

Phd In Alternative Dispute Resolution

Frank Fleerackers, Josef Heinz Müller, Wilfried Burkhardt

Alternative Dispute Resolution and Peace-building in Africa Ernest E. Uwazie, 2014-06-26 Conflicts in Africa have a great deal in common, and striking parallels can be drawn between them at all levels. Dynamics affecting the most complex war-time conflicts, civil unrest and other macro disputes are in play even in the smallest community conflicts. The converse is also true: lessons learned through community mediation, for example in South Africa, are applicable to the most complex and largest conflicts to be found on the continent. Together, the eleven chapters in this publication, in addition to the prologue and epilogue, suggest that a comprehensive assessment of efforts and investments in conflict resolution and peace studies in Africa since the mid-1990s is due in order to identify lessons and challenges, as well as best practices. Just as conflict dynamics are comparable between African conflicts, whether large or small, local or international, so are alternative dispute resolution processes. Effective approaches to resolving large-scale conflicts and civil wars are effective at the community level, and ineffectual techniques at the community level are just as likely to be counter-productive in mediating international disputes. While there may be some differences in mediating macro- and micro-conflicts (such as the time required, the need for negotiation teams, and the complexities of agenda development or pre-negotiations), as far as the mediation process is concerned, the differences are more like variations on a theme than real substantive dissimilarities. This volume provides case studies of programs and policies, and legislations on alternative dispute resolution and peace building, and examines and proposes some new, promising ideas for conflict prevention, as well as maintenance of peace, justice and security in Africa.

Enhanced Dispute Resolution Through the Use of Information Technology Arno R. Lodder, John Zeleznikow, 2010-06-03 Alternative dispute resolution has now supplanted litigation as the principal method of dispute resolution. This overview of dispute resolution addresses practical developments in areas such as family law, plea bargaining, industrial relations and torts. The authors elaborate on the necessary legal safeguards that should be taken into account when developing technology-enhanced dispute resolution and explore a wide range of potential applications for new information technologies in dispute resolution.

Alternative Dispute Resolution Albert Fiadjoe, 2013-03-04 This book highlights the tremendous shift in the traditional arrangements for the delivery of civil justice in the Commonwealth Caribbean, from litigation to alternative dispute

resolution (ADR) processes. Over the last quarter of a century, much learning has taken place on the topic of ADR and the literature on the subject is now voluminous. This book puts forward the thesis that the peculiar experiences of the developing world ought to help reshape our traditional notions of ADR. Furthermore, the impact of globalisation on the developing world has brought with it special and peculiar challenges to our notions of civil and criminal justice which are not replicated elsewhere. This book will appeal to a wide readership. The legal profession, students of law and politics, social scientists, mediators, the police, state officers and the public at large will find its contents of interest.

Alternative Dispute Resolution and Domestic Violence Dafna Lavi, 2018-05-11 Dealing with the interface between the Alternative Dispute Resolution (ADR) movement and the phenomenon of domestic violence against women, this book examines the phenomenon of divorce disputes involving violence through the prism of 'alternative justice' and the dispute resolution mechanisms offered by the ADR movement. This book is the first academic treatise presenting the theoretical underpinnings of the correlation between the ADR movement and divorce disputes involving violence, and the potential contribution of this movement to the treatment of disputes of this nature. Through mapping the main values of the ADR movement, the book proposes a theoretical-analytical basis for understanding the inability of the legal system to deal with disputes of this nature, alongside a real alternative, in the form of the ADR mechanisms.

