

DESCRIPTION OF COURSE UNIT

1.

Course unit title	Code
Modern Concept of Mediation	100263

2.

Name of lecturer(s) (provided information as to how, when and where they can be in contact)	Department(s)
Coordinator: Prof. Dr. N. Kaminskiene a. o.: Prof. Dr. A. Tvaronavičienė, Prof. Dr. R. Uscila	MRU LS Institute of Private Law pti@mruni.eu

3.

Cycle of course unit	Level of course unit	Type of course unit
Third cycle	Not applicable	Elective

4.

Mode of delivery	Year of study and semester when the course unit is delivered	Language of instruction
Face-to-face and (or) distance learning	I-III study year	Lithuanian, English

5.

Study requirements	
Prerequisites: Master's or equivalent degree	Co-requisites: Not applicable

6.

Recommended optional programme components
Not applicable

7.

Number of ECTS credits allocated	Student's workload	Contact work hours	Independent work hours
6	162	4	158

8.

Purpose of the course unit: programme competences to be developed			
This course is aimed at developing of the legal scientific thinking of doctoral students and their ability to independently acquire and develop theoretical knowledge in the field of mediation and alternative dispute resolution, to analyse the practice of application of the before-mentioned procedures and critically evaluate it, as well as to be able to link the acquired knowledge to other scientific knowledge while seeking for restoring of legal peace between the members of the society and for development of alternative dispute resolution system. The course is also aimed at accumulation of knowledge and skills necessary for successful dissertation research and defence.			
Learning outcomes of the programme	Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
	Has a good understanding of the mediation procedure based on the continuous, consistent mastering of social and legal knowledge, creative application of information of other scientific disciplines for the purposes of mediation.	Independent study of literature. Individual consultation with the teachers.	Synopsis / paper. Exam

	Demonstrates legal awareness and culture based on the concept of out-of-court dispute resolution.	Independent study of literature. Individual consultation with the teachers.	Synopsis / paper. Exam
	Is able through his / her purposeful learning and creative efforts not only to acquire mediation knowledge, but also to transform it through critical thinking into a peculiar worldview.	Independent study of literature. Individual consultation with the teachers.	Synopsis / paper. Exam
	Demonstrates not only the general knowledge about mediation and application of it in resolving the disputes, but also knows legal regulation of mediation, problematic issues of it at the levels of European Union, European Council, and application of mediation in the international level.	Independent study of literature. Individual consultation with the teachers.	Synopsis / paper. Exam
	Is able to identify the main features of mediation as an alternative dispute resolution, to distinguish models, to describe the specifics of the process, to understand the peculiarities of application and to identify problems of application of mediation as well as to propose solutions to them.	Independent study of literature. Individual consultation with the teachers.	Synopsis / paper. Exam

9.

Course contents										
Topics	Contact work hours and planned learning activities							Independent work hours and tasks		
	Lectures	Consultations	Seminars	Training exercises	Laboratory work	Internship	Assessment	All contact work hours	Independent work hours	Tasks
1. The concept of mediation. Values of mediation and micro-macro-meta assumptions. Individuality and participants' relations in mediation. Interdependence between parties and joint responsibility for decision-making in mediation. Paradigms of court and mediation dispute resolution.									15	Independent study of literature.

<p>2. Models of Mediation. Problem solving mediation model. Cognitive model of mediation. Transformational model of mediation. Narrative model of mediation. Humanistic model of mediation. Organic mediation model. Reflective model of mediation.</p>									15	Independent study of literature.
<p>3. Disputes and their escalation. The concept of dispute. The context of disputes. Response to Disputes. The dimensions of the dispute. Psychological factors of dispute. Dispute escalation and de-escalation. Types of parties in dispute in mediation.</p>									15	Independent study of literature.
<p>4. Law of Mediation. Concept of mediation law. Subject of mediation law, subjects, exclusivity (specificity) of regulation of legal relations.</p>									15	Independent study of literature.
<p>Mediation as the branch of law. Peculiarities of Mediation in Civil Justice. Peculiarities of Mediation in Criminal Justice. Peculiarities of mediation in administrative justice.</p>									14	Independent study of literature.
<p>6. The mediation process. Variety of mediation process models, their selection and application, specificity. Stages of mediation process, their goals and peculiarities. Basic principles of mediation.</p>									14	Independent study of literature.
<p>7. Relationship of mediation with other dispute resolution institutions (methods). Interaction of mediation with individual social institutions (reconciliation schemes, support-mediation, case management mediators, etc.). Relation of mediation to community-based conflict resolution procedures (community councils, family meetings, round table model, etc.).</p>									14	Independent study of literature.
<p>8. Ethics and responsibility in mediation. The ethics of mediation. Standards of professional conduct for mediators. Professional ethics in mediation. Mediator's personal ethical standards. Liability of the mediator. Conflict of interest in mediation. Mediation in the activities of different members of the legal profession. Liability of the parties to the dispute in mediation.</p>									14	Independent study of literature.

