



ECTS COURSE INFORMATION FORM

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

Course Code	LAW 423		
Course Title in English	Comparative ADR Practices in Europe, the U.S. and Turkey		
Course Title in Turkish	Avrupa, Amerika ve Türkiye’de Alternatif Uyuşmazlık Çözümü Uygulamaları		
Language of Instruction	English		
Type of Course	Flipped Classroom / Lecture / Practical exercises		
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	<p>To gain an overall theoretical and practical understanding of the extrajudicial dispute resolution procedures called “Alternative Dispute Resolution (A.D.R.)”, such as mediation and conciliation as well as a comparison of their implementation in Europe (under the so-called “facilitative approach” in A.D.R.), in the U.S. (under the so-called “directive approach” and hybrid combinations of “facilitative” and “directive” approaches) and in Turkey. To understand which social and business needs have led to the birth of ADR internationally, in which way it is combined with the court system in the above areas of the World and which role is awarded to judges, lawyers, and ADR practitioners, such as mediators and conciliators, in this new and fast-developing field of extra-judicial dispute resolution.</p>		
Course Description	<p>The course presents the birth of ADR in Antiquity, its continuity in the Middle Ages and in more recent tribal practices around the World. Then its reappearance in last century’s Australia, New Zealand and the US and its development to a reliable complementary to the court system dispute resolution system.</p> <p>It also focuses on the different way ADR has been adopted and implemented in Europe, the US and in Turkey, depending on local justice system needs and considerations. The last part focuses on the latest trends in ADR in Turkey and internationally.</p>		
Course Description in Turkish	<p>Bu ders öncelikle Alternatif Uyuşmazlık Çözümünün eski çağda doğumu, Orta Çağda devamı ve daha yakın zamanda dünyanın farklı yerlerinde kabilelerde uygulanmasından bahsedip sonrasında mahkeme yoluyla uyuşmazlık çözümünü tamamlayıcı şekilde son yüzyılda Avustralya, Yeni Zelanda ve Birleşik Devletler de tekrar ortaya çıkışına değinir.</p> <p>Ayrıca Alternatif Uyuşmazlık Çözümünün yerel adalet sisteminin ihtiyaç ve etkenlerine bağlı olarak Avrupa, Birleşik Devletler ve Türkiye’de farklı biçimlerde benimsenmesi üzerinde odaklanır. Son bölümde ise Alternatif Uyuşmazlık Çözümünde hem Türkiye hem de uluslararası alanda son eğilimleri ele alır.</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 the historical roots of mediation and conciliation in Europe and in other parts of the World.2. Evaluate the reasons for ADR’s resurgence in the 18th century and onward.3. Analyze the present legal framework for ADR processes in Turkey, in US States widely applying ADR, like California and in the E.U.4. Outline are the similarities and differences between the above legal frameworks		

	<p>and which local considerations influence them.</p> <p>5. Assess are the latest trends in ADR, that influence the implementation and the development of such processes internationally.</p> <p>6. Comprehend in which way ADR processes are combined with the court system operation in the above countries.</p> <p>7. Analyze the combined crucial role of lawyers, judges, mediators and conciliators in the above justice systems.</p>	
<p>Relation to Program Outcomes and Competences: N=None S=Supportive H=Highly Related</p> <p>Program Çıktıları ve Yetkinliklerle İlişkisi: N=Yok S=Destekleyici H=Yakından İlişkili</p>		
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.	S	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.	S	Mid-term and final exams
12. Understanding of the structure, organization, and functioning of law on the national and international level and ability to contribute to the development thereof.	H	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 historical roots of ADR practices in Antiquity and the Middle Ages; why the precariously disappeared
	3.	ADR resurgence in the 18 th century in Australia, the US and New Zealand; tribal or other small community practices
	4.	The US social movement of the 19 th century and the need for a "multi-door courthouse"; the Roscoe Pound Conference and the roots of modern ADR; different tendencies resulting (legal mediation, community mediation and other ADR forms)
	5.	
	6.	The modern US ADR system and different approaches between States; emphasis on the Californian model

	7. 8. 9. 10. 11. 12. 13. 14. 15. 16.	The modern European ADR system; the Mediaton Directive and its influence on EU member state domestic justice systems The Turkish modern ADR system Midterm exam The importance of Judges role in the development of ADR systems; various foreign examples; judges as mediators or not? The importance of Lawyers in the development of ADR systems; are they and their clients benefiting from the coexistence of courts and ADR? The role reserved for Judges and Lawyers in the Turkish ADR system How ADR and the court system benefit from the presence and efficient operation of each-other; practical examples. How to choose between ADR and court dispute resolution? If ADR is to be chosen, which ADR process to choose (Mediation, Conciliation or other) and how? Examining the criteria used internationally to make such choices. Practical examples. Final Examination Period Final Examination Period
Required/Recommended Readings	All course materials will be provided by the lecturer	
Teaching Methods	Flipped classroom and practical exercises	
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	1	2	0	42	A*(B+C+D)
	Lab etc.	14				0	
	Midterm(s)	1	8	2		10	A*(B+C+D)
	Assignment, Project, Presentation					0	A*(B+C+D)
	Final Examination	1	8	2		10	A*(B+C+D)
	Total Workload					62	
	Total Workload/25					2,48	
	ECTS					2	