Civil and commercial mediation. Business mediation

Academic Year: (2021 / 2022) **Review date: 25-06-2021**

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

Coordinating teacher: CARRETERO MORALES, EMILIANO

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Conflict
Communication
Negotiation
Mediation: features, process, techniques and areas

OBJECTIVES

BASIC SKILLS
-That the students can apply the broader (or multidisciplinary) acquired knowledge and ability to solve problems in new or unfamiliar environments within contexts related to their field of study
-Students can communicate their conclusions and the knowledge and rationale underpinning to specialists and non-specialists in a clear and unambiguous
-Students must possess the learning skills that enable them to continue studying in a way that will be largely self-directed or autonomous.

GENERAL SKILLS
-That the students can identify the conflict and the specialties of it and its dynamics
-Students learn to detect within the spectrum of conflict resolution, which is the most appropriate mechanism to deal with them and how to use it
-Students know how to develop a mediation procedure and know their principles, purposes, characteristics and areas
-Students know what the limits of mediation are, and their uses, nationally and internationally
-Students can apply in practice the different techniques and tools used in the management and resolution of conflicts
-Students learn to identify the concepts and elements used in the various forms of conflict resolution
-That the students can correctly identify and develop the various stages of negotiation and mediation, as well as general tools and techniques applied thereto

SPECIFIC SKILLS
-Management of basic communication skills
-Practical application of different techniques and tools used in mediation
-Understand the theoretical and ideological development of the concept of restorative justice and the importance of mediation in criminal matters
-Acquire theoretical knowledge of civil and commercial mediation and procedural and general tools applied to this type of mediation
-Learning concepts used in the various methods discussed
-Synthesise acquired under Title knowledge as basis for the preparation of the Master's Thesis on a specific and concrete

LEARNING OUTCOMES
-The student at the end of the matter will have acquired the necessary knowledge and fluency in the use and control of the various mediation techniques, as well as the different communication tools.
-There will be applied the knowledge gained so far to study the subject of Restorative Justice and will have acquired sufficient theoretical and practical basis to be able to cope with unfair mediation in criminal, civil and commercial matters based on the specificities of these

DESCRIPTION OF CONTENTS: PROGRAMME

Common topics:

-. Mediation: Process and elements

-. The communication
-. Mediation models
-. Fields of mediation

Specific topics:

-. The conflict in the field of business
-. Strategy and mediation in the field of business
-. Mediation in organizations
-. Conflict mediation in banking
-. Conflicts and mediation in the field of family business
-. Conflicts in healths organizations
-. Mediation in civil and commercial matters. Directive EC / 52/2008. The Spanish legislation: Law 5/2012, of July 6, of Spanish mediation in civil and commercial and Royal Decree 980/2013 affairs of December 13, implementing certain aspects of Law 5/2012 are developed
-. Practices civil and commercial mediation

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES
- Theoretical classes
- Practical classes
- Individual student work

TEACHING METHODOLOGIES
-Presentations in class with computing and audiovisual media support, which develop the main concepts of the subject and provides the bibliography to complement the learning of the students.
- Role play.
- Viewing and analysis of mediation recordings.
- Resolution of practical cases, problems, etc. raised by professor individually or in group.
- Presentation and discussion in class, under the moderation of professor of topics related to the content of the matter, as well as case studies.
- Elaboration of works and reports individually or ingroup.
- Critical reading of recommended texts of the subject studied:press articles, reports, manuals and/or academic articles, well for its subsequent discussion in class, either to expand and consolidate the knowledge of the subject.

TUTORIAL SYSTEM
In addition to the tutoring schedule indicated on the Aula Global page of the subject, tutorials may be arranged on other days and times with the subject coordinator via email. The tutorials will be carried out either in person or virtually through the Blackboard Collaborate Room of the subject.

ASSESSMENT SYSTEM

- Individual or group work during the course: 40%
- Final exam: 60% (TEST)

If the student does not pass the subject in the ordinary call, you must take an exam in the resit will have a value of 100% of the final grade.

% end-of-term-examination:	60
% of continuous assessment (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY

- CARRETERO MORALES, E. LA MEDIACIÓN CIVIL Y MERCANTIL EN E SISTEMA DE JUSTICIA, DYKINSON, 2016
- SOLETO MUÑOZ, H. La mediación concursal, especialidad de la mediación civil y mercantil, Revista cuatrimestral de Derecho y Ciencias Económicas y Empresariales, 2016. nº98 mayo-agosto
- SOLETO MUÑOZ, H. (DIR.) MEDIACIÓN Y RESOLUCIÓN DE CONFLICTOS: TÉCNICAS Y ÁMBITOS, TECNOS, 2017
- SOLETO MUÑOZ, H. y FANDIÑO CASTRO, M. MANUAL DE MEDIACIÓN CIVIL, CEJA, 2017

ADDITIONAL BIBLIOGRAPHY

- BLANCO GARCIA, A.I. TRATADOS DE MEDIACIÓN EN ASUNTOS CIVILES Y MERCANTILES, TIRANT LO BLANCH, 2017
- BONET, A. PROCESO CIVIL Y MEDIACIÓN. SU ANÁLISIS EN LA LEY 5/2012, DE MEDIACIÓN EN ASUNTOS CIVILES Y MERCANTILES, THOMSON REUTERS ARANZADI, 2013

- CARRETERO MORALES , E. Comentarios al anteproyecto de ley de mediación en asuntos civiles y mercantiles, Revista Internacional de Estudios de Derecho Procesal y Arbitraje, 2011
- MARTÍN DÍAZ, F. LA MEDIACIÓN EN MATERIA DE FAMILIA Y DERECHO PENAL: ESTUDIO Y ANÁLISIS, TÓRCULO, 2011