

**COURSE DATA****DATA SUBJECT**

Code: 35255
Name: ADR (Alternative dispute resolution)
Cycle: Undergraduate Studies
ECTS Credits: 4.5
Academic year: 2025-26

STUDY (S)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Facultat de Dret	4	First quarter

SUBJECT-MATTER

Degree	Subject-matter	Character
1303 - Degree in Law	ADR (Alternative dispute resolution)	ELECTIVES

COORDINATION

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BARONA VILAR SILVIA

SUMMARY

"ADR (Alternative Dispute Resolutions)" is placed within the litigation itinerary of the Degree's fourth academic year.

This subject offers a list of different non jurisdictional ways of access to Justice. It is analyzed from the point of view of the Anglo-Saxon trend that raises ADRs as alternatives to the current situation to be found in most countries. In particular, it is an initial approach to the various means of ADR: mediation, conciliation, arbitration, mixed figures as med-arb, ombudsman, etc.

After the conceptual and theoretical approach, the course will be completed with practical workshops of introduction to negotiation and mediation techniques, as well as the status of an arbitration proceeding.

This subject is the perfect complement to the knowledge acquired in Procedural Law, Civil Law, Private International Law, Commercial Law and even in Criminal Law, providing a theoretical and practical overview of ADR applicable to all these areas of expertise.

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PREVIOUS KNOWLEDGE

RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

There are no specified enrollment restrictions with other subjects of the curriculum.

OTHER REQUIREMENTS

No prerequisites required

It is recommended having studied the subject "Introduction to Procedural Law"

COMPETENCES / LEARNING OUTCOMES

1303 - Degree in Law

Be able to analyse legal problems and synthesise their approach and resolution.

Be able to communicate correctly both orally and in writing in the field of law.

Be able to read and interpret legal texts.

Be able to use legal sources (legal, jurisprudential and doctrinal).

Develop critical awareness for the analysis of the legal system and develop the legal dialectic.

Have negotiation and conciliation skills.

Know the community and international regulatory framework, its institutions and their functioning.

Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.

DESCRIPTION OF CONTENTS

1. Introduction to ADR (Alternative Dispute Resolutions)

1. ADR: global movement.
2. Emergence and origin in the Anglo-Saxon world. Justification and philosophical and legal development in shaping the ADR as a movement.
3. Special reference to the Common Law model. Manifestations.
4. Belated expansion of ADR in the continental legal system. Incidence and influence of the European Union in its projection.
5. Linking and meaning to "Access to Justice" Where are we going to? Advantages and threats.
6. Means of ADR.
 - 6.1. Auto-composition
 - 6.2. Hetero-composition



2. Mediation. Concept, principles and classes

1. Mediation: concept and principles. Advantages and disadvantages. Differences with conciliation.
2. Mediation classes. Movement of sectoralization of mediation.
 - 2.1. Family mediation.
 - 2.2. Civil and commercial mediation.
 - 2.3. Criminal Mediation.
 - 2.4. Mediation in specific conflicts: neighborhood, consumer matters, social, among others.
3. Workshops on mediation: practical development of the mediation. Schools of mediation and practical application.

3. Arbitration

1. Introduction to the study of arbitration: history, legislative developments.
2. Subject matters of the arbitration.
3. Subjects in arbitration
4. Arbitral proceedings
5. Arbitral award. Effects. Appeal
6. Practical workshop. Simulation arbitral proceedings.
7. Sectoral arbitration.

WORKLOAD

PRESENCIAL ACTIVITIES

Activity	Hours
Theoretical and practical classes	45,00
Total hours	45,00

NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	5,00
Individual or group project	8,50
Independent study and work	6,50
Preparation of lessons	16,00
Preparation for assessment activities	31,50
Resolution of case studies	0,00
Total hours	67,50

TEACHING METHODOLOGY



This is a theoretical-practical course that makes it possible to achieve a sufficient knowledge that allowsto solve any questions that may arise in practice. Hence, the methodology will be:

1. On the one hand, the use of master classes for teaching concepts and principles. Classes which will build on the basic tools of educational texts, by using media like PowerPoint, among others.
2. On the other hand, within the framework of the implemented activities, we will work on the practical adaptation of the know-how through simulations. Mediation procedures with use of videos, practical application of mediation techniques. Simulation of oral sessions of arbitration during the classes, among others. This methodology is carried out through workshops.
3. Also, additional activities will be planned by organizing external sessions in the centers of mediation and/or arbitration, whenever possible.

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EVALUATION

The skill assessment procedures will be:

- 70%: written test or oral objective examination, including theoretical and practical issues and/or problems.
- 30%: practical activities assessment, individual and/or in group, from the development and delivery of papers, reports and/or oral presentations, and participations an seminars.

-The score obtained in the continuous assessment will only be added to the score obtained in the test or the theoretical-practical knowledge assessment tests, if the latter reaches, at least, 50% of the maximum score established, either by adding the score of the partial test passed plus the final test, either by the score of the final test.

- "Regardless of the general evaluation system established for all students (written or oral exam), the faculty responsible for the subject may determine in the annex to the teaching guide the possibility of changing, motivated, the mode of final exam when it is forced to perform the test on a date other than the official in application of the rules for the case of coincidence of exams in the Regulation of Evaluation and Qualification of the Degrees and Masters of the University of Valencia, or any other cause established by regulation (e.g., cases of force majeure justified). gr. cases of justified force majeure). In these cases, the new type of exam to be taken must maintain the same level of demand and difficulty as the one taken in general for the rest of the group"

- "Students who have followed the continuous assessment and have been evaluated, in the event of not



taking the final exam on the official exam date (both in 1st and 2nd call), will be graded as NOT PRESENTED".

REFERENCES

- BARONA VILAR, S., Solución extrajudicial de conflictos. ADR y Derecho Procesal, Tirant lo Blanch, Valencia, 1999.
- BARONA VILAR, S., Mediación en asuntos civiles y mercantiles en España, Tirant lo Blanch, Valencia, 2013.
- AA.VV. (coord. por BARONA VILAR, S.), Comentarios a la Ley de Arbitraje, Civitas, 2ª ed., Cizur Menor, 2011.
- BARONA VILAR, S., Mediación penal: fundamento, fines y régimen jurídico, Tirant lo Blanch, Valencia, 2008.
- BARONA VILAR, S. (y otros), La mediación penal para adultos: una realidad en los ordenamientos jurídicos: (experiencias en España, EEUU, Inglaterra y Gales, Países Escandinavos, Francia, Alemania, Portugal, Brasil y Chile), Tirant lo Blanch, Valencia, 2009.
- CUCARELLA GALIANA, L. A., El procedimiento arbitral: (Ley 60/2003, 23 diciembre, de arbitraje), Publicaciones del Real Colegio de España en Bolonia, 2004.
- AA.VV. (dir. por ETXEBERRIA GURIDI, J. F.), Estudios sobre el significado e impacto de la mediación: ¿una respuesta innovadora en los diferentes ámbitos jurídicos?, Aranzadi, Madrid, 2012.
- BARONA VILAR, Silvia, "Nociones y principios de las ADR (Solución extrajudicial de conflictos)", Tirant lo Blanch, 2018.
- BARONA VILAR, S. (ed.), Meditaciones sobre mediación (MED+), Tirant lo Blanch, Valencia, 2022.
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- -Barona Vilar, S. (ED.), Masc, to be or not to be?, Tirant lo Blanch, Valencia, 2023.