experience in Legal Studies

******* OR**

LSLW 581 Cooperative Education in Legal Studies
LSLW 588 Independent Study in Legal Studies
LSLW 590 Environmental Law & Policy

LSLW 599 Selected Topics in Legal Studies

LSPR 411 Advanced Patent, Trademark and Copyright +

LSPR 420 Advanced Civil Litigation +

IV. Elective (one approved course from outside of the department, or one additional course from above).

*** Note: A student takes one course from this category only if **LSLW 500** is waived.

V. Thesis or Comprehensive Examination

Students must have completed 27 graduate credits and receive thesis or comprehensive examination approval.

For students selecting Thesis option:

LSLW 698 Master's Thesis

(Master's Thesis students may continue their thesis progress with LSLW 699 Master's Thesis Extension) For students selecting Comprehensive Examination option, choose one additional departmental elective.

+ **Note: Students may not select more than 2 courses at the 400 level.**

*** **LSLW 500** may be waived by the Graduate Advisor for a student with a law-related background and a course from Group IV may be substituted in its place.

TOTAL SEMESTER HOURS FOR DISPUTE RESOLUTION CONCENTRATION: 36

COMP. EXAM INSTRUCTIONS

- ✚ **First** - Speak with Graduate Director: Dr. Barbara Nagle or Professor Jack Baldwin LeClair to decide which courses match your concentration and program of study.
- ✚ **Second** - Pick a realistic date by which you can be ready to take the Comprehensive Examination. You must give written notice to the Graduate Director and the Chair of the Department at least one full semester prior to taking the Comprehensive Examination. The exam is given in October and February of each year but by appointment only. See Examination Procedural Rules to fully understand the process.
- ✚ **Third** - Create a realistic program of research and reading for the examination which provides adequate preparation time. Consult the Comprehensive Reading List to determine what books and articles you should read.
- ✚ **Fourth** - Consult with your advisor on a monthly basis to inform him/her of your progress.
- ✚ **Fifth** - Two months prior to examination meet with your advisor to determine if you are adequately prepared.
- ✚ **Sixth** - Remember that you are responsible for knowledge in areas of the discipline which may include lectures, outside reading, and other assignments not merely the contents of written materials.
- ✚ **Seventh** - Please file for final audit with the Registrar. Deadlines are:

June 1 for the following January graduation

October 1 for the following May graduation

March 1 for the following August graduation

Depending on which graduation list you filed in time for, you will receive a Final Audit from this office according to the following schedule, and prior to the change of program registration period for your last semester:

late December-January for May list

late April-May for August list

late July-August for January list

COMP. EXAM PROCEDURAL RULES

1. The comprehensive examination will be administered the last Friday of October and February every year. The examination period will be divided into two sessions. The morning session will commence at 9:30 a.m. and end 12:15 p.m. The afternoon session will commence at 1:30 p.m. and end at 4:30 p.m. Each session runs for two and one half hours and students will be required to complete two questions per session.
2. Students must register with the department at least one semester prior to sitting for the examination. The student must an application to take the Graduate Comprehensive Exam Form to the Graduate Director, with a copy to the Chairperson of the Department of Legal Studies. This must be done no later than October 15th for the February examination and no later than May 15th for the October examination.
3. Students requiring accommodation must inform the department of the nature of the handicap and type of accommodation requested at the time that they declare an intention to sit for the examination.
4. If you have declared your intention to sit for the exam with the Graduate School and the Department and been approved, four weeks before the scheduled examination time, you will receive a letter from the department specifying the location and guidelines for the examination.
5. Student must schedule a meeting with their graduate advisor after sending their letter of intent. Your advisor will review your work program, determine your present grade point average and prepare any SUBSTITUTION ON GRADUATE WORK PROGRAM forms, if necessary. You must complete and the APPLICATION TO TAKE GRADUATE COMPREHENSIVE EXAMINATION FORM. The application is also available on the Graduate School website.
6. Students should have completed a minimum of 27 graduate credits prior to sitting for the Comprehensive Examination.
7. Students need to have a minimum of 3.0 grade point average in their course work.
8. In addition to responsibility for their coursework, students are responsible for reading and researching the required materials prior to taking the examination. See Comprehensive Reading List.
9. Students wishing to use a computer must inform the department within two weeks of the intended examination date. A computer will be provided. However, students take full responsibility for loss of their work. If work is lost during a student's attempted answering of a question, it is the student's responsibility. Computer failure resulting in non-completion of a question may result in failure of that question.
10. There will be no questions from the required courses, LSLW 500, LSLW 501, and LSLW 511.

11. Students in the Dispute Resolution; Law & Crime; Governance, Compliance, and Regulation; or Legal Management Information & Technology; or Intellectual Property will have at least two questions to answer from the content based courses taken in the concentration.
12. All students may have to answer questions based on the electives they have taken, except out-of-department electives.
13. No more than four questions will be administered to a student at each sitting of the comprehensive examination.
14. Failure on the Comprehensive Examination. - A failure on more than one question will result in a student being required to retake the entire comprehensive examination with all new questions at the next administration date. Failure of one question results in the administration of a Clarifier Examination.
 - Students who fail one comprehensive examination question will be tested on a clarifying question called a "Clarifier" Exam. The "Clarifier" will consist of one question in the same subject matter area as the question failed and will be graded according to the same standards as the original question. The department will assign an administration date for the Clarifier within thirty days of notification students of their failure on one question of the Comprehensive Exam. Students who intend to take a Clarifier shall contact the department within fourteen days of notification by the department of their eligibility. For example, if students are notified on March 28 of their failure on one question and eligibility to take a Clarifier, they must notify the department of their intent to do so by April 10. The department will set a date for Clarifiers by April 24 and administer the Clarifier thereafter but not later than May 22. Students will be eligible for only one Clarifier per examination after failing a question. Failure of a Clarifier shall be deemed to be a failure on that question. Students who have sat for fewer than three comprehensive exams may sit for a new question in the next comprehensive exam cycle.

