

# Diploma in Corporate Administration & Compliance

## Civil Litigation and Dispute Resolution

<b>Course Title</b>	Civil Litigation and Dispute Resolution
<b>Course Code</b>	LAW450
<b>Type of Course</b>	Elective
<b>Level of Course</b>	Undergraduate
<b>Year of Study</b>	Second
<b>Semester</b>	Second
<b>Credits (ECTS)</b>	6
<b>Prerequisites or co-requisites</b>	None
<b>Recommended optional program components</b>	None
<b>Language of Instruction</b>	English
<b>Mode of Delivery</b>	Face to Face

# General Information

## Description

In this course, you will gain a comprehensive understanding of civil litigation and the various methods of dispute resolution within the Cyprus legal system. You will begin by exploring the nature and purpose of civil litigation, distinguishing it from criminal and administrative proceedings, and examining its role in resolving corporate and commercial disputes. You will also delve into the structure of the Cyprus judiciary, the principles that underpin fair and impartial justice, and the procedural rights that ensure equitable treatment for all parties involved in litigation.

As you progress, you will explore the procedural framework governing civil disputes, starting with pre-litigation considerations such as demand letters, negotiations, and pre-action protocols. You will learn how legal proceedings are initiated, including the drafting and filing of claims, the service of legal documents, and the responses available to defendants, such as defences, counterclaims, and procedural objections. You will also examine the process of disclosure and discovery, understanding the importance of evidence gathering, the rules of admissibility, and the burden of proof in civil litigation.

Moving deeper into the litigation process, you will study the structure of a civil trial, the roles of key participants, and the procedural rules that govern courtroom proceedings. You will gain insight into the examination and cross-examination of witnesses, the presentation of evidence, and the principles guiding judicial decision-making. You will also explore the procedural challenges that can arise, such as jurisdictional objections, applications for summary judgment, and motions to strike out claims. Post-trial procedures, including appeals, enforcement of judgments, and extraordinary remedies, will be examined to ensure you understand not only how cases are won but also how legal rulings are implemented in practice.

Recognising that litigation is not always the most efficient means of resolving disputes, you will also study alternative dispute resolution (ADR) mechanisms such as arbitration, mediation, and negotiation. You will explore the legal frameworks governing ADR in Cyprus, the roles of arbitrators and mediators, and the circumstances in which these methods provide a more effective resolution than traditional litigation. Emerging trends, including online dispute resolution and the use of technology in resolving legal conflicts, will also be covered, ensuring you are familiar with the evolving landscape of dispute resolution.

Towards the latter part of the course, you will focus on civil litigation as it applies to corporate and compliance-related disputes. You will examine common corporate conflicts, including shareholder disputes, director liability cases, and regulatory investigations, and consider how these disputes can be managed through litigation and ADR. You will develop a practical understanding of how corporate litigation operates within the broader legal and regulatory framework, equipping you with the skills to handle complex business-related legal disputes.

Finally, you will explore case management and cost considerations in civil litigation. You will gain practical insights into how legal proceedings can be conducted efficiently, the allocation of legal costs, the principles of cost recovery, and the financial planning required for effective litigation. You will also examine how digital tools, legal research databases, and AI-driven case management systems are transforming modern legal practice.

By the end of the course, you will have developed a solid grasp of the civil litigation process, from pre-trial procedures to enforcement and appeals. You will also be able to assess the advantages of different dispute resolution methods, enabling you to approach legal conflicts strategically. Whether you are working in a law firm, corporate legal department, or compliance role, this course will provide you with the procedural knowledge and practical skills necessary to navigate civil disputes with confidence.

## **Course objectives**

This course aims to provide you with a comprehensive understanding of civil litigation and dispute resolution, equipping you with both the theoretical knowledge and practical skills necessary to engage effectively with legal disputes. By the end of the course, you will have a firm grasp of how civil litigation operates within the Cyprus legal system, from the initiation of proceedings to enforcement and appeals. You will be able to distinguish civil litigation from other legal processes, understand its role in resolving disputes, and appreciate the significance of procedural justice in ensuring fair and impartial outcomes.

A key objective of this course is to enable you to navigate the procedural stages of civil litigation with confidence. You will learn to assess pre-litigation considerations, including demand letters, pre-action negotiations, and early dispute resolution strategies. You will understand how a civil claim is initiated, gaining the ability to draft and evaluate pleadings, analyse jurisdictional issues, and apply procedural rules governing service of process, disclosure, and discovery. You will also examine evidentiary requirements in civil cases, exploring the burden and standard of proof, the admissibility of evidence, and the role of witnesses and expert testimony in litigation.

Beyond procedural knowledge, this course will encourage you to think strategically about legal disputes. You will learn to assess the risks and costs associated with litigation, evaluate the likelihood of success, and understand the tactical considerations that influence litigation strategy. You will explore how parties manage litigation through procedural objections, interlocutory applications, and summary judgments, while also gaining insight into the enforcement of court decisions through post-trial remedies, appeals, and judgment enforcement mechanisms.