Islam, Sharia and Alternative Dispute Resolution Mohamed M. Keshavjee, 2013-06-30 The meanings and contexts of Shari'a are the subject of both curiosity and misunderstanding by non-Muslims. Shari'a is sometimes crudely characterised by outsiders as a punitive legal system operating broadly outside, and separate from, national laws and customs. This groundbreaking book shows that Shari'a and its 'fiqh' (laws set forward by various Islamic legal schools) comprise a far more nuanced matrix of interpretations than is often assumed to be the case. Far from being monolithic or impervious to change from without, Muslim legal tradition has - since its beginnings in the early Islamic period - placed an emphasis on equity and non-adversarial conflict-resolution. Mohamed Keshavjee examines both Sunni and Shi'a applications of Islamic law, demonstrating how political, cultural and other factors have influenced the practice of fiqh and Shari'a in the West. Exploring in particular the modern development of Alternative Dispute Resolution (ADR), the author shows that this process can revitalise some of the essential principles that underlie Muslim teachings and jurisprudence, delivering not only formal remedies but also perceived justice, even to non-Muslims.

Expedited International Arbitration Alan Anderson, Herman Verbist, 2024-06-11 Increasingly, international commercial arbitration has come to resemble the judicial process it was intended to replace, especially in terms of speed, costs and efficiency. Arbitration institutions worldwide have adopted rules or procedures to expedite the arbitral process to address these concerns. This book brings together thirty-one distinguished practitioners, academics and experts in the field from around the world to consider in nineteen chapters how these policies and procedures, including the 2021 UNCITRAL

Expedited Arbitration Rules, operate and affect international commercial arbitration, investor-State arbitration and mediation. This book presents diverse and rich perspectives on the variety of methods adopted to provide an expeditious and cost-effective means for dispute resolution while recognizing the due process risks involved. Its comprehensive analysis of the case for expedited arbitration and the principles underpinning it covers such aspects as: expedited arbitration rules adopted by major arbitration institutions; expedited arbitration rules in the 'ad hoc' (non-institutional) context, including the UNCITRAL Expedited Arbitration Rules and UNCITRAL model clauses; expedited arbitration rules in various geographic regions, including China, Southeast Asia, the Caribbean, and the Middle East, focusing on specific jurisdictions in each region; new ICSID rules on mediation of investor-State disputes; and expedited arbitration-mediation (Arb-Med) in the Far East, focusing on Macau. Arbitrators and parties to international agreements will gain a greater understanding of the issues, options, and consequences that may result from expedited arbitration. Practitioners will benefit from guidance in drafting arbitration clauses and in weighing the advantages and disadvantages of expedited arbitration procedures in various jurisdictions. The insights in this book will benefit international commercial arbitration as its stakeholders seek to return international commercial arbitration to its foundational underpinnings: a prompt, efficacious and cost-effective means of resolving commercial disputes.

The Role of Ethics in ADR, 2011 The Role of Ethics in ADR provides an authoritative, insiders perspective on the ethical considerations that attorneys need to be aware of during alternative dispute resolution. Featuring partners from some of the nations leading law firms, this book guides the reader through today's ADR arena and the ethical concerns that lawyers are currently facing. With a focus on issues such as disclosure, neutrality, and the rule of candor, these top lawyers analyze the various ethical rules and protocols to which attorneys, arbitrators, and mediators must adhere and how they come into play during the actual ADR process. These authors also discuss what to do when the rules overlap or are inconsistent, or if an ethical violation is suspected. Finally, these leaders identify strategies for preparing clients for the ADR process, explaining their options, and developing a successful attorney-client relationship. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts on the keys to success within this critical field.

Experientiam et Progressionem in Comparative and International Law Banggui Jin, Cristina Elena Popa Tache, 2022-08-19 This volume contains the scientific papers presented at the 2nd Conference on Comparative and International Law that was held on 24 June 2022 online on Zoom. This is an international conference. The conference is organized every year by the Society of Juridical and Administrative Sciences together with the Faculty of Law of the Bucharest University of Economic Studies. More information about the conference can be found on the official website: www.comparativelawconference.eu . The scientific studies included in this volume are grouped into three chapters:

Contemporary Applicability Presentations in Comparative Law, International Law and Its Modern Regulatory Powers and Some aspects regarding criminal challenges. This volume is aimed at practitioners, researchers, students and PhD. candidates in juridical sciences, who are interested in recent developments and prospects for development in the field of comparative and international law.

