

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

Code	35255
Name	ADR (Alternative dispute resolution)
Cycle	Grade
ECTS Credits	4.5
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. Period year
1303 - Degree in Law	Faculty of Law	4 First term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	49 - ADR (Alternative dispute resolution)	Optional

Coordination

Name	Department
BARONA VILAR, SILVIA	45 - Administrative and Procedural Law
BLANCO GARCIA, ANA ISABEL	45 - Administrative and Procedural Law

SUMMARY

"ADR (Alternative Dispute Resolutions)" is placed within the litigation itinerary of the Degree's fourth academic year.

This subject offers a list of different non jurisdictional ways of access to Justice. It is analyzed from the point of view of the Anglo-Saxon trend that raises ADRs as alternatives to the current situation to be found in most countries. In particular, it is an initial approach to the various means of ADR: mediation, conciliation, arbitration, mixed figures as med-arb, ombudsman, etc.

After the conceptual and theoretical approach, the course will be completed with practical workshops of introduction to negotiation and mediation techniques, as well as the status of an arbitration proceeding.



This subject is the perfect complement to the knowledge acquired in Procedural Law, Civil Law, Private International Law, Commercial Law and even in Criminal Law, providing a theoretical and practical overview of ADR applicable to all these areas of expertise.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

No prerequisites required

It is recommended having studied the subject "Introduction to Procedural Law"

OUTCOMES

1303 - Degree in Law

- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Know the community and international regulatory framework, its institutions and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Have negotiation and conciliation skills.

LEARNING OUTCOMES

Competence No. 1:

Ability to recognize non-judicial ways of dispute resolution, their scope, and their complementary or alternative nature to the judicial protection (regarding specific skills of the degree E: 3, 6, 7, 9, 10, 11, 14).

Competence No. 2:

Ability to recognize mediation techniques existing under Spanish law and their possible extension to other areas (regarding specific skills of the degree E: 3, 7, 8, 9, 10, 14).



Competence No. 3:

Ability to recognize the institution of arbitration, subjects who may develop it, the areas where it is applicable and arbitration proceeding (regarding specific skills of the degree E: 3, 7, 8, 9, 10, 14).

DESCRIPTION OF CONTENTS

1. Introduction to ADR (Alternative Dispute Resolutions)

1. ADR: global movement.
2. Emergence and origin in the Anglo-Saxon world. Justification and philosophical and legal development in shaping the ADR as a movement.
3. Special reference to the Common Law model. Manifestations.
4. Belated expansion of ADR in the continental legal system. Incidence and influence of the European Union in its projection.
5. Linking and meaning to "Access to Justice" Where are we going to? Advantages and threats.
6. Means of ADR.
 - 6.1. Auto-composition
 - 6.2. Hetero-composition

2. Mediation. Concept, principles and classes

1. Mediation: concept and principles. Advantages and disadvantages. Differences with conciliation.
2. Mediation classes. Movement of sectoralization of mediation.
 - 2.1. Family mediation.
 - 2.2. Civil and commercial mediation.
 - 2.3. Criminal Mediation.
 - 2.4. Mediation in specific conflicts: neighborhood, consumer matters, social, among others.
3. Workshops on mediation: practical development of the mediation. Schools of mediation and practical application.

3. Arbitration

1. Introduction to the study of arbitration: history, legislative developments.
2. Subject matters of the arbitration.
3. Subjects in arbitration
4. Arbitral proceedings
5. Arbitral award. Effects. Appeal
6. Practical workshop. Simulation arbitral proceedings.
7. Sectoral arbitration.

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	5,00	0
Development of group work	6,00	0
Development of individual work	2,50	0
Study and independent work	2,50	0
Readings supplementary material	4,00	0
Preparation of evaluation activities	31,50	0
Preparing lectures	6,00	0
Preparation of practical classes and problem	10,00	0
TOTAL	112,50	

TEACHING METHODOLOGY

This is a theoretical-practical course that makes it possible to achieve a sufficient knowledge that allowsto solve any questions that may arise in practice. Hence, the methodology will be:

1. On the one hand, the use of master classes for teaching concepts and principles. Classes which will build on the basic tools of educational texts, by using media like PowerPoint, among others.
2. On the other hand, within the framework of the implemented activities, we will work on the practical adaptation of the know-how through simulations. Mediation procedures with use of videos, practical application of mediation techniques. Simulation of oral sessions of arbitration during the classes, among others. This methodology is carried out through workshops.
3. Also, additional activities will be planned by organizing external sessions in the centers of mediation and/or arbitration, whenever possible.

EVALUATION

The skill assessment procedures will be:

- 70%: written test or oral objective examination, including theoretical and practical issues and/or problems.
- 30%: practical activities assessment, individual and/or in group, from the development and delivery of papers, reports and/or oral presentations, and participations an seminars.



