



## **Mediation (Pre-trial dispute resolution of commercial and family disputes)**

Law-250

3 credits

Fall 2018

**Instructor:** Venera Sydykova, Altynai Khamzaeva

**Class Schedule:** Friday, 15:35

**Office Hours:** Friday, 17:00 – 17:40

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### **I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE**

The objective of the course is to inform students on alternative dispute resolution method called mediation.

Mediation is an alternative way to resolve disputes in which the third independent party is the mediator, helping the parties to find a mutually acceptable solution. Students will be taught about:

- Mediation in negotiations, concluding agreements, resolving disputes and conflicts;
- Preservation of business reputation during pre-trial settlement of disputes;
- Peaceful settlement of judicial and pre-trial disputes;
- Independent and alternative assessment of complex situations;
- The focus on finding a mutually beneficial solution and trying to maintain partnerships;
- Confidentiality of the process.

### **II. PROGRAM AND COURSE LEARNING OUTCOMES**

#### **PROGRAM LEARNING OUTCOMES**

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;

5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

### **COURSE LEARNING OUTCOMES**

<b>Upon successful completion of the course students will be able to:</b>	<b>Law Program Learning Outcomes</b>
<b>Resolve disputes in a peaceful manner</b>	2
<b>Draft diary with procedural tactics on dispute resolution with clients</b>	5
<b>Draft mediative agreements</b>	4
<b>Speak in an argumentative, logical and clear way and conduct interviews</b>	3

### **III. TEACHING METHODS**

70 % of the course will consist of case work in order to develop practical skills of students. 30 % will consist of basic theory. During the course students will regularly prepare small presentations on common cases and final presentations are going to be on complex cases.

*\*In case of LLM students, they would be given an opportunity to make internship with mediators of the KR.*

### **IV. COURSE REQUIREMENTS AND POLICY**

- (1) The class will meet *once* a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.
- (3) CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student's absence is considered to be unexcused. If the student misses more than four classes without an excuse or 50% of the whole course (irrespective of the reason for absence), the student will be assigned an "F" grade for the course.
- (4) Each student is required to be enrolled in the e-course system ([www.e-course.auca.kg](http://www.e-course.auca.kg)). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. *This rule applies to any student who was*

*aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.*

- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

**Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students' duty to stay informed of any adjustments made.**

## V. GRADING

Grading will be based upon the following components:

- 15% - Attendance and Participation
- 10% - Quizzes
- 15% - Case work
- 10% - Presentation
- 25% - Mid-Term Examination
- 25% - Final Examination (total: 100%)

### Grading Scale of the Law Program

A	94-100%	C	68-73%
A-	90-93%	C-	64-67%
B+	86-89%	D+	60-63%
B	80-85%	D	54-59%
B-	77-79%	D-	50-53%
C+	74-76%	F	below 50%

## VI. COURSE MATERIALS

### 1. Required Reading Materials

- Law of the KR "On mediation" from July 28, 2017 No. 161

### 2. Recommended Reading Materials

- It is going to be a collaboration of international and national sources (excerpts).

## VII. COURSE OUTLINE

Week	Class topics
Week 1	Intro to Mediation course
Week 2	Mediation as a form of dispute resolution and methods of resolving

	them
Week 3	Technics of communication
Week 4	Conflict: basics of analysis
Week 5	Negotiations: preparation technics and maintenance
Week 6	Stages of mediation
Week 7	Procedural issues of mediation in civil proceedings
Week 8	MID-TERM EXAMINATION
Week 9	Mediation in commercial disputes
Week 10	Mediation in family disputes
Week 11	Guest lecture
Week 12	Drafting mediative agreements
Week 13	Practical assignments
Week 14	Presentation week (case work)
Week 15	Preparation to final examination
Week 16	FINAL EXAMINATION