

Subject card

Subject name and code	Legal skills of out-of-court dispute resolution - lecture, PG_00139112						
Field of study	Law						
Date of commencement of studies	October 2021	Academic year of realisation of subject			2024/2025		
Education level	uniform Master's studies	Subject group			Optional subject group		
Mode of study	part-time studies	Mode of delivery			at the university		
Year of study	4	Language of instruction			Polish		
Semester of study	7	ECTS credits			4.0		
Learning profile	academic	Assessment form			exam		
Conducting unit	Department of the Theory and Philosophy of Law and State -> Faculty of Law and Administration -> Rector						
Name and surname of lecturer (lecturers)	Subject supervisor		dr Magdalena Glanc-Żabiłowicz				
	Teachers		dr Magdalena Glanc-Żabiłowicz dr hab. Tomasz Wiślak				
Lesson types	Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
	Number of study hours	15.0	0.0	0.0	0.0	0.0	15
	E-learning hours included: 0.0						
Learning activity and number of study hours	Learning activity	Participation in didactic classes included in study plan		Participation in consultation hours		Self-study	SUM
	Number of study hours	15		0.0		85.0	100
Subject objectives	The aim of the course is to introduce students to the theoretical foundations of alternative dispute resolution methods (ADR). The lecture will present elements of the theory of social communication, conflict management, rhetoric, ethics and legal argumentation, as well as the results of interdisciplinary research conducted in social sciences and jurisprudence on negotiations, mediation and arbitration. This knowledge will be supplemented with the necessary analysis of dogmatic and legal regulations of alternative dispute resolution methods.						

Learning outcomes	Course outcome	Subject outcome	Method of verification
	[PRAWOJ5_KR05] He/she prepares responsibly to his/her work; can determine priorities in work and plan work appropriately	-	[SK1] oral statement/conversation/discussion [SK8] observation of student's independent or team work
	[PRAWOJ5_WK10] He/she understands and knows the basic concepts and principles of industrial property protection and copyright law, as well as understands the need for proper protection of intellectual property and managing its resources	-	[SW1] oral statement/conversation/discussion
	[PRAWOJ5_KK02] He/she is aware of the necessity to widen professional competences and qualifications, to improve skills, is able to indicate the direction of own development and education independently in widened and deepened way	-	[SK1] oral statement/conversation/discussion [SK3] text preparation/written work [SK8] observation of student's independent or team work
	[PRAWOJ5_WK12] He/she has knowledge of occupational health and safety in public administration institutions	-	[SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report
	[PRAWOJ5_WK13] He/she has advanced knowledge of the functioning of professional self-governments in legal professions, is familiar with the principles of judges' and prosecutors' professions, and has knowledge of the organization of the judiciary in Poland.	-	[SW1] oral statement/conversation/discussion [SW5] implementation of a problem task
	[PRAWOJ5_UW01] He/she has advanced skills in observation and interpretation of social phenomena, analyzes their connections with various areas, activity of legal science and the related disciplines	-	[SU1] oral statement/conversation/discussion [SU2] presentation/project/paper/report
	[PRAWOJ5_WG07] The graduate knows methods and tools, including techniques of data and information acquisition, as well as research methods appropriate for the field of study and the related disciplines	-	[SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report
	[PRAWOJ5_WG08] He/she has deepened knowledge of sources of Polish law, its changes and processes of law formation	-	[SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report
	[PRAWOJ5_KO03] He/she is prepared for active participation in groups, organizations and institutions connected with law, is also able to communicate with specialists and non-specialists in the field of law	-	[SK1] oral statement/conversation/discussion [SK3] text preparation/written work [SK6] demonstration of practical skills
	[PRAWOJ5_KO04] The graduate is ready to prepare own projects connected with the creation, application and interpretation of legal regulations, including projects co-financed by the European Union's funds	-	[SK1] oral statement/conversation/discussion [SK8] observation of student's independent or team work
[PRAWOJ5_UO11] He/she can work well in a team and can coordinate the team's work when solving legal problems, interpreting legal acts, and preparing written or oral opinions on a matter.	-	[SU1] oral statement/conversation/discussion [SU6] demonstration of practical skills	
[PRAWOJ5_WG06] He/she has systematic knowledge about the man as the subject establishing social structures and principles of their operation and about the man as the individual operating in these structures	-	[SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report	