15. Comprehensive Examination Format is subject to alteration without notice.

Students in any one of the five concentrations [Dispute Resolution; Legal Management Information & Technology; Governance, Compliance, & Regulation; Law & Crime; or Intellectual Property may have two questions selected by the department from your concentration. Students in the General Track may have four questions to answer from the content based courses you have taken.

All students may have to answer questions based on the electives they have taken.

COMP. EXAM READING LIST

Author	Title	Publisher	Course
Eskridge & Frickey	Legislation and Statutory Interpretation	Foundation Press	512
Griset, Pamela & Mahan, Sue	Terrorism In Persepective	Sage	518
Bassiouni	International Criminal Law	Translational	519
Haymar, Robert	Jurisprudence: Contemporary Readings	West	525
Dyson	The Sun, The Genme & Internet	Oxford	525
Britz	Computer Forensics & Cyber Crime, An Introduction	Prentice Hall	527
Strauss, P.	Adm. Just in US.	Carolina	531
Pierce, Shapiro	Adm. Law	Foundations	531
Bacal, Barnaby, Hoffman, Etc.	Trademark Administration: A guide for Paralegals, Adm. & Attorneys	Int'l trademark Assoc.	538
Rosenoer, J.	Cyberlaw	New York: Springer-Verlay, 1997	541

Author	Title	Publisher	Course
Roper B.	Using Computers in the Law Office	St. Paul: West, 1996	541
Ed. Kahint Nesson	Borders in Cyberspace	MIT Press	545
Lessig	Code and Other Laws of Cyberspace	Basic Books	545
Stephenson, Neal	Snowcrash	Bantam	545
Poltorak & Verner	Essentials of Licensing Intellectual Property	John Wiley	547
Roper	Practical Law Office Management	Thompson Delmar	550
Fisher & Ury	Getting to Yes: Negotiating Agreement	Penguin	551
Fisher & Ertel	Getting Ready to Negotiate	Penguin	551
Breslin & Rubin	Negotiation Thoery & Practice	Harvard Program Negotiation	551
Domenici, Little John	Mediation: Empowerment in Conflict Management	Waveland Press	552
Kritek, P.	Negotiating at an Uneven Table	San Francisco: Jossey-Bass, 1995.	552

Author	Title	Publisher	Course
Baruch, Bush & Folger	The Promise Of Mediation	Jossey-Bass	552
Winsladen, John & Monk, Gerald	Narrative Mediation: A New Approach to Conflict Resolution		552
Baruch Bush, R. & Folger, J.	The Promise of Mediation: Responding to Conflict Through Empowerment & Recognition	San Francisco: Jossey-Bass, 1994	552
Moore, C	The Mediation Process: Practical Strategies for Resolving Conflict	Jossey-Bass	552
Kovach, K.	Mediation: Principles & Practice	St. Paul: West.	552
Coulson, R.	Labor Arbitration	New York: American Arbitration Assoc., 1998	553
Elkouri	How Arbitration Works	Bora Books	553
Girard & Koeh	Conflict Resolution Schools	Jossey	554
Redenbach	Self Esteem: The necessary ingredients for Success	Esteem Sem. Programs	554
Haynes, J	The Fundamentals of Family Mediation	Suny	555
Folberg, J. & Taylor, A.	Mediation	San Francisco: Jossey-Bass, 1984.	555

Author	Title	Publisher	Course
Folberg, Milne Salem (2004)	Divorce and Family Mediation	Guilford	555
Cooper-Nolan	ADR in the Workplace	West	556
Eatonx	Employment Dispute Red. And Worker Rights	IRRA	556
Gleason	Workplace Dispute Res.	Michigan State Univ.	556
McDennott, & Berkeley,	Alternative Dispute Resolution in the Workplace	Westport, Ct.: Quorum Books, 1996.	556
Meyer, C	Accounting & Finance for Lawyers	St. Paul: West, 1995	557
Myers, Filner B.	Conflict Resolution Across Cultures From Talking It Out to 3rd Party Mediation	Diversity Resources	558
Nanstein	Classroom & Courtrooms- Paperback	Teachers College Press	559
Myrna, David Sadker	Failing at Fairness- Paperback	Touchstone	559
Philip Fitch Vincent	Developing Character in Student- Softcover	Character Developing Publishing	559
Schniedewind & Davidson	Open Minds to Equality- Softcover	Allyn & Bacon	559

Author	Title	Publisher	Course
Burgess, Allison	The Lawyer's Guide to the Internet	Chicago: ABA Press, 1995	572
Ishay, Michelene	The Human Rights H&book	New York: Routledge, 1997.	574
Blakesley Firmage	The International Legal System	Foundation Press	577
Bederman	International Law Frameworks	Thomson/ West	577
Twomey	Labor & Employment Law - 11th Edition	Cincinnati, Ohio: Southwestern, 1994	578
Moran	Employment Law	Prentice Hall	578
Yates	Why Unions Matter	Monthly Review Press	578
Murray, Wallace	Corporate Compliance: How to be a Good Citizen through Self- Policing	Practicing Law Institute	579
Sparrow, Malcom	The Regulating Craft	The Banking INST.	579
Peters	The Politics of Bureaucracy	Rentledge	579
Percival, Schroeder & Leape, Milley	Environmental Regulations, Law, Science, and Policy	Aspen	590