9. International standards and procedures in mediation. Global and European international mediation organizations. Documents of the European Community and the Council of Europe in the field of mediation. The mediation standards of different regions of the world and their peculiarities (USA, Canada, Australia and New Zealand, Asia region, etc.).								14	Independent study of literature.
10. International application of mediation. Intercultural aspects of mediation. Dispute (conflict) micro and macro levels. Relationship between individual and international disputes (conflicts). Dilemmas in choosing the process (mode) of international dispute resolution. Traditional and new paradigms of international disputes (conflicts).								14	Independent study of literature.
11. Realization of mediation in Lithuania. The place of mediation in the Lithuanian legal system. The forms and types of mediation applied in Lithuania. Problems of application of mediation (risks, disadvantages, threats, etc.). Priorities for further application of mediation in Lithuania. Organizations and persons applying mediation in Lithuania.								14	Independent study of literature.
Overall		2				2		4	158

10.

Assessment strategy	Weighting percentage	Period or date of assessment	Assessment criteria
Research paper	50 %	According to the agreement with the PhD student. Topics for written papers are submitted no earlier than 2 weeks before the expected date of the exam.	The written paper must meet the requirements for this type of works. The topic of it must be disclosed in a comprehensive and consistent manner. Academic ethics must be strictly adhered to in the preparation of the written paper, using abundant scientific and methodological resources suitable for the disclosure of the topic. The written paper is evaluated on a ten-point scale. 10 points: excellent, comprehensive knowledge. Excellent understanding and use of concepts, ability to analyse them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, insights. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking.

			<p>Very good analytical, evaluation and synthesis skills. 8 points: better than average knowledge. Became familiar with mandatory material, understands concepts and principles, applies them properly. Good reasoning and basing arguments on facts. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Enough reasoning. 6 points: below average knowledge, mistakes are found. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in his / her own words. The analysis focuses on several aspects but fails to relate them. 5 points: knowledge meets the minimum requirements. Simple enumeration of mastered concepts, text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.</p>
Exam	50 %	<p>According to the agreement with the PhD student. The exam takes place after the written paper has been submitted and evaluated.</p>	<p>Complete, correct and consistent answers to the exam questions are provided.</p> <p>The answers are evaluated on a ten-point scale. 10 points: excellent, comprehensive knowledge. Excellent understanding and use of concepts, ability to analyse them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, insights. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking. Very good analytical, evaluation and synthesis skills. 8 points: better than average knowledge. Became familiar with mandatory material, understands concepts and principles, applies them properly. Good reasoning and basing arguments on facts. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Enough reasoning. 6 points: below average knowledge, mistakes are found. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in his/her own words. The analysis focuses on several aspects but fails to relate them. 5 points: knowledge meets the minimum requirements. Simple enumeration of mastered concepts, text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.</p>

11.

Required reading

1. Boulle L., Nestic M. Mediation: Principles, Process, Practice. Haywards Health (West Sussex): Tottel Publishing, 2005. MRU Centrinė biblioteka, Didžioji skaitykla (347.9 Bo-403).
2. Haft, F., Schlieffen, K. G. Handbuch Mediation: Verhandlungstechnik, Strategien, Einsatzgebiete. Muenchen: C. H. Beck, 2009.
3. Honoroff B., Opatow S. Mediation Ethics: A Grounded Approach. Negotiation Journal. 2007, Vol. 23, No. 2, p. 155-172.
4. Hopt, Klaus J., Steffek, Felix (ed). Mediation: principles and regulation in comparative perspective. London: Oxford University Press, 2013. MRU Centrinė biblioteka, Didžioji skaitykla (347.9 Me-31).
5. Kaminskienė, N. Alternatyvus civilinių ginčų sprendimas. Vilnius: Valstybės įmonė Registrų centras. 2011.
6. Kovach, K. Mediation. The Handbook of Dispute Resolution (red. Moffitt, M. L., Bordone, R. C.). San Franciskas: Jossey-Bass, 2005; 304 – 317.
7. Kriesberg L. Mediation in Conflict Systems. Systems Research and Behavioral Science. 2012, Vol. 29, No. 2, p. 149-162.
8. Lakis, J. Konfliktų sprendimas ir valdymas. Vilnius: Mykolo Romerio universitetas. 2008.
9. Mediacija : vadovėlis / Natalija Kaminskienė ... [et al.]. Vilnius : Mykolo Romerio universitetas, 2013. 603 p. ISBN 9789955195672.
10. Moore, Christopher W. The mediation process: practical strategies for resolving conflict. San Francisco (Calif.): Jossey-Bass, 2003. MRU Centrinė biblioteka, Abonementas (316 Mo-161).
11. Parkinson, Lisa Family mediation: appropriate dispute resolution in a new family justice system / 2011.
12. Spencer, David; Brogan, Michael C. Mediation law and practice. Cambridge: Cambridge University Press, 2006. MRU Centrinė biblioteka, Abonementas (347.9 Sp-21).
13. Strasser, Freddie, Randolph, Paul. Mediation: a psychological insight into conflict resolution. London; New York: Continuum, 2004. MRU Centrinė biblioteka, Ilgoji skaitykla (316 St-282). Mantle, M. Mediation: A Practical Guide for Lawyers. Second edition. Edinburgh: EUP. 2017. EBSCO (MRU prieiga).
14. The variegated landscape of mediation : a comparative study of mediation regulation and practices in Europe and the World / Manon Schonewille and Fred Schonewille (eds);
15. Jeremy Lack ... [et al.]. Hague : Eleven International Publishing, 2014. 800 p. ISBN 9789462361119.
16. Vindelov, V. Reflexive mediation. Copenhagen: DJOF Publishing, 2012.
17. Waldman, E. Mediation Ethics: Cases and Commentaries. Hoboken: Jossey-Bass. 2011. EBSCO (MRU prieiga).
18. Wall J. A., Chan-Serafin S., Dunne T. Mediator Pressing Techniques: A Theoretical Model of their Determinants. Group Decision and Negotiation. 2012, Vol. 21, No. 5, p. 601-619.

