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| Course Title | Dispute Resolution | | | | |
| Course Code | MLSB 505 | | | | |
| Course Type | Required | | | | |
| Level | MA/LLM (Level 2) | | | | |
| Semester | 1st Year / 2nd Semester | | | | |
| Teacher's Name | Dr Ioannis Voudouris, Ms Susan Hawker | | | | |
| ECTS | 8 | Lectures / week | 3 | Laboratories / week | NONE |
| Course Purpose | The module aims to cover all theoretical and practical aspects relating to dispute resolution, in a holistic manner. Students, irrespective of their scientific or professional background, will examine the principal issues relating to the jurisdictional issues of litigation as well as to analyse the forms of alternative dispute resolution (ADR); mainly negotiation, mediation and arbitration. The ADR is a truly interdisciplinary field comprising law, social science, economics and psychology. The students will have the opportunity to conduct an exercise (simulation) of mediation on a chartering dispute. | | | | |
| Learning Outcomes | <p>By the end of the course, the students should be able to:</p> <ul style="list-style-type: none"> • Understand the principles that define the concepts of applicable law and location of the court (jurisdiction) in maritime and commercial disputes; • Critically discuss the different modes of dispute resolution and their impact on business and legal system (negotiation, mediation, arbitration); • Develop negotiation techniques. | | | | |
| Prerequisites | None | Required | | | |
| Course Content | <p>Indicative Course Content</p> <ul style="list-style-type: none"> • The international regulations relating to the issues of jurisdiction: Who is entitled to sue, where will be the competent court that will hear the case and what will be the applicable law; • Forging a good deal: Getting to Yes; • The importance of concluding to a good and viable agreement. Separating facts, real intentions from misrepresentations; | | | | |

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| | <ul style="list-style-type: none"> • The cooperative and amicable games in pre-contractual stage, during the implementation stage and when a dispute arises; • The negotiation methods; • The principles of Commercial Mediation; • The International Commercial Arbitration, with reference to shipping and finance cases. |
| Teaching Methodology | The course will be delivered through lectures, discussions, and applying problem-based learning (PBL) |
| Bibliography | <p><u>Textbooks:</u></p> <p>Boulle L., Nestic M., <i>Mediator Skills and Techniques: Triangle of Influence</i> (Bloomsberry Professional, 2010).</p> <p>Fisher R., Ury W., Patton B. (ed.), <i>Getting to YES: Negotiating an agreement without giving in</i> (Penguin Random House Business Books, 2nd updated revised edition, 2012).</p> <p>Ury W., <i>Getting Past No: Negotiating in Difficult Situations</i> (Bantam Books, NY Toronto Sydney Auckland, 2nd revised edition 2007).</p> <p>Rogerson P., <i>Collier's Conflict of Laws</i> (Cambridge University Press, Cambridge NY Melbourne Madrid Cape Town Singapore São Paulo Delhi Mexico City, 4th edition 2013).</p> <p>Goldby M., Mistelis L., <i>The Role of Arbitration in Shipping Law</i> (Oxford University Press 2016).</p> <p><u>References:</u></p> <p>Andrews N., <i>Three Paths of Justice: Court Proceedings, Arbitration and Mediation in England</i> (Springer, Dordrecht Heidelberg London NY, 2012).</p> <p>Bantekas I., <i>An Introduction to International Arbitration</i> (Cambridge University Press, Cambridge University Press, Cambridge New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo Delhi Dubai Tokyo, 2015).</p> <p>Baughen S., <i>Shipping Law</i> (Routledge, London & New York, 6th edition, 2015).</p> <p>Brams S., <i>Negotiation Games : Applying game theory to bargaining and arbitration</i> (Routledge, London NY, 2nd edition 2003).</p> <p>Briggs A., <i>Conflict of Laws</i> (Oxford University Press, Oxford, 3rd edition 2013).</p> |

Clark B., *Lawyers and Mediation* (Springer Heidelberg New York Dordrecht London, 2012).

Cohen H., *You can negotiate everything* (Bantam Books, NY Toronto Sydney Auckland, 1980).