The Investor-State Dispute Settlement System Alan M. Anderson, Ben Beaumont, 2020-11-27 Investor-State disputes are increasing and damage awards are often significant. It is thus no surprise that the investor-State dispute settlement (ISDS) system has come under scrutiny. Perceptions have arisen that ISDS is inconsistent, lacks transparency, and is simply unfair. This book delves into the ongoing worldwide debate and discussions regarding the ISDS system. Drawing contributors from around the world, the authors provide insights on critical topics and address the key question facing the ISDS system and the international community it serves: Should the present ISDS system be reformed, replaced, or simply remain as is? The contributors represent points of view ranging from academia to practice to governmental entities, addressing such topics as: the possible consequences of wholesale replacement or elimination of the current ISDS system; mediation as an alternative to resolve ISDS disputes; the creation of a multinational investment court or appellate review mechanism; lack of an early dismissal mechanism to eliminate meritless claims; issues regarding arbitrators, including their appointment and ethical obligations; how investors may retain their right to pursue claims for violations of investment protection following termination of an agreement; a State's right to assert a counterclaim against an investor-claimant; the role of ISDS in promoting and protecting renewable energy production; the liability of State-controlled entities; the effects and implications of third-party funding; the duty to mitigate damages in the light of excessive damages awards; and improvements and issues relating to post-award enforcement, duration, and cost of ISDS. This book considers the ongoing deliberations and reform measures proposed by UNCITRAL's Working Group III and provides insights into how several geographic regions and economic cooperation areas have sought to address the question of reform of the ISDS system, including the European Union, the Middle East, and the new United States-Mexico-Canada Agreement. With its much-needed and deeply informed balancing of investor and State rights and duties, this book will be welcomed by all who practise in the ISDS field, including arbitrators, State governments and non-governmental organizations, regional economic organizations, and international investors.

Affective legal analysis Frank Fleerackers, Josef Heinz Müller, Wilfried Burkhardt, 2019 Indeed, if the legal field is to be understood as instrumental to democracy's cohabitation of individuals, research on dispute resolution remains pre-eminent as a means to understand how individual views differ and how different views can be overcome. As a central part of conflict analysis, such research would assist an interdisciplinary quest for a dynamic understanding of democracy and law. It would focus on how different individuals with different conceptions of the good can live together in their community, in their world.

Scientific research in the fields of communication, economics, psychology, history, political theory and philosophy, to name but a few, would side with legal theory in a shared ambition to analyze the way individuals are affected by their views as well as by their institutions, in order to provide society with a dynamic means to solve conflicts and enhance citizenship or legal awareness. Such research necessarily coincides with empathy-oriented education, directed towards an understanding of different conflict positions and the related comprehensive or non-comprehensive views affecting them. An affective education, analyzing all affective mechanisms of societal or interpersonal disputes and their legal or alternative resolution. A clinical education, offering an interactive simulation with regard to these positions and their affective impact, demonstrating how individual views continuously affect the positions taken, how disputes are affected by the legal or other institutions that attempt to solve them, and how the effectiveness of legal or other solutions to the conflict at hand depends on a practice of affective legal analysis. Thus legal and civic education, by way of affective narration and clinical simulation, join affective legal analysis in its endeavor to provide society with a similarly affective and non-rationalizing approach of legal awareness.

Designing Systems and Processes for Managing Disputes Nancy H. Rogers, Robert C. Bordone, Frank E.A. Sander, Craig A. McEwen, 2018-12-10 Designing Systems and Processes for Managing Disputes features a hands-on, interdisciplinary approach with wide-ranging practical applications. Seven real-life case studies and numerous examples have students designing and implementing a process for resolving and preventing disputes where traditional processes have failed. This is a must-read for students and practitioners alike. New to the Second Edition: A chapter-long focus on facilitation skills for designers The addition of a seventh central case study related to processes following the Trayvon Martin shooting in Sanford, Florida A new appendix with an overview of mediation for students who have not taken a prior course in mediation An interesting new story by a Brazilian judge who used Designing Systems and Processes for Managing Disputes to create new processes to resolve multiple cases, some pending over 20 years, arising from lands taken to create a new national park A new question focusing on the issues related to designing court-connected mediation programs Updates throughout all chapters and the appendix Professors and students will benefit from: Focus on skills development for dispute systems designers A multidisciplinary approach Biographies of designers, providing students with a sense of how to get into dispute systems design work An appendix assisting students who have no background in dispute resolution, with brief overviews of negotiation, mediation, and arbitration Problems and exercises to help students apply their learning Examples of complex disputes Featured disputes including eBay, a child abuse claims tribunals, court-related mediation, intra-institutional disputes, and community and post-violence conflicts