Recommended reading

1. Anon, 2013. Civil and commercial mediation in Europe, Cambridge ; Antwerp ; Portland (Or.): Intersentia. MRU Centrinė biblioteka, Didžioji skaitykla (347.9 Ci-287).
2. Goh, Bee Chen. Law Without Lawyers, Justice Without Courts : On Traditional Chinese Mediation. London:: Routledge. 2016, EBSCO (MRU prieiga).
3. Goldberg, S.B., Brett, J.M., Brenneur, B., Rogers, N. H. How Mediation Works : Theory, Research, and Practice. Bingley: Emerald Publishing Limited. 2017. EBSCO (MRU prieiga).
4. Goodman, A., Hammerton, A. Mediation Advocacy. St. Albans, 2006.
5. Kaminskienė, Natalija; Žalėnienė, Inga; Tvaronavičienė, Agnė. Bringing sustainability into dispute resolution processes // Journal of security and sustainability issues : international entrepreneurial perspectives and innovative outcomes / University of Salford, Greater Manchester University, the General Jonas Žemaitis Military Academy of Lithuania. Vilnius : Generolo Jono Žemaičio Lietuvos karo akademija. Vol. 4, no. 1 (2014), p. 69-77. ISSN 2029-7017.
6. Kavalnė, S., Saudargaitė, I. Mediation in disputes between public authorities and private parties: comparative aspects. Jurisprudencija. 2011, 18:1, 251-265.
7. Kiser R. (2011) Mediation. In: How Leading Lawyers Think. Springer, Berlin, Heidelberg. SpringerLink (MRU prieiga).
8. Lewis, Clive. The definitive guide to workplace mediation and managing conflict at work: a handbook for

- anyone interested in employee engagement and building better relationships at work. Weybridge : RoperPenberthy Publishing, 2009. MRU Centrinė biblioteka, Didžioji skaitykla (331.1 Le-384).
9. Parkinson, L. (2013). The place of mediation in the family justice system. *Child & Fam. LQ*, 25, 200. HeinOnline (MRU prieiga).
 10. Richbell D. *How to Master Commercial Mediation*. United Kingdom: Bloomsbury Professional Limited, 2015. ISBN: 978-1780436821.
 11. Saudargaitė, I., 2015. *Judicial mediation in civil disputes in Lithuania: daktaro disertacija*, Vilnius: Mykolas Romeris universitetas. Prieiga per eLABa – nacionalinė Lietuvos akademinė elektroninė biblioteka.
 12. Vėbraitė, V. *Šalių sutaukymas civiliniame procese. Daktaro disertacija. Socialiniai mokslai, teisė (01 S)*. Vilnius, 2009.
 13. Waldman, Ellen, 2011. *Mediation ethics: cases and commentaries*, Hoboken (N.J.): John Wiley. eBook Collection (EBSCOhost) (MRU prieiga).
 14. Whatling, Tony, 2012. *Mediation skills and strategies: a practical guide*, London: Jessica Kingsley Publishers. eBook Collection (EBSCOhost) (MRU prieiga).

Approved by Mykolas Romeris University and Vytautas Magnus University Doctoral Committee in Law on 4 March 2020, Decision No. 8DS-TK-3