Gates H., *The Negotiation Book* (Capstone 2nd edition 2016).

Gelfand M., Brett J. (eds), *The Handbook of Negotiation and Culture* (Stanford Business Books, Stanford California, 2004).

Hartley T., *International Commercial Litigation: Text, Cases and Materials on Private International Law* (Cambridge University Press, Cambridge NY Melbourne Madrid Cape Town Singapore São Paulo, 2007).

Hjalmarsson J., Baatz Y. (ed.), *Maritime Law* (Informa Law from Routledge, Oxford, 3rd edition, 2014).

Mandaraka Sheppard A., *Modern Maritime Law vol. I & II*, (Routledge-Cavendish, London NY, 3rd edition 2014).

Mistelis L., Lew J., *Comparative International Commercial Arbitration* (Kluwer Law International, 2003).

Moore C., *The Mediation Process* (Jossey-Bass– Willey, San Francisco, 3rd Revised Edition, 2003).

Moore C., Woodrow P., *Handbook of Global and Multicultural Negotiation* (Jossey Bass – Willey, San Francisco, 2010).

Moses M., *Principles and Practice of International Commercial Arbitration* (Cambridge University Press, Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, Paulo, 2008).

Stone P., *EU Private International Law* (Edward Elgar Publishing, Cheltenham, Northampton MA, USA, 3rd edition 2016).

Whatling T., *Mediation Skills and Strategies: A practical guide* (Jessica Kingsley Publishers, London Philadelphia, 2012).

Wheeler M., *The Art of Negotiation: How to Improvise Agreement in a Chaotic World* (Simon & Schuster, NY, 2013).

Αναστασοπούλου Ι. (εκδ), *Η Διαμεσολάβηση στις Αστικές και Εμπορικές Διαφορές* (Νομική Βιβλιοθήκη, Αθήνα, 2011) (in Greek Language).

Αντάπασης Α., *Το εφαρμοστέο Δίκαιο στα Ναυτικά Προνόμια* (Αντώνης Σάκκουλας, Αθήνα – Κομοτηνή 1989) (in Greek

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| | <p>Language).</p> <p>Γραμματικάκη – Αλεξίου Α., Παπασιώπη – Πασιά Ζ., Βασιλακάκης Ε., <i>Ιδιωτικό Διεθνές Δίκαιο</i> (Εκδόσεις Σάκκουλα, Αθήνα Θεσσαλονίκη, 5^η έκδοση 2012) (in Greek Language).</p> <p>Καλαβρός Κ., <i>Θεμελιώδη Ζητήματα του Δικαίου της Διαιτησίας</i> (Εκδόσεις Σάκκουλα, Αθήνα Θεσσαλονίκη, 2^η έκδοση, 2011) (in Greek Language).</p> <p>Νικολόπουλος Α., <i>Η Στρατηγική των Διαπραγματεύσεων: Μόνος έναντι όλων</i> (Εκδόσεις Οικονομικού Πανεπιστημίου Αθηνών, 2014) (in Greek Language).</p> <p>Ρόβλιας Ντ., Σταφυλοπάτης Κ., <i>Η Διαιτησία</i> (Νομική Βιβλιοθήκη, Αθήνα, 2016) (in Greek Language).</p> <p>Χαμηλοθώρης Ι., <i>Εναλλακτικοί Τρόποι Επίλυσης Ιδιωτικών Διαφορών</i> (Εκδόσεις Αντώνη Σάκκουλα, 2000) (in Greek Language).</p> <p>Wheeler M., <i>Η Τέχνη της Διαπραγμάτευσης: Οι δρόμοι για τη σωστή επίτευξη μιας συμφωνίας</i> (Μοντέρνοι Καιροί, Αθήνα, για την Ελληνική έκδοση 2009) (in Greek Language).</p> |
| Assessment | <p>Intermediate Assignments 40% (by essay) Students must prepare two essays of maximum 1500 words each. Both essays must be submitted in due time.</p> <p>Final Exam 60%</p> |
| Language | English |