

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

Code	42670
Name	External internships and practical workshop on mediation and arbitration
Cycle	Master's degree
ECTS Credits	8.0
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	5 - External internships and practical workshop on mediation and arbitration	External Practice

Coordination

Name	Department
SANCHIS CRESPO, CAROLINA	45 - Administrative and Procedural Law

SUMMARY

The subject can be evaluated through external curricular practices in public and private institutions or attendance at practical workshops in the classroom on mediation and arbitration.

Practice mediation

The contents of this course, as its name suggests, is primarily practical.

Once surpassed the first six weeks of the Master in which has been dealt with exhaustively the legal framework of ADR with special emphasis on the mediation and arbitration, it is now addressing its practical side. For this, the area will handle Procedure concerning the practice in mediation.



To develop the content of this subject, in addition to theoretical knowledge, experience transformation involving the parties resolve the conflict by themselves and assimilation of mediating techniques require. In this way Master participants will gain a comprehensive understanding of the whole procedure from the perspective of the parties, and from the mediator.

Mediating learning techniques produce more effectively with the observation of the actions of other mediators at first and then with its implementation in the first person. So for the development of practical workshop work with video material in which actual cases of mediation will be displayed and will conduct further role playing sessions with the assistance of a professional mediator. the content of the subject, in the part on external practices, with the completion of two visits to institutions related to mediation and interaction with mediators and their cases will be completed.

Arbitration practice

The area of Private International Law practice corresponds to convey that vision in this module, which refers specifically to arbitration. This will be addressed from various routes: case studies, visits to institutions of ADR, audiovisual material

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 se necesitan conocimientos previos excepto el haber superado el Grado y los conocimientos propios del master.

OUTCOMES

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

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- 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.
- Use different presentation formats (oral, written, slide presentations, boards, etc.) to communicate knowledge, proposals and positions.
- Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Adquirir y Aplicar habilidades en la redacción y diseño de actas de mediación y laudos arbitrales, así como el asesoramiento pertinente a los intervinientes en el proceso de mediación, el arbitraje y la gestión de controversias en el ámbito del Derecho privado.
- Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.

LEARNING OUTCOMES

In practice mediation: this course is part of the first level of specialized learning from a practical point of view. The results thereof are encrypted in the achievement by students of the skills necessary to exercise mediation in civil and commercial matters. This will be achieved by displaying previously recorded darlings practical materials, which will be discussed later. learning outcomes referred also achieved through the implementation of the mediating skills through the realization by students of role-playing with the assistance of a professional mediator. Without prejudice concerted mediation institutions in the city of Valencia visits, for what will have the prior authorization of the institution.

In practice it is intended arbitraje

- Handle with ease the rules on arbitration
- Become familiar with the processing of an arbitration procedure and solving real problems

Knowing the role played by certain institutions ADR



WORKLOAD

ACTIVITY	Hours	% To be attended
Internship		100
Resolution of case studies	80,00	0
TOTAL	80,00	

TEACHING METHODOLOGY

In practice mediation

The methodology is eminently practical with training tasks in the process of teaching and learning by using the technique of role-playing simulation mediation cases and outpatient visits.

The teacher will explain those fundamental elements that students must learn. Specifically regarding possible mediation models to know in each case what should prevail for better management of the conflict. It will also guide you regarding the mediator tools to assess which are most closely related to them and which should improve as well as everything related to the mediation process in its different phases.

Students should be involved through their active participation in the simulation of mediation cases and asking questions to the teacher and / or external visits. Recommended reading texts, preparing various activities and self-employment is also necessary.

In arbitration practice

The development of the sessions will be held with a practical approach, aimed at promoting the students' actual knowledge of an arbitration procedure, from different perspectives.

This requires the involvement of students, especially with active participation.

EVALUATION

The total final qualification will be calculated by means of the average of the qualifications obtained in each of the two parts of the subject (mediation and arbitration), detailing below the percentages attributable to the concepts indicated in each case.

In mediation practice, the student will be evaluated:

- Through weekly monitoring and preparation of the different contents of the program.

The execution of the role-playing sessions (40%) will be especially taken into account



- Through the drafting of minutes of mediation cases.

This activity will take place the last week (60%)

For the evaluation of the student, these two parameters will be considered:

1º) The acquisition of the different competences indicated as specific to the subject, namely:

a) CE4 – Acquire and apply skills in the drafting and design of mediation acts, as well as the pertinent advice to the participants in the mediation process.

b) CE5 – Analyze and define the scope of the specific dispositive law of the matter in each case of alternative dispute resolution

2º) Attendance at classes as an essential requirement to be evaluated, and a minimum of 80% of the sessions must be covered.

Below that minimum, except for justified reasons, the student will not be evaluated, appearing in the minutes as not presented.

In arbitration practice, the final grade is made up of:- 30% active participation- 70%: evaluable final test

Class attendance is an essential requirement to be evaluated, and a minimum of 80% of the sessions must be covered.

Below that minimum, except for justified reasons, the student will not be evaluated, appearing in the minutes as not presented.

To pass the subject it will be necessary to have passed the final test.

For the second call, the same evaluation system, previously described, will be applied, and the grade obtained in active participation in the classroom will be kept.

In the event of carrying out curricular internships through the ADEIT, the grade will consist of 50% the evaluation of the external tutor and the other 50% the grade of the academic tutor with the presentation of the internship report.

REFERENCES

Basic

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- SOLETO MUÑOZ, H. Mediación y resolución de conflictos: Técnicas y ámbitos, Tecnos, 2017
- VALL RIUS, A. M^a., El procedimiento de mediación civil y mercantil, en Manual de mediación en asuntos civiles y mercantiles, Dir. Castillejo Manzanares, R., Ed. Tirant lo Blanch, Valencia, 2020
- ALONSO PUIG, J.M. y BONNÍN REYNÉS, V. (COORD.), Memento Arbitraje, Francis Lefebvre, 2021.
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- FERNÁNDEZ ROZAS, J.C., SÁNCHEZ LORENZO, S.A. y STAMPA, G., Principios Generales del Arbitraje, Tirant lo Blanch, 2018.
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Additional

- DEPARTAMENT DE JUSTÍCIA DE LA GENERALITAT DE CATALUNYA, Guía pràctica de metodologia i recursos, adreçada a les persones mediadores en conflictes a les comunitats de veïns i propietaris, Programa Compartim de gestió del coneixement, año 2010, accesible en http://www20.gencat.cat/docs/justicia/documents/ARXius/PC-Compartimguia_practica_metodologia_persiones_mediadores2010.pdf
- GONZÁLEZ BUENO, C., (COORD.), Comentarios a la Ley de Arbitraje, Dykinson, 2014.
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