-The score obtained in the continuous assessment will only be added to the score obtained in the test or the theoretical-practical knowledge assessment tests, if the latter reaches, at least, 50% of the maximum score established, either by adding the score of the partial test passed plus the final test, either by the score of the final test.

REFERENCES

Basic

- BARONA VILAR, S., Solución extrajudicial de conflictos. ADR y Derecho Procesal, Tirant lo Blanch, Valencia, 1999.
- BARONA VILAR, S., Mediación en asuntos civiles y mercantiles en España, Tirant lo Blanch, Valencia, 2013.
- AA.VV. (coord. por BARONA VILAR, S.), Comentarios a la Ley de Arbitraje, Civitas, 2ª ed., Cizur Menor, 2011.
- BARONA VILAR, S., Mediación penal: fundamento, fines y régimen jurídico, Tirant lo Blanch, Valencia, 2008.
- BARONA VILAR, Silvia, "Nociones y principios de las ADR (Solución extrajudicial de conflictos)", Tirant lo Blanch, 2018.

Additional

- BARONA VILAR, S. (y otros), La mediación penal para adultos: una realidad en los ordenamientos jurídicos: (experiencias en España, EEUU, Inglaterra y Gales, Países Escandinavos, Francia, Alemania, Portugal, Brasil y Chile), Tirant lo Blanch, Valencia, 2009.
- CUCARELLA GALIANA, L. A., El procedimiento arbitral: (Ley 60/2003, 23 diciembre, de arbitraje), Publicaciones del Real Colegio de España en Bolonia, 2004.
- AA.VV. (dir. por ETXEBERRIA GURIDI, J. F.), Estudios sobre el significado e impacto de la mediación¿una respuesta innovadora en los diferentes ámbitos jurídicos?, Aranzadi, Madrid, 2012.

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council



ACADEMIC YEAR 2020-2021 (1st TERM)

Name and code: ADR (Alternative Dispute Resolution)/ 35255

HYBRID TEACHING MODEL

1. Contents

The contents initially included in the teaching guide are maintained

2. Workload and time schedule

There are no changes in the volume of work for the subject.

The weight of the different activities that add the hours of dedication in ECTS credits marked in the original teaching guide is maintained.

This course will be adapted to the HYBRID TEACHING MODEL established by the Faculty of Law, through which theoretical-practical classes will be taught face-to-face every other week. For this, the group will be divided into two subgroups that will receive face-to-face teaching on alternate weeks (even or odd), combined with non-face-to-face teaching. This hybrid teaching model requires the full presence of teachers, who will teach in the classroom, at the time established for the subject, every week.

For the students, in the week of no attendance, the teaching will be synchronous, being able to monitor through VIDEOCONFERENCE through the devices that the classroom has (cameras and / or microphones) or using portable devices available to teachers. If the class could not be broadcast synchronously by videoconference, it could be recorded and upload the link to the Virtual Classroom, so that the group of students who do not have to attend the classroom can view it remotely at any time of the week.

The planning of the teaching will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

If the sanitary situation changes and no access to the University facilities is possible, all teaching activities will be carried out completely online. In this case, the adaptations will be communicated to the students through the Virtual classroom.



3. Teaching Methodology

The teaching methodology will consist of theoretical-practical classes, which can be complemented with different types of materials and activities in the Virtual Classroom, and which will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

The tutorials will be done online (through the tools provided in the Virtual Classroom or by institutional mail) or face-to-face, always by prior appointment with the teacher. The model for the tutorials will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

If the sanitary situation changes and no access to the University facilities is possible, teaching and tutorials will be carried out completely online. In this case, the adaptations will be communicated to the students through the Virtual classroom.

4. Evaluation

The evaluation criteria established in the Course Guide are kept.

The evaluation criteria established in the teaching guide are maintained.

However, based on the recommendation to increase the weight of continuous assessment, the following restriction provided by the teaching guide is suspended: "The score obtained in the continuous assessment will only be added to the score obtained in the test or assessment tests of the theoretical-practical knowledge, if the latter reaches at least 50% of the established maximum score, either by adding the score of the partial test passed plus the final test, or by the final test score". Consequently, the score obtained by continuous evaluation will be added to any score obtained in the completion of the final test.

The grade for continuous assessment is not modified (30%), because with the elimination of the aforementioned restriction, the incidence of the score obtained by it in the final grade increases significantly.

The continuous assessment activities and the final test will have to be specified by each teacher in the Annex to the Teaching Guide.

If the University facilities were closed on the dates set in the official calendar for the final exam, the face-to-face exam will be replaced by an online test.

5. Bibliographic references



The recommended bibliography is kept as it is accessible.

The main recommended manuals in all groups of the subject are available as e-books in the Social Sciences Library, so it is not necessary to replace them with other materials.

In any case, the teaching staff in charge of the different groups will specify in the Annex to the Teaching Guide and inform in writing in the Virtual Classroom that the manual they use is available as an e-book.