Course outcome	Subject outcome	Method of verification
[PRAWOJ5_WG05] The graduate demonstrates systematic knowledge about the types of legal relations and the governing regularities	-	[SW1] oral statement/ conversation/discussion [SW3] text preparation/written work
[PRAWOJ5_UK09] He/she demonstrates wide skills in preparing speeches in the field of law in Polish and foreign language	-	[SU1] oral statement/conversation/ discussion [SU5] implementation of a problem task
[PRAWOJ5_UK08] The graduate has wide skills to prepare written works connected with the work of a lawyer in Polish and foreign language	-	[SU1] oral statement/conversation/ discussion [SU3] text preparation/written work [SU6] demonstration of practical skills [SU8] observation of student's independent or team work
[PRAWOJ5_WG09] He/she demonstrates deepened and systematic knowledge about the processes of changes of political systems and of individual authorities, as well as the consequences of these changes	-	[SW1] oral statement/ conversation/discussion [SW5] implementation of a problem task
[PRAWOJ5_WG04] He/she knows the system of Polish law, mutual connections within the system and connections of Polish law with the European Union law and international law	-	[SW1] oral statement/ conversation/discussion [SW2] presentation/project/paper/ report
[PRAWOJ5_WK11] The graduate has deepened knowledge of the principles of creating and developing basic forms of individual entrepreneurship.	-	[SW1] oral statement/ conversation/discussion [SW5] implementation of a problem task
[PRAWOJ5_KR06] He/she behaves in ethical and professional way, follows the principles of ethics	-	[SK1] oral statement/conversation/ discussion [SK8] observation of student's independent or team work
[PRAWOJ5_KR07] The graduate is ready to take up professional challenges, takes up efforts and is persistent in the implementation of individual and group activities in the creation, application or interpretation of legal regulations and related sciences	-	[SK1] oral statement/conversation/ discussion [SK5] implementation of a problem task
[PRAWOJ5_UW03] The graduate demonstrates deepened skills of using complex theoretical points of view to analyze, interpret and plan strategies of legal activities; solves concrete problems connected with the creation, application and interpretation of legal regulations, anticipates the course of their solution and predicts the effects of planned activities	-	[SU1] oral statement/conversation/ discussion [SU8] observation of student's independent or team work
[PRAWOJ5_UW06] The graduate is able to assess the usefulness of typical procedures and good practice in the implementation of tasks connected with various spheres connected with law and related fields	-	[SU1] oral statement/conversation/ discussion [SU6] demonstration of practical skills
[PRAWOJ5_UW07] He/she has the skills in understanding and analyzing social phenomena and utilizing this analysis in his/her professional work.	-	[SU1] oral statement/conversation/ discussion [SU6] demonstration of practical skills
[PRAWOJ5_WG01] The graduate demonstrates deepened and systematic knowledge about the character of legal science, its place in the system of sciences and mutual relations.	-	[SW1] oral statement/ conversation/discussion [SW2] presentation/project/paper/ report

