



ECTS COURSE INFORMATION FORM

School/Faculty/Institute	Faculty of Law		
Program	Law	Elective	
Semester	2016-17 Spring		

Course Code	LAW 422		
Course Title in English	Mediation Implementation in Turkey and Comparison with International Models		
Course Title in Turkish	Türkiye’de Arabuluculuk Uygulamaları: Uluslararası Modellerle Karşılaştırma		
Language of Instruction	English		
Type of Course	Flipped Classroom / Lecture / Practical exercises / Mediation simulation		
Level of Course	Undergraduate		
Year of Study	4		
Semester	Spring		
Contact Hours per Week	Lecture & Discussion - 2 hours	Lab	Other
Estimated Student Workload	94 hours per semester		
Number of Credits	4 ECTS		
Grading Mode	Standard Letter Grade		
Pre-requisites	None		
Expected Prior Knowledge	Introduction to Civil Law and Law of Obligations		
Co-requisites	None		
Registration Restrictions	Undergraduate Students, Graduate Students and Erasmus Exchange Students		
Overall Educational Objective	To gain an overall theoretical and practical understanding of the extrajudicial dispute resolution procedure called “Mediation”, which operates in a complementary manner to the court system and influences greatly the everyday practice of law professionals such as lawyers, judges and mediators in Turkey and internationally (E.U., U.S.). Mediation combines, in an exciting and understandable way, law with psychology and negotiations.		
Course Description	<p>The course presents the mediation legal framework in Turkey and a comparison with the one of the E.U. and the U.S.</p> <p>Students become familiar with the role that lawyers and mediators assume in a mediation procedure, with their differences and their complementary nature.</p> <p>Last but not least, through practical exercises and mediation simulations, students develop important new skills, including an understanding of negotiation and solution generating techniques that allow them to operate efficiently in both a mediation context and also in their overall daily professional practice, where such skills are crucial and help them stand out from other professionals.</p>		
Course Description in Turkish	<p>Dersin genel amacı, öncelikle Türkiye’de arabuluculuğun hukuki çerçevesini Avrupa Birliği ve ABD ile karşılaştırmalı olarak tanıtmaktır.</p> <p>Ardından öğrencilere arabuluculuk sürecinde avukatların ve arabulucuların rolleri, bu roller arasındaki farklar ve süreç içinde birbirlerini nasıl tamamladıkları aktarılacaktır.</p> <p>Son olarak öğrencilerin, hem arabuluculuk süreci hem de diğer her türlü profesyonel faaliyetlerinde etkili ve verimli çalışmalarını sağlamak için son derece gerekli olan ve onları diğer profesyonellerden avantajlı kılacak, müzakere ve çözüm üretme tekniklerini anlamalarını da içeren önemli yeni beceriler kazanmalarına yönelik pratik çalışmalar ve arabuluculuk simülasyonları yapılacaktır.</p>		
Learning Outcomes and Competences	<p>After successful completion of the course, the learner is expected to:</p> <ol style="list-style-type: none">1. Understand what a mediation process is and its steps.2. Analyze the legal framework for this process in Turkey and in the E.U., similarities and differences between them.3. Evaluate the differences and the complementariness in the role of lawyers and		

mediators in the mediation process and identify why mediation is beneficial to lawyers' everyday practice.

4. Outline the complementariness of mediation to the Turkish court dispute resolution system and the role of judges in the efficient use of mediation, as well as other examples from foreign jurisdictions.

5. Comprehend the skills that need to be developed by lawyers and mediators to efficiently operate in a mediation context (i.e. negotiation, brainstorming, empathy, active listening).

6. Assess the content of mediation and settlement agreements, which are necessary to the implementation of a mediation process and to the resolution of a dispute, the parameters related to their enforcement.

