

Law LLB

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| **Module** | **Alternative Dispute Resolution**  Type Semester ECTS Code  ELECTIVE (E) VI 4 Law-B-052-E |
| **Lecturer**  **Assistant** | Ass.Prof. Elton Tota |
| **Aims and Objectives** | This course aims to develop the skills and understanding of the nature of problem solving by being focused on the application of skills and techniques that are essential to alternative dispute resolution (ADR), drawing on interactive learning and role-play.  The course focuses on the nature and forms of alternative dispute resolution, negotiation and conciliation, assessment, mock trials and family mediation and arbitration.  The module has two main goals: at first, it aims to provide the students with the most complete knowledge about the origin, development and nature of the operation of Arbitration; and, secondly, through the study of the substantive and procedural aspects of arbitration, students become proficient in the recognition and use of this dispute resolution mechanism. |
| **Learning Outcomes** | At the end of the semester, students will be able to:   * Understand the types of alternative dispute resolution, the development and importance of ADR through mediation, negotiation and arbitration; * Develop basic skills of alternative dispute resolution, including communication, analysis and identification of issues; * Prepare and present arguments on issues related to ADR as well as make presentations in selected relevant areas of ADR. * Ability to work in a group, to collect and interpret data to debate and communicate analytically, intelligibly and clearly i verball and in writing, when acting in solving issues through the ADR. |
| **Content** | **Course Plan Week**  Introduction: alternative dispute resolution 1  Mediation and negotiation 2  Introduction to Arbitration: Development and Significance 3  Legal nature and formal sources of arbitration 4  Types of arbitration 5  Arbitration agreement: elements, form and obligations 6  Colloquium – 1 – 7  Composition and powers of the Arbitration Tribunal 8  Development of the arbitration procedure 9  Study visits 10  Recognition and execution of arbitration decisions 11  Features of an arbitration procedure with an international element 12  Mock Arbitration Session 13  Colloquium – 2 – 14  Final exam 15 |
| **Teaching/ Learning Methods** | **Activities Weight (%)**  1. Lectures 70%  2. Tasks 10%  3. Case Studies 10%  4. Discussions 10% |
| **Assesment Methods** | **Assesment Activity Number Week Weight (%)**  1. Colloquium 2 7,14 70%  3. Legal discussions/Active participation 1-6/8-13 10%  4. Tasks and Legal Projects 7,14 20%  5. Final exam 1 15 100% |
| **Sources and tools of concretization** | **Tools**  1. Classroom Lectures  2. Literature  3. Moodle  4. Projector |
| **Workload and activities** | **Activity Weekly hrs Total workload**  1. Lecture 2 30h  2. Case studies 10h  3. Contacts/consultations with the lecturer 5h  4. Learning/independent study at home and library 2 30h  5. Preparation for final exam 25h |
| **Literature / Referencies** | **Basic Literature:**   * Blankley, Kristen M. & Weston, Maureen A, “Understanding Alternative Dispute Resolution”, 2017. * Mills, Michael, “Commercial Dispute Resolution”, 2018. * Feeley, Kelly M. & Sheehan, James “ Mastering Alternative Dispute Resolution”, 2015. * Robeniol , Gabriel T., “Alternative Dispute Resolution”, 2020. * Nazzini, Renato, “Construction Arbitration and Alternative Dispute Resolution”, 2021. * Carroll, Eileen & Mackie, Karl J. “International Mediation: Breaking Business Deadlock” 2016. * Bantekas, Ilias, “An Introduction to International Arbitration”, 2015. * Konventa për Njohjen dhe Ekzekutimin e Vendimeve të huaja të arbitrazhit, Nju Jork, 1958.   **Additional Literature:**   * Schwenzer, Ingeborg, *“International Commerce and Arbitration”* Vol.15, 2014. * *Daly, Brooks W, Goriatcheva, Evgeniya and Meighen, Hugh A. “A Guide to the PCA Arbitration Rules, 2014.* * Schlechtriem, Peter & Butler, Petra, *“UN Law on International Sales: The UN Convention on the International Sale of Goods”,* 2009. * Gaillard, Emmanuel & Savage John, *“International Commercial Arbitration”,1999.* * Law No. 02/L-75 on Arbitration, Kosovo. * Law No. 06/L-009 on Mediation, Kosovo. |
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