Alternative Dispute Resolution of Shareholder Disputes in Hong Kong Ida Kwan Lun Mak, 2019-12-19 The landscape of shareholder dispute resolution in Hong Kong has changed vastly since the launch of the Civil Justice Reform in 2009. Key initiatives - the voluntary court-connected scheme and reform of the statutory unfair prejudice provisions - were

employed to promote the greater use of alternative dispute resolution (ADR) in shareholder disputes. While the Hong Kong government and judiciary introduced such schemes to prove the legitimacy of extra-judicial over court-based litigation processes, their success is still uncertain. In this book, socio-legal theory and sociological institutionalism are used to develop a theoretical framework for analyzing the key stages of institutionalization. The author analyzes how procedural innovations could acquire legitimacy through different types of legal and non-legal inducement mechanisms within the institutionalization process. Recommendations on codifying and innovating ADR policy in Hong Kong shareholder disputes are also made with comparison to similar policies in the United Kingdom, South Africa and New Zealand.

Shari’ah and Common Law Adnan Trakic, 2022-10-24 Harmonisation of law, a term that refers to the bringing together of two different legal traditions, has developed a negative connotation when considered in the context of Shari’ah and common law. Harmonisation began to be looked at as an attempt by one legal system to impose its values on the other. A major reason for that is the lack of understanding of the scope to which these two legal traditions converge. One of the principal findings of this book is that Shari’ah and common law have many more commonalities than differences. As a result, the need for harmonisation between the two might have been exaggerated. The similarities do not need to be harmonised. Rather, they need to be acknowledged and appreciated. If the differences between Shari’ah and common law, which undoubtedly exist as evidenced in this book, are viewed with an appreciation of the commonalities, the ambiance to reconcile the differences would be more conducive to the harmonisation process. This book is intended to help readers better understand Shari’ah and common law and aid harmonisation efforts when the need arises.

The Role of Alternative Dispute Resolution in Resolving Waste Management Conflicts [microform]: a Study of Cases in Ontario and Massachusetts John Stewart Andrew, 1999

Alternative Dispute Resolution in a Nutshell Jacqueline M. Nolan-Haley, 2001 The Second Edition of Alternative Dispute Resolution in a Nutshell brings readers recent information on developments in the field of ADR. In recent years, ADR has undergone extraordinary growth with a significant increase in federal and state legislation, court rules, and professional and ethical standards. The Second Edition informs readers of these developments, provides an expanded bibliography at the end of each chapter, and contains several new appendices including the Revised Uniform Arbitration Act.

Ethnography as Risky Business Kees Koonings, Dirk Kruijt, Dennis Rodgers, 2019-04-26 *Ethnography as Risky Business: Field Research in Violent and Sensitive Contexts* offers a hands-on, critical appraisal of how to approach ethnographic fieldwork on socio-political conflict and collective violence, focusing on the global south. The volume’s contributions are all based on extensive firsthand qualitative social science research conducted in sensitive--and often hazardous--field settings. The contributors reflect on real-life methodological problems as well as the ethical and personal challenges such as the protection of participants, research data and the ‘ethnographic self’. In particular, the authors highlight how ‘risky

ethnography' requires careful maneuvering before, during, and after fieldwork on the basis of a 'situated' ethics, yet also point to the rewards of such an endeavor. If these methodological, ethical and personal risks are managed adequately, the yields in terms of generating a deep understanding of, and critical engagement with, conflict and violence may be substantial.