	Course outcome	Subject outcome	Method of verification
	[PRAWOJ5_KK01] The graduate is deeply aware of the level of his/her knowledge and skills, and also understands the need of lifelong learning	-	[SK1] oral statement/conversation/discussion [SK3] text preparation/written work [SK6] demonstration of practical skills
	[PRAWOJ5_UU12] He/she acquires knowledge efficiently and develops his/her professional skills using various sources (in native and foreign language) and modern technologies	-	[SU1] oral statement/conversation/discussion [SU2] presentation/project/paper/report [SU3] text preparation/written work
	[PRAWOJ5_UW04] He/she efficiently observes and analyzes moral, ethical and legal dilemmas in professional work	-	[SU1] oral statement/conversation/discussion [SU8] observation of student's independent or team work
	[PRAWOJ5_UW02] The graduate utilizes theoretical knowledge in legal science and the connected academic disciplines to analyze and interpret complex legal issues	-	[SU1] oral statement/conversation/discussion [SU6] demonstration of practical skills [SU8] observation of student's independent or team work
	[PRAWOJ5_WG03] He/she demonstrates deepened knowledge about the political system in Poland, about individual authorities with particular consideration of legislative authority and the judiciary,	-	[SW1] oral statement/conversation/discussion
	[PRAWOJ5_WG02] He/she knows wide terminology and concepts in the scope of law and connected disciplines	-	[SW1] oral statement/conversation/discussion [SW5] implementation of a problem task
	[PRAWOJ5_UW05] He/she can observe and analyze moral, ethical and legal dilemmas in professional work	-	[SU1] oral statement/conversation/discussion [SU8] observation of student's independent or team work
Subject contents	<p>1. The concept of alternative dispute resolution. Concepts of negotiations, mediation and arbitration. Comparison of alternative and judicial resolution, the place of negotiations, mediation and arbitration in contemporary legal practice. 2. Ethical conditions for alternative dispute resolution. The role of a lawyer as a negotiator, mediator and arbitrator. 3. Social and psychological determinants of alternative dispute resolution. Basics of the theory of social communication. 4. Verbal and non-verbal communication in negotiations and mediation. 5. Negotiations and their legal regulation. The importance of procedural and formal elements in negotiations. 6. Mediation and its application to conflict resolution. The essence, models and course of mediation. Qualifications and professional training of a mediator. 7. Mediation in civil matters in Poland. Specificity of mediation in family and custody case. The specificity of mediation in business cases. 8. Mediation in criminal matters in Poland. Limitations of ADR in criminal cases. 9. Basic information about arbitration and arbitration centers in Poland and worldwide, with particular emphasis on consumer disputes and online dispute resolution.</p>		
Prerequisites and co-requisites			
Assessment methods and criteria	Subject passing criteria	Passing threshold	Percentage of the final grade
		50.0%	100.0%
Recommended reading	Basic literature	<p>J. Jabłońska-Bonca, K. Zeidler (red.), Prawnik a sztuka retoryki i negocjacji, wyd. 2, Wolters Kluwer, Warszawa 2016. R. Fisher, W. Ury, B. Patton, Dochodząc do TAK. Negocjowanie bez poddawania się, tłum. R. Rządca, Warszawa 201 J. Stelmach, B. Brożek, Negocjacje, Copernicus Center Press, Kraków 2018. J. Stelmach, B. Brożek, Sztuka negocjacji prawniczych, Wolters Kluwer, Warszawa 2011. K. Płaszka, J. Czapska, M. Araszkiwicz, M. Pękala (red.), Mediacja. Teoria, normy, praktyka, Warszawa 2017. T. Widłak, Negocjacje i mediacje z perspektywy prawoznawstwa, [w:] A. Szmyt, J. Boszycki, J. Stelina, W. M. Iwanow (red.) Aktualne problemy prawa Polski i Ukrainy, Wydawnictwo Uniwersytetu Gdańskiego, Gdańsk 2018. M. Tabernacka, Negocjacje i mediacje w sferze publicznej, Wolters Kluwer, Warszawa 2018.</p>	

	Supplementary literature	P. Rybiński, K. Zeidler, Leksykon retoryki prawniczej. 100 podstawowych pojęć, wyd. 2, Warszawa 2018. S. Kubsik, Przedkontraktowa odpowiedzialność odszkodowawcza z tytułu nieuczciwych negocjacji, C. H. Beck, Warszawa 2015. A. Zienkiewicz, Holizm prawniczy z perspektywy Comprehensive Law Movement, Difin, Warszawa 2018. Ch. Voss, Never split the difference. Negotiating as if your life depended on it, 2016. S. Fish, Winning arguments, 2016
	eResources addresses	
Example issues/ example questions/ tasks being completed		
Work placement	Not applicable	

Document generated electronically. Does not require a seal or signature.