

Negotiation and Mediation: Practical Skills for Future Judges and Prosecutors

The course *is aimed* at exploring alternative dispute resolution, including negotiation and mediation, in various areas of legal regulation, including civil and criminal proceedings, and provides future judges and prosecutors with practical skills in consensual procedures and restorative justice practices.

During the course students will get acquainted with the general principles of alternative dispute resolution and their main types, features, tactics and strategies of negotiations, legal nature, basic models and types of mediation, its participants, structure, features of application in certain areas of legal practice, in particular, in the context of the concept of restorative justice in criminal proceedings.

The purpose and objectives of the discipline

The purpose of the discipline "Negotiation and Mediation: Practical Skills for Future Judges and Prosecutors" is to form a holistic system of professional competencies of higher education seekers in the field of alternative dispute resolution, in particular mediation and negotiation, in the activities of future judges and prosecutors.

Tasks of the discipline

- formation of an in-depth system of theoretical knowledge on mediation and negotiations as specific consensual procedures that can be applied in various areas of legal regulation, their features and scope compared to classical litigation;
- understanding of the main trends in legal regulation and practice of alternative dispute resolution and restorative justice practices in the context of international standards of fair trial in procedural systems;
- mastering scientific and theoretical approaches, practical methods and techniques of professional activity during the application of mediation and negotiations in the professional activity of a lawyer;
- mastering innovative practices, practical skills of strategy and tactics of negotiations, mastering the methodology of mediation procedures;
- acquisition of skills in the analysis and assessment of procedural situations that arise during negotiations and mediation in the professional activities of judges and

prosecutors.

The content of the curriculum

Module 1

General principles of alternative methods of dispute resolution

The notion and main features of conflict as a psychological phenomenon. Structural elements and types of conflicts. Preconditions of appear and stages of development of a conflict. The characteristic of conflict behavior. The main strategies of behavior of criminal proceeding participants and management of conflict.. The content, rules and methods of conflict solution

Module 2

Negotiations and mediation in the professional activity of a lawyer

The notion and content of negotiations, their role in criminal proceeding. The notion and the content of mediation in criminal proceeding. International standards and foreign experience of mediation concerning criminal offences. The principles of mediation concerning criminal offences. Mediation procedure and its subjects. An attorney participation in mediation procedure

Module 3

The concept of restorative justice in Ukraine and abroad

The notion and principles of restorative justice. The forms of restorative justice in criminal proceeding

International standards and foreign experience of the criminal proceeding on the basis of agreements. The notion and types of agreements in criminal proceeding, the conditions and order of their conclusion. The peculiarities of preliminary investigation and court proceeding on the basis of agreements. The peculiarities of realization of defense function and promotion of victim's rights in criminal proceeding on the basis of agreements

Module 4

Features of the use of mediation and negotiation in the activities of judges and prosecutors

The notion and types of the release from criminal liability. The order of criminal proceeding concerning the release from criminal liability. The promotion of rights of criminal proceeding participants concerning the release from criminal liability