Understanding International Conflict Management Charity Butcher, Maia Carter Hallward, 2019-11-28 This new textbook introduces key mechanisms and issues in international conflict management and engages students with a comprehensive interdisciplinary approach to mitigating, managing, and transforming international conflicts. The volume identifies key historical events and international agreements that have shaped and defined the field of international conflict management, as well as key dilemmas facing the field at this juncture. The first section provides an overview of key mechanisms for international conflict management, such as negotiation, mediation, nonviolent resistance, peacekeeping, peacebuilding, transitional justice, and reconciliation. The second section tackles important cross-cutting themes, such as technology, religion, the economy, refugees and migration, and the role of civil society, examining how these issues contribute to international conflicts and how they can be leveraged to help address such conflicts. Each chapter includes a brief historical overview of the evolution of the issue or mechanism, identifies key theoretical and practical debates, and includes case studies, discussion questions, website links, and suggested further reading for further study and engagement. By providing a mixture of theory and practical examples, this textbook provides students with the necessary background to navigate this interdisciplinary field. This volume will be of great interest to students of international conflict management, conflict resolution, peace studies, and international relations in general.

Getting to Yes Roger Fisher, William Ury, Bruce Patton, 1991 Describes a method of negotiation that isolates problems, focuses on interests, creates new options, and uses objective criteria to help two parties reach an agreement.

Alternative Dispute Resolution in Tanzania J. Mashamba, 2014-09-02 Today, Alternative Dispute Resolution (ADR) has gained international recognition and is widely used to complement the conventional methods of resolving disputes through courts of law. ADR simply entails all modes of dispute settlement/resolution other than the traditional approaches of dispute settlement through courts of law. Mainly, these modes are: negotiation, mediation, [re]conciliation, and arbitration. The modern ADR movement began in the United States as a result of two main concerns for reforming the American justice system: the need for better-quality processes and outcomes in the judicial system; and the need for efficiency of justice. ADR was transplanted into the African legal systems in the 1980s and 1990s as a result of the liberalization of the African economies, which was accompanied by such conditionalities as reform of the justice and legal sectors, under the Structural Adjustment Programmes. However, most of the methods of ADR that are promoted for inclusion in African justice systems are similar to pre-colonial African dispute settlement mechanisms that encouraged restoration of harmony and social bonds

in the justice system. In Tanzania ADR was introduced in 1994 through Government Notice No. 422, which amended the First Schedule to the Civil Procedure Code Act (1966), and it is now an inherent component of the country's legal system. In recognition of its importance in civil litigation in Tanzania, ADR has been made a compulsory subject in higher learning/training institutions for lawyers. This handbook provides theories, principles, examples of practice, and materials relating to ADR in Tanzania and is therefore an essential resource for practicing lawyers as well as law students with an interest in Tanzania. It also contains additional information on evolving standards in international commercial arbitration, which are very useful to legal practitioners and law students.

Artistic Interventions in Organizations Ulla Johansson Sköldbberg, Jill Woodilla, Ariane Berthoin Antal, 2015-10-05 Artistic intervention, where the world of the arts is brought into organizations, has increasingly become a research field in itself with strong links to both creativity and innovation. Opportunities for the arts to interact with public and private organizations occur worldwide, but during the last decade artistic interventions have received growing attention in both practice and research. This book is the first comprehensive attempt to map the development of the field and provides an international overview of the area of artistic interventions and their impact on organizations from different perspectives, ranging from strategic management to organizational development, innovation and organizational learning. Featuring chapters from prominent and emerging scholars, including Nancy J. Adler, Barbara Czarniawska, Lotte Darsø and Alexander Styhre, it places artistic interventions within an international context. The book also offers readers the opportunity to learn from experiences in a varied range of organisations, including newspapers, manufacturing, government, schools, and covers many art-forms, such as music, contemporary dance, painting, photography, and theatre. Using extensive empirical examples, this book is vital reading for researchers and scholars of creativity and cultural industries, as well as innovation, creative entrepreneurship, organizational studies and management.

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