

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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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

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

This module will be evaluated according to the following evidence:

- Attendance and active participation in the forums and/or conferences and complementary activities (critical reflection, writing with contributions from the conference to the professional practice of mediation, etc.).
- Delivery of case resolution exercises.
- Delivery of reports/work.
- Tests.

The module grade will be established following the proportions detailed in the evaluation activities table. The delivery of exercises, reports, assignments and/or tests will be specified at the beginning of the module.

There will be a qualification for the more legal aspects and mediation practice (including some exercises and written tests) and another for the more psychosocial aspects.

The qualifications of each of the assessment activities will be published in the 20 days following the delivery. Students wishing to review the results must do so within 15 days after their publication.

All those students with a successful follow-up of the subject and with some pending assignment will be allowed to pass the subject though the redesign or improvement of those failed assignments.

Copy of any part of an assignment, essays or examinations constitute a crime that can represent to suspend the subject (more information in: http://wuster.uab.es/web_argumenta_obert/unit_20/sot_2_0_1.html).

In all the activities (individual and in group) the linguistic correction, the writing and the 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. An activity can be returned (not evaluated) or suspended if the teacher considers that it does not meet these requirements. For this reason, before submitting a learning evidence, check that the sources, notes, citations and bibliographic references have been correctly written following the APA regulations. and according to the documentation that is summarized in UAB sources: https://ddd.uab.cat/pub/recdoc/2016/145881/citrefapa_a2016.pdf; <https://www.uab.cat/web/estudia-i-investiga/com-citar-i-elaborar-la-bibliografia-1345708785665.html>

To pass this subject, an attitude compatible with the mediation profession must be demonstrated. Therefore, it will be valued that the student shows good general communicative competence, both orally and in writing. Likewise, they must show attitudes of active listening, participation, empathy and respect throughout the course. Other skills such as: active listening, respect, participation, cooperation, empathy, kindness, punctuality, not judging, arguing, proper use of mobile phones and computers will be taken into account.

SINGLE EVALUATION

The evidence of the evaluation must be delivered in the last scheduled session of the module. This assessment includes:

- Written exam that includes all the contents of the module (45%).
- The development of a portfolio with the collection of evidence of activities carried out throughout the module (45%).
- The presentation/oral defense of the evidence collected in the portfolio (10%).

To pass the subject, a minimum score of 5 must be achieved in each of the evidence of the single assessment.

The same recovery system will apply as for the continuous assessment.

The review of the final qualification follows the same procedure as for the continuous assessment.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendance and active participation	10%	0	0	8, 6, 11, 13, 1, 14
Delivery of exercises/ resolution of cases	45%	0	0	2, 5, 3, 4, 7, 10, 6, 9, 1
Submit reports and assignments and/or tests	45%	0	0	5, 4, 7, 10, 6, 11, 9, 12, 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.