

**Mediation in the Fields of Private Law**

Code: 44690  
ECTS Credits: 10

Degree	Type	Year	Semester
4317933 Mediation in Families and in Private Law	OB	0	2

## Contact

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## Other comments on languages

The language of communication can be in Catalan or Spanish in function of the personal situation of each one

## Use of Languages

Principal working language: catalan (cat)

## Teachers

Pedro Jurado de los Santos

Joan Carles Codina Campaña

Isabel Soria Rodríguez

## Prerequisites

Training in Law supplements.

## Objectives and Contextualisation

The objective of this module is to learn about the different contexts of mediation (field of private law), its legal regulations and the specific actions required in the different fields of civil and commercial private law to avoid the initiation of a judicial or commercial dispute, or favor the transaction. Likewise, it is also intended to acquire skills to know how to carry out and develop a mediation process applied to the areas of private law.

## Competences

- Communicate clearly, persuasively and unambiguously to both expert and non-expert audiences.
- Identify and apply the basic and general principles of the legal system in different socio-educational mediation actions.
- Manage and adequately write up the administrative factors and the content of an act of family mediation and/or one in the area of private law.
- Recognise and conserve a permanent situation of symmetry of the parties in the act of mediation.
- Show a commitment to ethics and gender in mediation.
- Solve problems effectively in a contextualised manner and with social responsibility.
- Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
- Students should know how to communicate their conclusions, knowledge and final reasoning that they hold in front of specialist and non-specialist audiences clearly and unambiguously.

## Learning Outcomes

1. Adequately document and write up the content and main agreements from any mediating act or action.
2. Anticipate the demand for information in the area in question.
3. Apply strategies to carry out an adequate administrative procedure in an act of family mediation and/or in the area of private law.
4. Apply strategies to ensure equality of condition for both parties.
5. Apply the current regulations concerning mediation to the different mediation actions.
6. Carry out documentary research before making decisions.
7. Demonstrate a good knowledge of verbal and non-verbal language (gestures, tone of voice, facial expressions, etc.) and adapt them in each situation.
8. Demonstrate a positive and respectful attitude towards the rest of the team and /or clients.
9. Identify the options for mediation in complex contexts.
10. Identify the regulatory and legal context of different areas of mediation.
11. Make adequate use of the resources, methods, channels and media for effective communication with different audiences.
12. Make decision in complex situations, evaluating the possible consequences.
13. Recognise and express opinions assertively and respectfully.
14. Respect the opinions, values and cultures of the rest of the team and/or clients.

## Content

The following content blocks will be taught:

- Mediation as a process of intervention and conflict management in the context of citizen coexistence, communities, organizations, family businesses, foundations and associations, and other areas of private law linked to socio-educational aspects.
- The typology of conflicts in the areas of private law.
- Areas and specificities of private law and possible object of mediation.
- Methodology, stages and preparation of the mediation process applied to the areas of private law.
- Notions about the basic legal regulation related to mediation in the areas of private law: basic legal content, legal effects of mediation, and commercial mediation.

### PROGRAM of MODULE - MEDIATION IN THE AREAS OF PRIVATE LAW

Topic I- Contextualization in the areas of mediation

Topic II- Socio-educational inclusion and mediation

Topic III- Approaches to intervention

Topic IV- Mediation in foundations and associations

Topic V- Commercial mediation

Topic VI- Mediation in the company

Topic VII- The external and inter-company relations of companies

Topic VIII- Commercial contracts and the mediation clause

Topic IX- The application of technologies and artificial intelligence in mediation

Topic X- The mediation of consumption. consumers and users

Topic XI- Mediation in business insolvency

Topic XII- The insolvency of natural persons

Topic XIII- Sports mediation

## Methodology

At the beginning of the module, the complete program of the subject and its organization will be available and more specific indications will be given, the materials will be made available to the student for their academic progress, the compulsory readings will be indicated, as well as the recommended bibliography. The "Moodle Classroom" tool of the UAB Virtual Campus will be used.

The use of various academic resources for learning is planned. Reading articles, reports and materials for understanding and evaluation. Analysis of situations or assumptions of praxis. Text comments. discussion

forum. Normative analysis. Research on a certain topic. Jurisprudence review. Resolution of practical cases. Simulation of problems - Role playing, Conferences. Development test.

