



## COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
NEGOTIATING AND MEDIATING IN PRIVATE LAW DISPUTES	

Lecturer(s)	Department(s) where the course unit (module) is delivered
<b>Coordinator:</b> Assoc. prof. dr. Rimantas Simaitis	Department of Private Law, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, Room 311, LT-10222 Vilnius tel. (+370 5) 2366170, e-mail: ptkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	Optional

Mode of delivery	Period when the course unit (module) is delivered	Language(s) of instruction
Face-to-face	8 (spring) semester	English

Requirements for students	
<b>Prerequisites:</b> No	<b>Additional requirements (if any):</b> No

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
The purpose of this course is to enhance students' knowledge related to alternative dispute resolution principles and processes in private law context; it aims at the formation of students' practical skills in resolving disputes through negotiations and mediation, as well as development of interpersonal and presentation skills.		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will gain in-depth knowledge on use of negotiating and mediating techniques in private law disputes and will be able to critically analyse and assess legal, social and ethical consequences of the developments in this sphere.	An interactive method of teaching during seminars and practical sessions (student's presentations on assigned topics of negotiation and mediation; group discussions), individual studies (analysis of relevant materials)	Assessment of knowledge and abilities demonstrated by giving presentations and participating in class activities, mock negotiations and mediations
Students will be able to evaluate the potential of application of negotiating and mediation in litigation process, to debate about challenges and obstacles faced in this process and to provide innovative strategies for solutions.	An interactive method of teaching during seminars and practical sessions (student's presentations on assigned topics of negotiation and mediation; situations'/cases' analysis; group discussions), individual studies (analysis of relevant materials)	Assessment of knowledge and abilities demonstrated by giving presentations and participating in class activities
Students will be able to thoroughly analyse methods, stages and use necessary skills of negotiation and mediation and will be able to apply this knowledge in practice.	An interactive method of teaching during seminars and practical sessions (mock negotiations and mediations; situations' analysis and self-evaluation; feedback from the other participants; group discussions), individual studies (analysis of relevant materials)	Assessment of knowledge and abilities demonstrated by giving presentations and participating in class activities, mock negotiations and mediations
Students will be able to actively and	An interactive method of teaching	Assessment of knowledge and

productively participate and collaborate in cross-cultural team activities, as well as to ensure group members integration by applying ethical values and moral sensibility in respect to cultural and social diversity.	during seminars and practical sessions (student's presentations on assigned topics of negotiation and mediation; mock negotiations and mediations; class discussions), individual studies (analysis of relevant materials)	abilities demonstrated by giving presentations and participating in class activities, mock negotiations and mediations
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Content: breakdown of the topics	Contact hours							Self-study work: time and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Negotiations: 1.1. Concept, principles and styles; 1.2. Preconditions; 1.3. Interest based negotiations and positional bargaining; 1.4. Stages; 1.5. Settlement agreements; 1.6. Ethics; 1.7. Manipulation and imbalance of powers; 1.8. Techniques for overcoming deadlocks; 1.9. Skills of efficient negotiator; 1.10. „Bottom line“; 1.11. Interest base negotiation technique: theory and practice; 1.12. BATNA and WATNA; 1.13. Negotiation “djudjitsu”.			8	8			16	50	Analysis of relevant study materials, preparation of presentations on assigned topics; participation in interactive practical exercises and mock negotiations
2. Mediation: 2.1. Concept, principles and styles; 2.2. Mediation in spectrum of dispute resolution methods; 2.3. Potential, effects and risks of mediation; 2.4. Role, functions and ethics of a mediator; 2.5. Process and participants, their roles; 2.6. Stages; 2.7. Management of mediation; 2.8. Mediators' communication, techniques and skills; 2.9. Co-mediation; 2.10. Legal framework for mediation; 2.11. Agreement to mediate and mediated (settlement) agreement; 2.12. Referral to mediation; 2.13. Mandatory, opt-out and court-annexed mediation.			8	8			16	51	Analysis of relevant study materials, preparation of presentations on assigned topics; participation in interactive practical exercises and mock mediations
<b>Total</b>			<b>16</b>	<b>16</b>			<b>32</b>	<b>101</b>	

Assessment strategy	Weight, %	Deadline	Assessment criteria
Presentations and participation in the class activities	50	During the semester	Students will be expected to demonstrate both the knowledge gained during the course as well as their abilities to apply it in a given situation. Assessment of participation in class activities consists of: - presentation of assigned topics (capability to critically assess the issues, to identify the most significant features, tendencies

			<p>and developments related to the particular topic, to provide orally clear arguments in support of their points made in a logical, coherent and structured manner);</p> <ul style="list-style-type: none"> <li>- practical exercises (comprehensive analysis of practical situations followed by the submission and presentation in groups of argumentative conclusions);</li> <li>- participation in discussions (capability to provide correct answers to questions, formulate problems and suggest (search for) solutions, offer thoughtful critical remarks, contribute to other participants' ideas, etc.).</li> </ul>
Mock negotiations and mediations	50	During the semester	<p>Students will be expected to participate in role plays of negotiation and mediation. Situations will be selected by the lecturer or presented by participating students in lines with instructions of the lecturer. Assessment will consist of:</p> <ul style="list-style-type: none"> <li>- demonstration of relevant skills and techniques of negotiation and mediation;</li> <li>- capability to recognise and analyse different styles and techniques of negotiation and mediation and adequately react.</li> </ul>

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
<b>Compulsory reading</b>				
Fisher R., Ury W	1991	Getting to Yes: Negotiating Agreement Without Giving In		Penguin Books: New York
Ury W.	1993	Getting Past No: Negotiating in Difficult Situations		Bantam Books: New York
Moore Ch. W.	2014	The Mediation Process: Practical Strategies for Resolving Conflict		Jossey-Bass: San Francisco
Baruch Bush R.A, Folger J.P.	2005	The Promise of Mediation: The Transformative Approach to Conflict		Jossey-Bass: San Francisco
<b>Optional reading</b>				
Negotiation: processes for problem solving	2006	Menkel-Meadow C. J., Kupfer Schneider A., Porter Love L.		Aspen Publishers Inc.: New York
How to Negotiate Effectively	2003	Oliver D.		Kogan Page Ltd.: London
Mediation: a comprehensive guide to resolving conflicts without litigation	1984	Folberg J., Taylor A.		Jossey-Bass: San Francisco
Resolving Disputes Without Going to Court: A Consumer Guide to Alternative Dispute Resolution	1995	Acland A.F		Century Ltd.: London
Conflict Management: a Practical Guide to Developing Negotiation Strategies	2007	Corvette B., Budjac A.		Prentice Hall: New Jersey
Bargaining with the Devil: When to Negotiate, When to Fight	2011	Mnookin R.		Simon & Schuster: New York