

## **PUBLIC AND PRIVATE JUSTICE**

### **Dispute Resolution in Modern Societies**

#### *Outline of the course*

The framework title of the course indicates that the course would mainly deal with legal issues, but also touch upon other disciplines such as history, political science, philosophy and sociology. The main aim of the course is to analyse the role and functioning of law and its institutions as mechanisms of regulation of social conflicts. The course would be focused on resolution of civil disputes, both in the field of general civil disputes, as in the special areas (e.g. in the commercial or family area). In particular, the interest of the course would not be mainly in the normative domain (identifying and analysing norms in legislative and other acts) but would be devoted to the real day-to-day functioning of those mechanisms that are assigned by law or selected by the parties to overcome legal conflicts. In the latter area, equal attention would be given to those mechanisms established and controlled by the state (i.e. courts and other institutions of „public justice“) and to the mechanisms that are established and controlled by the actors of the civil society, most notably those involved and/or interested in the conflict themselves (i.e. dispute resolution facilities, persons and tribunals in the field of „private justice“, including arbitration and mediation).

Within this field, each year the course would address different topics, according to the choice of the Course Directors and subject to interests and availability of lecturers. The target participants would be the scholars and students engaged and/or interested in the fields of civil procedure (including, but not limited to the following sub-fields: litigation, arbitration, ADR, bankruptcy, court and case management and administration) and legal history (in particular the history of civil procedure), as well as those who are mainly active in particular legal areas (e.g. commercial, civil or family law) but have a strong focus on empirical and factual research of the way how the rights granted by specific legal provisions in those legal areas are protected in practice. Scholars and students from other, non-legal disciplines would be invited and welcome as well, to the extent their interest is relevant for the framework and the particular topics of the course. In particular, the Course Directors would encourage participation of the scholars and students of social sciences and humanities that have expertise and/or interest in the areas of functioning

of justice system, impact of legal reforms on society and the social and political role of legal institutions and legal professionals in the social life and development. The course would, however, not include topics of criminal law, and its main focus would be on the national justice systems (i.e. the issues of international law and international tribunals would be addressed only marginally).

The selection of lecturers and students would be guided by the wish to provide a truly representative forum for the discussions about the practical functioning of dispute resolution in different jurisdictions. Although the interests of the course are global, certain priority would be given to the "inner" circle of legal systems and traditions, i.e. to the systems of justice of the European continent (where a balance in representation of particular regions and traditions would be sought). As establishment of an efficient and fair system of civil justice is particularly relevant for the political and economical processes in the transition and post-transition countries, participation from Central and South-Eastern Europe (including, but not limited to post-Yugoslav states) would be stimulated.

The Course Directors would also encourage those participants who combine their academic interests with practical knowledge and expertise in the functioning of dispute-resolution mechanisms. Consequently, a part of lecturers and post-graduate students would be recruited among those who were (or currently are) active as legal professionals in the respective field (judges, lawyers, arbitrators, mediators etc.).

The working language of the course is English (no translation provided). The course would last one week, from Monday to Friday, in May or June (starting 2006).

The Course Directors would decide about the precise topics, the schedule of the course and composition of lecturers and participants. For organisational matters, please refer to Prof. Uzelac as the Organizing Course Director.