

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

Code	42668
Name	Regulatory framework of mediation
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	3 - Regulatory framework of mediation	Obligatory

Coordination

Name	Department
PLAZA PENADES, JAVIER	50 - Civil Law

SUMMARY

The course includes the study of frame of the mediation Law, according with the Directive 52/2008 on mediation in civil and commercial matters, and the Law 5/2012 of 6 July, which has transposed the directive, emphasize the importance of this subject in an emerging issue, which give students the opportunity to learn the structure of conflicts, the skills needed to address extra-jurisdictional and legal mechanisms can be provided as complementary to the judicial system.

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 previous knowledge is necessary, regardless of passing the Degree

OUTCOMES

2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado

- Students should apply acquired knowledge to solve problems in unfamiliar contexts within their field of study, including multidisciplinary scenarios.
- Students should possess and understand foundational knowledge that enables original thinking and research in the field.
- 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.
- 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.
- Comprender y aplicar correctamente los aspectos normativos y deontológicos de las distintas instituciones 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.



LEARNING OUTCOMES

Students will acquire the ability to analyze, manage and help solve cooperatively the conflicts and disputes that arise in the exercise of their profession through mediation, since they will know in depth the aforementioned procedure, assessing the benefits that it implies in practice regarding specific conflicts.

They will know the legal framework of mediation, both in the state, autonomous and community framework.

They will know how to identify the parts of a mediation process, as well as each of the phases of the procedure and the principles that inform it, specifying the most appropriate techniques to obtain a satisfactory result.

DESCRIPTION OF CONTENTS

1. The mediation

1. Concept and Nature of mediation
2. Principles
3. Mediation procedure
4. Mediation in autonomic and communitari frame
5. Electronic mediation

2. General Theory of mediation

1. Concept
2. informants Principles
3. Process
4. Techniques
5. Results

**WORKLOAD**

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

TEACHING METHODOLOGY

The teacher will explain those fundamental elements that will guide the students in the study and understanding of the subject . The student, meanwhile, should be actively engaged in the learning process by reading prior to the teacher's explanation , or in class , depending on the organization of teaching time, those materials, manuals , monographs and texts provided or mentioned previously .

The aforementioned theoretical explanations will be supplemented with the development of case studies that will enable to contextualize the knowledge acquired, as well as the Organization of seminars or conferences related to the matter, which will be scheduled in the context of the subject and preferably consist of specific activities of the subject or of interdisciplinary or transverse nature of the Master.

EVALUATION

The student will be assessed through weekly monitoring and preparation of various program contents.

The Students must take, individually or collectively, as determined by the teacher, the evaluation activities proposed in the classroom, at the time indicated .

Specifically, this work will consist of performing a resume of the contents that have explained the professor (100% evaluation).

The acquisition of generic skills and specific how priority identified in the matter and, mainly, ability to learn, reason, analyze and expose conflicts and alternative systems that are applicable to them in the management and resolution will be especially present.

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



REFERENCES

Basic

- BLANCO CARRASCO, Marta.: Mediación y sistemas alternativos de resolución de conflictos. Una visión jurídica, Reus, Madrid, 2009
- ALZATE SÁEZ DE HEREDIA, Ramón.: Análisis y resolución de conflictos: una perspectiva psicológica, Editorial de la Universidad del País Vasco, Bilbao, 1998
- BOQUÉ TORREMORELL, M^a Carmen.: Cultura de mediación y cambio social, Sistemas alternativos de resolución de conflictos. La mediación Gedisa, Barcelona, 2003
- CAIVANO, Roque J., GOBBI, marcelo, PADILLA, Roberto E.: Negociación y mediación: instrumentos apropiados para la abogacía moderna. Métodos alternativos y el rol de los abogados, AD-HOC, Buenos Aires, 1997

Additional

- AURELI, Filippo, M. DE WAAL, Frans B.: Natural conflict resolution, Berkeley, University of California Press, cop., 2000
- CONSTANTINO, Cathy A., SICKLES MERCHANT, Christina.: Diseño de sistemas para enfrentar conflictos: una guía para crear organizaciones productivas y sanas, Granica, Barcelona, 1997
- DUKES, E. Franklin, PISCOLISH, Marina A., STEPHENS, John B.: Reaching for higher ground in conflict resolution: tools for powerful groups and communities, Jossey-Bass cop., San Francisco, 2000
- ENTELMAN, Remo F.: Teoría de conflictos: hacia un nuevo paradigma, Gedisa, Barcelona, 2002
- FISHER, Roger, BROWN, Scott (traduit de l'anglais par Mariette Gimo). : D'une bonne relation à une négociation réussie, Seuil, Paris, 1991
- GARCÍA VILLALUENGA, L., TOMILLO URBINA, J., VÁZQUEZ DE CASTRO, E. (Codirectores): Mediación, arbitraje y resolución extrajudicial de conflictos en el siglo XXI. Tomos I y II. Ed. Reus, Madrid, 2010.
- HO-WON, Jeong (Ed.): Conflict resolution: dynamics, process and structure, Ashgate cop., Aldershot, 1999
- MULHOLLAND, Joan.: El lenguaje de la negociación: manual de estrategias prácticas para mejorar la comunicación, Gedisa, Barcelona, 2003
- MUNDUATE JACA, Lourdes y MEDINA DÍAZ, Francisco José (Coords.): Gestión del conflicto, negociación y mediación, Pirámide, Madrid, 2005
- ROGEL VIDE, Carlos.: Transacción y mediación, nº3 Revista General de Legislación y Jurisprudencia, 2009.