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| Course Title | Alternative Dispute Resolution-Arbitration/Mediation/Negotiation | | | | |
| Course Code | LAW 453 | | | | |
| Course Type | Law Elective | | | | |
| Level | Undergraduate | | | | |
| Year / Semester | 3rd-4th | | | | |
| Teacher's Name | Charalampos Apostolopoulos, Dr. Ioannis Giokaris, Dr. Dimitrios Theocharis | | | | |
| ECTS | 6 | Lectures / Week | 3 | Laboratories/Week | |

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| <p>Course Purpose and Objectives</p> | <p>The basic aim of the course on Alternative Dispute Resolution is the understanding of the tools that exist nationally and internationally for the settlement of dispute, apart from the court procedures as well as the understanding of the international trends regarding said field and the implementation of international law in the national legal status.</p> <p>During the first lecture there will be a first introduction to the Alternative Dispute Resolution Means, as internationally formulated, and a highlight of the basic legal texts that regulate them. In particular, the development and development of international law in this field, international developments on alternative dispute resolution and the tools available to the Cypriot legal order will be presented.</p> <p>In the second and third sections, arbitration is analyzed in detail, with an overview of the international conventions that have defined it. Furthermore, the distinction between national and international arbitration will be emphasized and finally national law on Arbitration will be studied and its basic legal aspects will be studied.</p> <p>The next two sections make extensive reference to the techniques of negotiation and highlight the fact that they are the basic skills of modern law. The basic negotiation models are presented and the main points on which the legal representative should focus, in order to come out of a negotiation with the maximum possible benefits for his principal, are identified. In Sections 6-8 we enter the world of mediation, the most modern means of out-of-court settlement. The EU mediation directive and the European Code of Conduct as well as the applicable Cypriot law in comparison with Greek Corresponding legislation will be examined. The basic parameters of mediation and their legal aspects, such as the confidentiality of the proceedings and the enforceability of the decision, will be analyzed.</p> <p>During the last two sections students are introduced to mediation process and are given the opportunity to participate in a similar process in order to train themselves through actual practice..</p> |
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| <p>Learning Outcomes</p> | <p>Thorough understanding of the main Alternative Dispute Resolution Instruments, their basic discrimination and the legal framework that regulates them. Introduction to Arbitration, with a complete overview of the legal framework in Cyprus and International, the ability to distinguish between national and international arbitration, and familiarity with the process and benefits of this successful institution.</p> <p>Acquaintance with the best-known negotiation models and key skills that make a negotiation successful as well as practical.</p> <p>Study of mediation as one of the most important ADR tools, analysis of the legal framework and of the individual elements of the institution as well as practical application of the mediation process.</p> | | |
| <p>Prerequisites</p> | <p>None</p> | <p>Required</p> | <p>None</p> |
| <p>Course Content</p> | <ol style="list-style-type: none"> 1. ADR and its basic tools, as they are applied today, internationally and locally. 2. International agreements, European Community works on ADR. 3. Online Dispute Resolution-O.D.R., as the current trend for commercial disputes, especially for disputed that derive from e-commerce. 4. The EU Directive on O.D.R.. 5. ADR on commerce and labor disputes in Cyprus and Greece. 6. Introduction to Arbitration: The different and common elements compared to judicial procedure. 7. International and EU agreements, the Greek and Cypriot Law on Arbitration. 8. The arbitration agreement and its significance. 9. The arbitration clause. 10. The stages of the arbitration procedure, the choice of law, of the seat of arbitration and the arbitrator. | | |

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| | <ol style="list-style-type: none"> 11. The power of the arbitral award, its recognition and the international legal regime. 12. Arbitration in I.C.C.. 13. The acknowledgement of negotiation techniques. 14. Estimation of one's options in case of failure of negotiations (B.A.T.N.A.-Best Alternative To a Negotiation Agreement). 15. The significance of body language during demanding negotiations. 16. Analysis of negotiation tools through multimedia. 17. Mediation and its advantages. 18. EU Directive on mediation, the Greek and Cypriot Law. 19. Mediation agreement and its differences to arbitration agreement. 20. Mediation clause. 21. The stages of mediation. 22. The confidentiality of mediation procedure and of the final agreement, as an advantage of said ADR mean and as a reason of choice. 23. Parties' protection during mediation and freezing of statutes of limitation. 24. The power of the final agreement following mediation and its differences to judicial and arbitral award as well as to compromise agreement. 25. Important cases settled through mediation. 26. Arbitration combined with Mediation (ARB-MED). 27. Actual practice |
| Teaching Methodology | <p>Lectures: 20 hours</p> <p>Conversation: 12 hours</p> |

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| Bibliography | <p>Dimitris Theocharis (2015), Mediation as an ADR tool, Nomiki Vivliothiki, Athens.</p> <p>St. Kousoulis, (1996) Arbitration law, Volume B, Theory, A. Sakkoulas Edition.</p> <p>G. Verveniotis, (1990) International Commercial Arbitration, A. Sakkoulas Edition.</p> <p>M. Kyprianou-Drakou (2016), The annulment of the Arbitral award, Hipassus</p> <p>Raiffa, H. (1982). The Art and Science of Negotiation. Cambridge, MA: Harvard University Press.</p> |
| Assessment | <ul style="list-style-type: none"> • Exam(s): 60% • Assignment(s): 30% • Attendance / Participation: 10% |
| Language | Greek |