

Curricular Component: Clinic for Conciliation, Mediation and Arbitration () Common Axis () Universal Axis		
Course: Law	Thematic Nucleus:	
Name of the Curricular Component: Clinic for Conciliation, Mediation and Arbitration		Code of the Curricular Component:
Workload: 2 hour-class	<input checked="" type="checkbox"/> Classroom <input type="checkbox"/> Laboratory <input type="checkbox"/> Distance Learning	Stage: 9th stage
<p>Summary:</p> <p>Through interactive classroom exercises, case studies, cases and documents, class discussions and readings, students examine the basic structure and function of alternative dispute resolution system (ADR) in Brazil and abroad. We explore different methods for solving disputes (except the Court System) and how and to what degree the systems achieve or fall short of achieving the goal of providing “equal justice under law” and maintaining the “rule of law”.</p> <p>To encourage the building of a culture of consensus, studying ADR in accordance with Resolution no. 125 of the National Council of Justice, as well as providing students with knowledge of the basic operating mechanisms of conciliation, mediation and arbitration in Brazil as alternatives or new instruments to the Judiciary. Simulate the due process of law in mediation and arbitration using case studies in national and international competitions. The course will be divided into the following parts: Part 1. Negotiation; Part 2. Mediation and Conciliation; Part. 3. Arbitration.</p>		
Conceptual goals Students will be able to identify fundamental principles and concepts of Alternative Dispute Resolution (ADR) and develop skills involving negotiation, communication, planning to negotiate and settling disputes, working with groups and different perspectives.	Procedural goals and skills The class will utilize participatory, interactive teaching and learning methodologies designed to engage students in concepts and issues surrounding them. The course will not be a “survey course” to cover every aspect of the ADR systems. Rather, we will explore a series of hypothetical situations, actual historical and current cases, and examples of methods to solve disputes to attempt to uncover the essential components and processes of ADR and the principles on which they operate.	Attitudinal goals and values

Methodology:

There will be four examinations during the semester. The first one will be a presentation of a negotiation plan. The second one will be the execution of the negotiation plan in a mock negotiation meeting. The third one will be a mediation plan or an opening statement. The fourth one will be a mock mediation hearing using the materials prepared by the students. After each examination or activity, the student will give and receive feedback. Each examination or activity will correspond to 25% of the total grade. All the dates and materials are to be announced (TBA) at the beginning of the semester.

Evaluation criteria

We strongly encourage that all exams be answered in English. However, there will be no reduction in the grades if the answers are in Portuguese. (b) other professors or professionals from international institutions maybe invited to participate and teach part of the classes.

Date of exams: to be announced (TBA).

1 extra point for participation; If the student attends to all classes and participates, he/she will get 1 (one) point. For less attendance and participation, the point will be reduced proportionally.

Basic bibliography

CAHALI, Francisco José. **Curso de Arbitragem**. 5ª ed. São Paulo: Revista dos Tribunais, 2015.
CARMONA, Carlos Alberto. **Arbitragem e Processo: Um Comentário à Lei nº 9.307/96**. 3ª Ed. São Paulo: Editora Atlas, 2009.
TARTUCE, Fernanda. **Mediação nos Conflitos Civis**. 4ª ed. São Paulo: GEN, 2017.

Complementary bibliography

CARMONA, Carlos Alberto; LEMES, Selma Ferreira; MARTINS, Pedro Batista (Coord.). **20 anos da Lei de Arbitragem: Ho menagem a Petronio R. Muniz**. São Paulo: GEN, 2017.
FISCHER, Roger e outros. **Como chegar ao sim: a negociação de acordos sem concessões**. Rio de Janeiro: Imago, 2015.
GABBAY, Daniela Monteiro. **Mediação & Judiciário no Brasil e nos EUA: condições, desafios e limites para a institucionalização da Mediação no Judiciário**. Brasília: Gazeta Jurídica, 2013.
GUILHERME, Luiz Fernando do Vale de Almeida. **Manual de Arbitragem**. 3. Ed. São Paulo: Saraiva, 2012.
SCAVONE JUNIOR, Luiz Antonio. **Manual de Arbitragem (mediação e conciliação)**. 7ª. Ed. São Paulo: GEN, 2016.