



Source:

Tarry L. Lindquist, educational consultant, created this lesson using material from *State of Washington v. Herschel C. Lyon*, which she wrote with Julia A. Gold and Margaret Fisher. Staff at the Washington State Administrative Office of the Courts (AOC) edited and updated the lesson in 2012. For more information, contact AOC Court Services, 1206 Quince Street SE, PO Box 41170, Olympia, WA 98504-1170. For an electronic copy of this lesson, or to view other lesson plans, visit Educational Resources on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will identify different ways of solving problems: arbitration, litigation, mediation, and negotiation.
2. Students will develop scenarios demonstrating each way to solve a problem.

Grade Level: _

Grades 3-5

Time: _

One class period (approximately 45-50 minutes)

Materials:

1 blank piece of paper for each student
Colored markers

Procedures:

1. **Begin the class by introducing yourself** to the students and telling a little bit about what you do, if this is your first class.
2. **Ask the students:** Do you ever have problems? What kinds of problems do you have? Elicit several responses.
3. **Ask the students:** How do you solve your problems? Elicit several responses.
4. **Ask the students** if grown ups solve problems differently than they solve problems. Share with students the following comments.

(Plan to spend about 10-15 minutes on this section of the lesson. It is effective practice to stop every few minutes and check for understanding by asking if there are any

questions.)

Our country declared its independence from England over 200 years ago. At that time we said every person had a free and equal opportunity to pursue life, liberty, and happiness. Sometimes one person's pursuit of happiness interferes with that of another person. To help with the conflicts this interference can cause, the citizens of this country agreed to certain guidelines for their behavior. These guidelines are what make up our system of laws.

The reasons for conflicts between persons vary. One person might not know or understand the law. Another person might choose to deliberately break a law. Laws do not cover every possible situation. Sometimes one person comes into conflict with another individual. Sometimes the conflict is between an individual and the government. At other times a person may offend the general will of the people.

These disputes need to be settled in a way that fits the democratic principles of our society. The resolution might be stating the rights of both parties; determining guilt or innocence; directing one person to make up for harming another; or imposing a fine or sentence as punishment for breaking the law.

A trial, called litigation, is one common way to settle disputes. [Write the following on the board after working with the teacher for a definition appropriate for the ability level of students:

- (1) Litigation – one party files a lawsuit (legal contest carried on by the judicial process) against another person and they have a trial in court to resolve the dispute]

Litigation is when two or more persons who are in conflict use the judicial process, through a lawsuit, to present their arguments and evidence before a third party who is not involved in the dispute. This third party makes a decision. The third party can be a judge only or a judge and a jury.

However, going to trial usually should be the last way people try to solve their problems. People should try to work out their problems. Three common ways of settling disputes without going to court are arbitration, mediation, and negotiation. [Write the following on the board:

- (2) Arbitration – a third party, called an arbitrator, hears the complaints and makes a decision that the parties have agreed in advance to accept. This is a process less formal than a trial.
- (3) Mediation – the parties talk with the help of a third person, called a mediator, who helps them find a compromise or a common ground on which they can agree to a solution
- (4) Negotiation – the parties talk face to face and try to settle the conflict or reach an agreement]

5. **Pass out a blank sheet** of paper to each student and number the class off by fours. (Have students count 1, 2, 3, 4 — repeating until each student has a number.) Assign the "ones" to draw a cartoon picture of litigation, the "twos" to draw a picture of arbitration, the "threes" to draw a picture of mediation and the "fours" to draw a picture of negotiation. Walk around as the children are drawing and talk to them about what they are doing, checking their understanding. Spend about 10 minutes on this activity.
6. **Ask the students** to get in groups of four, with each member of the group representing a different way of settling disputes. Have them share their pictures with each other. Tell students they have five minutes to share their pictures.
7. **Tell the students** they will be making up short plays. Explain that you will tell a story and assign them one way to solve the problem of the story (arbitration, litigation, mediation or negotiation). Tell them that you will give them time to act out in their groups how the problem is solved. They will show the rest of the class their play.

"The Tap Dancer," written by Arlene Gallagher, from Update on Law-Related Education, Winter 1986

Pat and Chris lived in an apartment building. Pat's apartment was directly above the apartment Chris rented. They were pretty good friends. Sometimes they went bowling together. Their friendship ended when Pat decided to become a professional tap dancer.

"I don't have anything against tap dancers, Pat," said Chris. "But do you have to practice every evening? The noise is driving me crazy."

"Sorry," said Pat. "But I have to practice if I'm going to be a pro. Besides, it's a free country, and I can do whatever I want in my own home. My home is my castle, as they say."

"Sure," said Chris. "But what about my rights? You're disturbing the peace. My peace."

Assign each group one way of the four ways to settle the dispute between Pat and Chris. Give the students time to work out a little drama. Coach those who are having trouble getting started. After about five minutes, ask for a group to volunteer to present its play to the rest of the class. Try to have all the groups present their enactments of dispute resolution.

8. **When a particular group** finishes its play, have the rest of the class:
 - (1) identify the process used,
 - (2) name the solution, and
 - (2) discuss the strengths and weaknesses of that method to resolve a dispute.

(3)

9. **Finish the lesson by reviewing** the four ways to settle conflict (arbitration, litigation, mediation, and negotiation). Ask the students what should happen first if they're involved in a dispute or conflict. It is important to encourage children to attempt to resolve conflicts face to face first, prior to third party intervention.
10. **If time permits**, ask the students if they have examples of ways they have solved conflicts by discussing them face to face with others.