

Academic Year: (2020 / 2021)

Review date: 23-05-2019

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: SOLETO MUÑOZ, HELENA

Type: Electives ECTS Credits : 3.0

Year : Semester :

OBJECTIVES

Theoretical knowledge and practical skills in Mediation, Negotiation and other ADR methods, essential to the training and professional development of future legal practitioners, in the framework of the progress and modernization of the Administration of Justice in the field of conflict management.

DESCRIPTION OF CONTENTS: PROGRAMME

TOPIC 1:

- * The conflict: causes, types and circle
- * Communication as a fundamental tool for conflict resolution.
- * Conflict management styles.

TOPIC 2:

- * Spectrum of the different dispute resolution methods

TOPIC 3:

- * Negotiation: definition and types
- * Terms in Negotiation: BATNA, ZOPA, reservation price
- * The Seven Elements

TOPIC 4:

- * Negotiation
- * The process of Negotiation
- * Negotiating with difficult people or in difficult situations

TOPIC 5:

- * Mediation: approximation
- * Mediation techniques
- * The process of Mediation

TOPIC 6:

- * Mediation in different fields:
- * Family Mediation
- * Mediation in civil and commercial matters
- + Restorative Justice

TOPIC 7:

- * Other conflict resolution procedures
- * Collaborative Practice

LEARNING ACTIVITIES AND METHODOLOGY

The continuous assessment system is based on a teaching process orientated towards enabling the student to internalize Mediation and Negotiation techniques, by means of continuous practical role-play activities, putting into practice the theoretical knowledge acquired, thus making easier its understanding and management of its content. The academic activities will be divided in lectures, during which the program of this course will be developed, and they will be held in large group sessions; and practical sessions, principally consisting in the preparation and participation of students in role-plays, to be prepared individually or in groups, by means of which the knowledge and skills acquired during lectures will be put into practice. Also, practical sessions will include presentations, by students, on concrete topics related to the study program, discussion on working documents, debates and tests or periodical controls on the issues previously handled.

ASSESSMENT SYSTEM

The overall assessment of this course will be made based on the average of partial grades obtained for the following activities:

A. CONTINUOUS ASSESSMENT ACTIVITIES - 60% of overall grade

1. Content control assignments (periodical objective evaluations): 40% of overall grade.
2. Reflective essays: 20% of overall grade.

B. FINAL ASSESSMENT - 40% of overall grade

Option (i), for all students

The final assessment will be based on a final exam, which shall include a series of theoretical questions, as well as the development of a practical case; it will take place at the date officially designated for this purpose.

Option (ii), for students who have succeeded the content control assignments (point A1)

Students having succeeded all content control assignments will be able to choose to elaborate a final work instead of a final exam. The final work shall be related to the topics covered by this course; it shall be handed in at the date officially designated for the course final exam.

C. STUDENTS WHO HAVE NOT PASSED THE CONTINUOUS ASSESSMENT PROCESS

Students not succeeding in the continuous assessment process will have to sit a final exam amounting for 60% of the overall grade, in the framework of the ordinary exams call.

D. EXTRAORDINARY CALL

Grading of students in the framework of the extraordinary call will take place in accordance with the following rules:

- a. For students who have followed the continuous assessment process, the exam will amount for the same percentage of the overall grade as in the framework of the ordinary call; both the continuous assessment grade and the final exam grade will be taken account in order to award the overall grade of each student.
- b. Students who have followed the continuous assessment process will be entitled to a final exam amounting for a 100% of the overall grade, in the framework of the extraordinary exams call.
- c. Even if students have followed the continuous assessment process, they will be entitled to obtaining an overall grade exclusively based on the final exam grade, in the framework of the extraordinary exams call, in case this is more favorable for them.

% end-of-term-examination: 40

% of continuous assessment (assignments, laboratory, practicals...): 60

BASIC BIBLIOGRAPHY

- SOLETO MUÑOZ, H La conferencia Pound y la adecuación del método de resolución de conflictos, Revista de Mediación, 2017
- SOLETO MUÑOZ, H, FANDIÑO, M Manual de Mediación Civil, Global Affairs Canada, CEJA, 2017
- SOLETO MUÑOZ, H. "Mediación y Resolución de Conflictos: Técnicas y Ámbitos", Ed. Tecnos. Madrid., 2017
- SOLETO MUÑOZ, H. El abogado colaborativo, Tecnos, 2017
- Soleto, Helena Justicia Restaurativa: una justicia para las víctimas, Tirant lo Blanch, 2019

ADDITIONAL BIBLIOGRAPHY

- FISHER, R.; URY, W.; PATTON, B. "Getting to Yes: negotiating agreement without giving in", Penguin, 1992
- MENKEL-MEADOW, C.J.; PORTER LOVE, L.; KUPFER SCHNEIDER, A "Mediation: practice, policy and ethics", Aspen Publishers, 2006
- MOORE, C. "The Mediation Process: practical strategies for resolving conflict", Jossey-Bass, 2003