

**COURSE DATA****Data Subject**

Code	42669
Name	Arbitration as ADR
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. Period year
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Faculty of Law	1 First term

Subject-matter

Degree	Subject-matter	Character
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	4 - Arbitration as an ADR (Spain, Europe and Anglo-Saxon models)	Obligatory

Coordination

Name	Department
BELLIDO PENADES, RAFAEL	45 - Administrative and Procedural Law

SUMMARY

Being overworked court hanging over the power-of-court dispute resolution methods, among which the arbitration, also internationally.

In this course the aim is to provide an overview of arbitration, both domestic and international. This determines that the general issues, the parties involved, the arbitration procedure and the intervention of the jurisdiction and control mechanism and guarantees, extending the intervention exequatur of foreign awards are analyzed.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

Knowledge of Introduction to Procedural Law

Knowledge of Civil Procedure

Knowledge of Private International Law

COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat

- Students should apply acquired knowledge to solve problems in unfamiliar contexts within their field of study, including multidisciplinary scenarios.
- Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.
- Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.
- Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.
- Participate in, lead and coordinate debates and discussions, be able to summarize them and extract the most relevant conclusions accepted by the majority.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Ser capaces de obtener y de seleccionar la información y las fuentes relevantes para la resolución de problemas, elaboración de estrategias y asesoramiento en relación con la mediación, el arbitraje y la gestión de conflictos.
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- Saber trabajar de manera colegiada o integradora, reproduciendo contextos reales y aportando y coordinando los propios conocimientos con los de otras ramas e intervinientes.
- Ser capaces de integrarse en equipos, tanto en función de mediación y de negociación como en funciones específicas de arbitraje y en funciones de resolución alternativa de controversias.
- Conocer y usar con fluidez los bloques normativos reguladores de la mediación y el arbitraje nacional e internacional y las categorías, normas y trámites jurídicos, así como los pronunciamientos judiciales más significativos.
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- Comprender y aplicar correctamente las técnica, habilidades y recursos propios de la mediación, el arbitraje y la gestión de controversias, según los casos, en el ámbito del Derecho privado.

LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

- Dealing with laws and rules on arbitration
- Being familiarized with the arbitration proceedings
- Understanding the special characteristics of international arbitration

DESCRIPTION OF CONTENTS

1. General issues

Extrajudicial methods of conflict resolution; Concept, nature and scope of the arbitration; Internal Rules; Classes arbitration; Institutional arbitration; The arbitration agreement

2. Subjects in arbitration

Referees; The parties; Third; Representation and defense

3. The arbitration procedure

Guiding principles; Basic rules; The procedure: the claims, the test, is hearing? and the decision or award.

4. Judicial intervention in arbitration

General issues; The cancellation; The review; enforcement of the award

5. International Arbitration

Introduction to international arbitration. Leading institutions in international commercial arbitration. Applicable law to international arbitration. Exequatur of foreign awards. Sectorial arbitrations. Investment arbitration.



WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	18,00	100
Tutorials	12,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

Theoretical explanation: The Lecturer will present and explain in a dynamic way the basic elements which must lead students to understand the subject, using practical cases, analysis of case law and doctrine. The student shall be engaged actively to participate in the learning process.

Applied activities: They will consist, above all, resolution of practical cases. They will help students to become familiar with the relevant materials and legislation of this field.

Office hours: Any question or concern students may have related with this subject will be resolved during the office hours which every Lecturer establishes to this end.

EVALUATION

The final mark is composed of:

20%: attendance and participation. Unrecoverable. For the evaluation it will be necessary to attend at least two thirds of the classes

40%: questionnaire. Recoverable

40%: final exam

The evaluation system will be the same in the first and second calls.

REFERENCES

Basic

- Alonso Puig, J.M. y Bonnin Reynés, V. (Coord), Memento Arbitraje, Francis Lefebvre, 2020

Barona Vilar, S. (Coord.), Comentarios a la Ley de Arbitraje, Civitas, 2011



Barona Vilar, S. y Esplugues Mota, C., Arbitraje Legislación Básica, Tirant lo Blanch, 2012

Cremades Sanz Pastor, J.A., El Arbitraje de Derecho Privado en Espana, Tirant lo Blanch, 2014

De La Oliva, Díez_picazo y Vegas Torres, Curso de Derecho Procesal Civil, II, Parte especial, 2016.

Fernández Rozas, J. C., Sánchez Lorenzo, S.A. y STAMPA, G., Principios Generales del Arbitraje, Tirant lo Blanch, 2018

Additional

- González Bueno, C., (Coord.), Comentarios a la Ley de Arbitraje, Dykinson, 2014

González Soria, J. (Coord.), Comentarios a la nueva Ley de Arbitraje, Aranzadi- Thomson Reuters, 2011

Prats Albentosa, L., (Coord.), Comentarios a la Ley de Arbitraje, La Ley, 2013