- Lectures with invited experts
- Resolution of cases, exercises and practical problems in person and virtually
- Simulation of problems and role playing
- Face-to-face practical seminars
- Problem-based learning
- Discussion forum
- Tutorials
- Personal study
- Reading articles and reports

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Classroom group face-to-face	75	3	7, 8, 10, 9, 13, 14
Type: Supervised			
Workspace through document analysis/case resolution and other activities	37.5	1.5	2, 5, 3, 4, 11, 12, 13
Type: Autonomous			
Readings, independent and self-determining work and others	137.5	5.5	2, 5, 10, 6, 1

## Assessment

We opt for continuous evaluation, progress and sequential delivery. During the development of the module, evaluable activities of collaborative work will be carried out, through attendance, active participation in Forums and analysis of the thematic conferences of experts in mediation, also through the thematic exhibition and delivery of exercises/cases specific; on the other hand, individual work activities, such as the completion of the thematic report of the module and the development test.

Assessment activities % mark/qualification

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Team work:

- Forums and conferences - 10%
- Delivery practices/exercices cases - 40%

(This activities are developed throughout the duration of the module)

Individual work

- Thematic report module IV - 30%
- Development test - 20%

(This activities will be carried out near at the end of the module)

Note:

\* To pass the module, it is required to obtain a grade higher than 50% in the evaluable activities.

\*\* Copying or plagiarism, in any type of assessment test, constitutes a crime, and will be penalized with a 0 as a grade for the subject, losing the possibility of recovering it. A work or activity will be considered "copied" when it reproduces all or a significant part of the work of another colleague. A work or activity will be considered "plagiarized" when a part of an author's text is presented as one's own without citing the sources, regardless of whether the original sources are on paper or in digital format.

[https://wuster.uab.es/web\\_argumenta\\_obert/unit\\_20/sot\\_2\\_01.html](https://wuster.uab.es/web_argumenta_obert/unit_20/sot_2_01.html)

Likewise, to pass this module, it is also necessary to demonstrate good general communication skills, both orally and in writing, and a good command of the language or languages listed in the teaching guide. In all activities, linguistic correction, writing and formal aspects of presentation will be taken into account. Students must be able to express themselves fluently and correctly and must show a high degree of understanding of academic texts.

The TFM mark will be established following the proportions detailed in the table of assessment activities.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Deliver practices/case exercises	40%	0	0	2, 5, 3, 4, 7, 10, 6, 9, 1
Development test	20%	0	0	5, 4, 7, 10, 6, 11, 9, 12, 1
Forums and conferences	10%	0	0	8, 6, 11, 13, 1, 14
Thematic report module IV	30%	0	0	2, 5, 10, 6, 11, 1

## Bibliography

Barona Vilar, Silvia y otros autores; (2022); *Meditaciones sobre mediación (MED+)*, Tirant lo Blanch, Valencia.

Barrón López, María Carmen; (2021); *Arbitraje y mediación en la empresa familiar*, Tirant lo Blanch, Valencia.

Barton, L.; (2008); *Superar las barreras de la discapacidad*. Morata, Madrid.

Blanco García. Ana Isabel; (2017); *Tratado de Mediación Tomo I Mediación en Asuntos Civiles y Mercantiles*; Tirant lo Blanch, Valencia.

Castillejo Manzanares, Raquel (Dir.); (2013); *Comentarios a la Ley 5/2012, de mediación en asuntos civiles y mercantiles*; Tirant lo Blanch, Valencia.

Castillejo Manzanares, Raquel (Dir.); (2020); *Manual de mediación en asuntos civiles y mercantiles*, Tirant lo Blanch, Valencia.

Moreno Oliver, Francesc X. (Coord.); (2014); *Bases de Mediación*; Servei de Publicacions UAB, Bellaterra, 2014.

Munné Catarina, Frederic y Vidal Teixidó, Antoni; (2013); *La mediación. Resolución Pacífica de conflicto. Régimen jurídico y eficacia procesal*; La Ley, Barcelona.

Parra Jiménez, María Eugenia; (2020); "Mediación en el ámbito deportivo"; en Ortega Burgos, Enrique y García Caba, Miguel María; (Dir.); *Derecho Deportivo 2020*; Tirant lo Blanch, Valencia, pp. 235-254.

Vázquez Gutiérrez, Reyna Lizeth y Iglesias Ortuño, Emilia De Los Ángeles; (Coords.); (2018); *Mediación para la paz social*; Tirant lo Blanch, Valencia,

Ortuño Muñoz, Pascual; (2018); *Justicia sin jueces*, Ariel, Barcelona.

Vidal Teixidó, Antoni y Llinas Salmeron, Rafael; (2016); *Guía para el mediador profesional: Caja de herramientas y apuntes específicos sobre mediación mercantil y en la empresa familiar*, Gedisa editorial, Barcelona.

\* Access to the databases of the social sciences library: online academic resources (<https://www.uab.cat/web/servei-de-biblioteques-1345703209400.html>)

## **Software**

Virtual campus Moodle classroom and Teams platform in the UAB environment.