Relation to Program Outcomes and Competences: N=None S=Supportive H=Highly Related

Program Çıktıları ve Yetkinliklerle İlişkisi: N=Yok S=Destekleyici H=Yakından İlişkili

Program Çıktıları ve Yetkinlikler	Seviye	Ölçme&Değerlendirme Yöntemleri
		Örn, Sınavlar, Projeler, Ödevler, Lab, Sunum
1. Ability to recognize and apply basic principles and theories of law, legal methodology, and interpretation methods	S	Mid-term and final exams
2. Ability to follow, evaluate, interpret and apply the current developments and legislative amendments	H	Mid-term and final exams
3. Ability to locate and use legal resources; to follow and evaluate current legislative amendments, legal science, and court decisions.	S	Mid-term and final exams
4. Ability to internalize social, scientific and ethical values while evaluating legal information.	H	Mid-term and final exams
5. Ability to recognize, examine and resolve legal issues with respect to general principles of law, de lege feranda and de lege lata; to take into consideration both national and international aspects of law; and to acknowledge the importance of personal conviction while making decisions.	H	Mid-term and final exams
6. Ability to critically analyze legal disputes, legislation, court decisions and different views in the legal science; to form his/her own opinions; to detect legal lacuna and suggest alternative solutions.	H	Mid-term and final exams
7. Understanding of issues regarding different fields of law, ability to characterize and propose solutions to complex issues arising from legal practice.	H	Mid-term and final exams
8. Ability to participate in and organize legal projects and activities as a socially responsible individual; to put his/her legal knowledge and skill to use efficiently (in the public or private sector).	S	Mid-term and final exams
9. Ability to use a foreign language at least on a B2 Level on the European Language Portfolio, to follow legal developments and communicate with colleagues in that language; to use computer software and information and communication technologies necessary in the law field at an Advanced Level of the European Computer Driving License.	S	Mid-term and final exams
10. Awareness of importance of lifelong learning.	N	
11. Understanding of the development, evolution, and problems of the society and ability to contribute to the solution of these problems by legal methods.	N	
12. Understanding of the structure, organization, and functioning of law on the national and international level and ability to contribute to the development thereof.	S	Mid-term and final exams
Prepared by and Date	Spyros Antonelos Lawyer, Mediator, Trainer in Mediation, November 2016	
Name of Instructor	Spyros Antonelos Lawyer, Mediator, Trainer in Mediation	
Course Contents	Week	Topic
	1.	Introduction to mediation and to the other A.D.R. practices
	2.	The Turkish mediation legal framework
	3.	Foreign and international mediation legal frameworks; comparison
	4.	The steps of a mediation process under Turkish law, the mediation and the settlement agreements (first part: what precedes a mediation day)
	5.	The steps of a mediation process under Turkish law, the mediation and the settlement agreements (second part: how a mediation day evolves up

	<p>to the dispute resolution)</p> <p>6.</p> <p>7. The role of the mediator under Turkish law</p> <p>8. The role of Lawyers in mediation under Turkish law</p> <p>9. Midterm exam</p> <p>10. Ethics issues for lawyers and mediators under Turkish law</p> <p>11. The skills displayed in a mediation process (first half: use of questions, active listening, summarizing)</p> <p>12. The skills displayed in a mediation process (second half: reframing, showing empathy, use of silence and grasping momentum)</p> <p>13. Psychological aspects of a mediation (character traits and group dynamics)</p> <p>14. The negotiation skills displayed in a mediation process (negotiation schools and styles, adaptation to the mediation context, brainstorming and creative solution generating)</p> <p>15. Practicing lawyers' and mediator' roles in an actual case simulation in groups</p> <p>16. Final Examination Period Final Examination Period</p>
Required/Recommended Readings	All course materials will be provided by the lecturer
Teaching Methods	Flipped classroom, practical exercises and simulations
Assessment Methods	Examinations, papers, quizzes
Course Administration	Attendance rules: Attendance taken only during exams

ECTS Student Workload Estimation	Activity	No/Weeks	Hours			Calculation	Explanation
		No/Weeks per Semester (A)	Preparing for the Activity (B)	Spent in the Activity Itself (C)	Completing the Activity Requirements (D)		
	Lecture	14	2	2	1	70	A*(B+C+D)
	Lab etc.	14				0	
	Midterm(s)	1	10	2		12	A*(B+C+D)
	Assingment, Project, Presentation					0	A*(B+C+D)
	Final Examination	1	10	2		12	A*(B+C+D)
	Total Workload					94	
	Total Workload/25					3.76	
	ECTS					4	