



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## COURSE SYLLABUS

### Mediation and Negotiation Techniques Workshop

2627-2-E141PV028

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#### Learning objectives

The course is designed to provide students with both theoretical knowledge and practical skills in negotiation, mediation, and Alternative Dispute Resolution (ADR), with particular emphasis on the role of legal professionals in preventing and managing disputes.

The course aims to develop students' ability to address legal conflicts from an interest-based perspective, promoting consensual dispute resolution and enhancing the efficiency of the justice system.

#### Knowledge and Understanding

Students will acquire a systematic understanding of:

- the principal theories and models of negotiation and mediation;
- the legal framework governing Alternative Dispute Resolution in Italy and the European Union;
- the legal principles regulating mediation, assisted negotiation, and other consensual dispute resolution mechanisms;
- conflict management and negotiation communication techniques.

#### Applying Knowledge and Understanding

Students will be able to:

- analyze legal disputes through practical case studies;
- develop appropriate negotiation strategies;
- identify the interests underlying the parties' legal positions;
- apply negotiation and mediation techniques in simulated proceedings;
- draft mediation reports, settlement agreements, and negotiation documents.

#### Making Judgements

Students will develop the ability to:

- critically assess the appropriateness of ADR mechanisms in comparison with judicial proceedings;
- identify the most effective strategy for managing legal disputes;
- formulate legally sound and ethically responsible solutions.

### Communication Skills

Students will acquire the ability to:

- communicate effectively in professional legal settings;
- conduct negotiation meetings;
- practice active listening;
- present persuasive legal arguments;
- facilitate dialogue during mediation proceedings.

### Learning Skills

Students will develop the ability to:

- update their knowledge independently in the field of ADR;
- use legal sources, case law, and academic literature effectively;
- transfer negotiation and mediation skills to different areas of legal practice.

## Contents

The course examines consensual methods of dispute resolution through both theoretical analysis and practical training. Following an overview of the ADR system and its legal framework, the course explores negotiation, civil and commercial mediation, assisted negotiation, and communication techniques for conflict management. Practical workshops enable students to apply the acquired knowledge through simulations, role-playing exercises, drafting activities, and case study discussions.

## Detailed program

### Module 1 – Conflict and the Culture of Consensual Dispute Resolution

- Conflict as a legal and social phenomenon
- Adversarial versus consensual dispute resolution
- Access to justice and complementary justice
- Alternative Dispute Resolution (ADR)

### Module 2 – The Legal Framework of ADR

- National legislation
- European legal framework
- Evolution of ADR in Italy
- Relationship between ADR and civil litigation

### Module 3 – Negotiation

- Principles of negotiation
- Distributive negotiation
- Integrative negotiation
- Interest-based negotiation
- BATNA, WATNA, and ZOPA
- Negotiation planning
- Negotiation strategies and tactics
- Closing agreements

#### Module 4 – Communication and Conflict Management

- Verbal and non-verbal communication
- Active listening
- Interviewing techniques
- Open and closed questions
- Emotional intelligence in negotiation
- Cognitive biases
- Trust-building strategies

#### Module 5 – Civil and Commercial Mediation

- Principles and objectives
- Mediation procedure
- Stages of mediation
- The mediator's role
- The lawyer's role in mediation
- Facilitative mediation techniques
- Joint and private sessions
- Settlement agreements

#### Module 6 – Assisted Negotiation

- Legal requirements
- Scope of application
- Procedure
- Legal effects of negotiated agreements

Classes will be mostly instructed by way of:

- Mediation simulations
- Negotiation simulations
- Role-playing exercises
- Analysis of judicial decisions
- Debriefing sessions
- Drafting mediation reports and settlement agreements

### **Prerequisites**

### **Teaching methods**

The course adopts an experiential and practice-oriented teaching methodology.

Teaching activities include:

- interactive lectures;
- case study discussions;
- negotiation and mediation simulations;
- role-playing exercises;
- individual and group assignments;
- analysis of case law;
- drafting legal documents;
- structured feedback on students' negotiation performance.

Practical activities constitute an essential component of the course.

## **Assessment methods**

Students' learning will be assessed through:

- active participation in practical activities;
- evaluation of negotiation and mediation simulations;
- preparation of written assignments based on case studies;
- a final oral examination.

The oral examination will assess:

- knowledge of the legal framework;
- understanding of ADR institutions;
- ability to analyze legal disputes;
- appropriate use of legal terminology;
- ability to apply negotiation and mediation techniques to practical cases.

## **Textbooks and Reading Materials**

R. Fisher, W. Ury, Getting to yes, Penguin Publishing Group, latest ed.

## **Sustainable Development Goals**

DECENT WORK AND ECONOMIC GROWTH | PEACE, JUSTICE AND STRONG INSTITUTIONS

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