

## DESCRIPTION OF COURSE UNIT

1.

Course unit title	Code
<b>The Problematics of Civil Procedure and Arbitration</b>	<b>100257</b>

2.

Name of lecturer(s) (provided information as to how, when and where they can be in contact)	Department(s)
Coordinator: Dr. D. Bolzanas a. o.: Prof. Dr. V. Višinskis, Prof. Dr. S. Vilčinskaitė, Assoc. Prof. Dr. R. Jokubauskas	MRU LS Institute of Private Law <a href="mailto:pti@mruni.eu">pti@mruni.eu</a>
Coordinator: Assoc. Prof. Dr. P. Čerka a. o.: Assoc. Prof. Dr. J. Grigienė	VMU Faculty of Law <a href="mailto:deimante.chomiciute@vdu.lt">deimante.chomiciute@vdu.lt</a>

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	
<b>Prerequisites:</b> Master's or equivalent degree	<b>Co-requisites:</b> Students must have accomplished courses in law theory, and civil procedure law

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
The aim of the course is to develop the ability of doctoral students to acquire, critically evaluate and apply the latest systematic knowledge of civil procedure and arbitration law relating to problems of the essence of civil procedure and arbitration law, its purpose, peculiarities of civil dispute resolution, various concepts of institutes of civil procedural law and arbitration and their international and regional unification, as well as alternative dispute resolution; in addition, it covers developing new fundamental knowledge and original ideas, addressing strategic operational challenges and complex scientific issues in the field of civil procedural law and arbitration.

Learning outcomes of the programme	Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
	Demonstrates an excellent level of professional knowledge by critically, conceptually, and creatively assessing issues arising in the field of civil procedure and arbitration legal regulation and presenting solutions to them.	Independent study of literature. Individual consultation with the teachers.	Exam
	Is able to provide suggestions or conclusions based on latest theoretical knowledge, interdisciplinary practice and scientific methods related to legal issues arising in the field of legal regulation of civil procedure and arbitration.	Independent study of literature. Individual consultation with the teachers.	Exam
	Is able to argue, critically analyse, interpret, systematically explain and compare legal acts regulating legal relations of civil proceedings and arbitration, national and international case law, and experience of other states and to make reasonable suggestions for improvement of procedural legal regulation.	Independent study of literature. Individual consultation with the teachers.	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. Changes and problems of the concept of civil procedure law.										Independent study of literature.
2. Objectives of civil procedure.										Independent study of literature.
3. Interaction of principles of civil procedure law.										Independent study of literature.
4. The influence of the case law on civil litigation.										Independent study of literature.

5. Procedure duration problems and ways to solve them.										Independent study of literature.
6. Accessibility of the right to judicial defence.										Independent study of literature.
7. Peculiarities and problems of application of simplified forms of procedure and other separate categories of cases.										Independent study of literature.
8. Forms of control of the legality and validity of judicial decisions: purpose and delimitation, nature of restrictions.										Independent study of literature.
9. Protection of human rights in the enforcement process. The legal nature of the enforcement process.										Independent study of literature.
10. Harmonization and unification of civil procedure law.										Independent study of literature.
11. The legal nature of special proceedings and its relation to contentious proceedings.										Independent study of literature.
12. Perspectives and trends in artificial intelligence in the administration of justice.										Independent study of literature.
13. Problem of separation of administrative-technical functions in the process of administration of justice.										Independent study of literature.
14. Procedural features and problems of the recognition and enforcement of arbitral awards.										Independent study of literature.
15. Investment arbitration and its reform in the European Union.										Independent study of literature.
16. Arbitration agreement. Pathological arbitration reservations. Arbitration jurisdiction, non-arbitrable disputes. Competence-competence doctrine.										Independent study of literature.
17. The role of the court in arbitration.										Independent study of literature.
18. Appointment of arbitrators, grounds for exclusion, issues of impartiality and independence. The arbitration procedure.										Independent study of literature.
19. Interim measures in arbitration.										Independent study of literature.
<b>Overall</b>		<b>2</b>				<b>2</b>		<b>4</b>	<b>158</b>	

## 10.

Assessment strategy	Weighting percentage	Period or date of assessment	Assessment criteria
Exam	100 %	Full-time – I-II courses Part-time – I-III courses	Complete, consistent, science-based written and / or oral answers to exam questions.

## 11.

Required reading
<ol style="list-style-type: none"> <li>1. Driukas A., Valančius V. Civilinis procesas: teorija ir praktika. I tomas. Vilnius, Teisinės informacijos centras, 2005.</li> <li>2. Driukas A., Valančius V. Civilinis procesas: teorija ir praktika. II tomas. Vilnius, Teisinės informacijos centras, 2006.</li> <li>3. Driukas A., Valančius V. Civilinis procesas: teorija ir praktika. III tomas. Vilnius, Teisinės informacijos centras, 2007.</li> <li>4. Driukas A., Valančius V. Civilinis procesas: teorija ir praktika. IV tomas. Vilnius, Teisinės informacijos centras, 2009.</li> <li>5. Norkus R. Supaprastintas civilinis procesas. Vilnius: „Justitia“, 2007.</li> <li>6. Nekrošius V. Civilinis procesas: koncentruotumo principas. Vilnius: „Justitia“, 2002. Nekrošius V. Europos Sąjungos civilinis procesas. Vilnius: „Justitia“, 2010.</li> <li>7. Kaminskienė N. Alternatyvus civilinių ginčų sprendimas. Vilnius: Registrų centras, 2011.</li> <li>8. Rosenberg L., Schwab K. H., Gottwald P. Zivilprozessrecht. 18 Auflage. Beck C. H. 2018.</li> <li>9. Glannon J. W., Perlman A. M., Raven-Hansen P. Civil Procedure: A Coursebook. Wolters Kluwer. 3rd Edition. 2017.</li> <li>10. Zuckerman, A. Zuckerman on civil procedure: principles of practice. London: Sweet and Maxwell, 3rd Edition. 2013.</li> <li>11. Julian D.M. Lew, Loukas A. Mistelis, Stefan Kröll. Comparative International Commercial Arbitration. Kluwer Law International, 2003.</li> <li>12. Gary Born. International Commercial Arbitration 3rd Edition. Kluwer Law International, 2014.</li> <li>13. Loukas A. Mistelis. Concise International Arbitration 2nd Edition. Wolters Kluwer, 2015.</li> <li>14. Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law, Second Edition, Oxford University press, 2008.</li> </ol>
Recommended reading
<ol style="list-style-type: none"> <li>1. Rechberger W. H., Simotta D. A. Zivilprozessrecht (Österreichisches Recht): Erkenntnisverfahren. Manz'sche, Wien. 2011.</li> <li>2. Gaul/Schilken/ Becker-Eberhard. Zwangsvollstreckungsrecht. Beck Juristischer Verlag. 12 Auflage. 2010.</li> <li>3. Mikelėnienė D., Mikelėnas V. Teismo procesas: teisės aiškinimo ir taikymo aspektai. Vilnius: „Justitia“, 2002.</li> <li>4. Dominas G., Mikelėnas V. Tarptautinis komercinis arbitražas. Vilnius, Justitia, 1995.</li> <li>5. Stauskienė E., Višinskis V. Teismo sprendimų vykdymas. Vilnius, Saulelė, 2008.</li> </ol>

Approved by Mykolas Romeris University and Vytautas Magnus University Doctoral Committee in Law on 18 April 2024, Decision No. 10-174 (4.4 E-32002).