Recognising that litigation is not always the most effective means of resolving disputes, this course will ensure that you develop a strong understanding of alternative dispute resolution. You will examine the legal frameworks governing arbitration and mediation in Cyprus, explore the advantages and limitations of these methods, and learn how disputes can be resolved outside the courtroom. You will also study

negotiation techniques, conciliation processes, and emerging trends such as online dispute resolution, allowing you to appreciate the growing importance of non-litigious dispute settlement methods.

As you progress through the course, you will also gain insight into the specific challenges of corporate and compliance-related litigation. You will examine how shareholder disputes, director liability cases, and regulatory investigations are handled within the corporate legal framework. You will explore the interaction between compliance obligations and dispute resolution, ensuring that you are well-prepared to address legal conflicts in a corporate environment.

Finally, this course will enable you to appreciate the importance of effective case management and cost control in litigation. You will develop an understanding of court fee structures, cost-recovery principles, and financial planning in legal disputes. You will also explore the increasing role of technology in legal practice, examining how digital tools, legal databases, and artificial intelligence are transforming the way legal professionals manage cases.

By the end of the course, you will have both the knowledge and practical skills to engage confidently with civil litigation and dispute resolution. You will be able to assess legal disputes critically, apply procedural rules effectively, and determine the most appropriate legal strategies for different types of cases. Whether you are assisting in a law firm, supporting corporate compliance efforts, or working in legal administration, you will have the expertise to contribute meaningfully to legal proceedings and dispute resolution processes.

## Learning Outcomes

On successful completion of the course, students will be able to:

1. Demonstrate an understanding of civil litigation in Cyprus by explaining its purpose, principles, procedural framework, and key differences from criminal and administrative proceedings.
2. Apply procedural rules in civil cases by identifying jurisdictional requirements, drafting pleadings, managing service of process, and adhering to discovery and evidentiary rules.
3. Analyse and evaluate litigation strategies by assessing legal risks, procedural objections, interlocutory applications, and enforcement mechanisms in civil disputes.
4. Interpret and apply rules of evidence by determining admissibility, assessing the burden and standard of proof, and evaluating the role of witness testimony and expert evidence.
5. Examine post-trial remedies and enforcement procedures by explaining appeal processes, judgment execution methods, and available legal remedies for non-compliance.
6. Assess the effectiveness of alternative dispute resolution (ADR) methods by comparing arbitration, mediation, and negotiation, and determining their applicability in resolving disputes.
7. Demonstrate an understanding of corporate and compliance-related litigation by analysing shareholder disputes, director liability, and regulatory investigations within the corporate legal framework..

# Course Readings & Learning Activities

## Required Readings

- Lecture notes, assignments, cases, and other useful information will be posted on the CLASSE.
- Achilles C. Emilianides (2020), *Reform of Civil Procedure in Cyprus: Delivering Justice in a More Efficient Way*, *Common Law World Review*
- Achilles C. Emilianides, (2017), *Civil Procedure Reform in Cyprus: Looking to England and Beyond*, *Civil Justice Quarterly*
- Achilles C. Emilianides (2017), *Mediation in Cyprus: Theory Without Practice*, *The Cyprus Review*
- Andreas M. Sofocleous, (2016), *Litigation & Dispute Resolution*, Global Legal Group
- Γεωργιάδης Απόστολος (2012), *Γενικές Αρχές Αστικού Δικαίου*, Δίκαιο & Οικονομία - Π.Ν. Σάκκουλας, Αθήνα
- Jougleux Ph., (2011), *Στοιχεία Κυπριακού Ενοχικού Δικαίου*, Εκ. Σακκουλα
- Neocleous's Introduction to Cyprus Law, 2011, Andreas Neocleous & Co LLC
- Αρτέμης & Ερωτορίτου: Κεφάλαιο 148, *Αστικά Αδικήματα, Δίκαιο και αποφάσεις*, τόμοι 1 και 2. Λευκωσία, 2003
- P. Jougleux/B. Αργυροπούλου, κ.α, (2014), *Κυπριακό Ιδιωτικό Δίκαιο*, Κατ' άρθρο ερμηνεία – Νομολογία, Εκ. Σακκουλα
- Karakostas, I. (2020). *Cyprus Civil Procedure*. Nomiki Bibliothiki
- Andrews, N. (2022). *The Modern Civil Process: Judicial and Alternative Forms of Dispute Resolution in England*. Cambridge University Press
- Sime, S. (2023). *A Practical Approach to Civil Procedure*. Oxford University Press
- Keane, A. & McKeown, P. (2022). *The Modern Law of Evidence*. Oxford University Press.
- Jones, M. (2023). *Blackstone's Civil Practice: 2023 Edition*. Oxford University Press.
- Brown, H. & Marriott, A. (2018). *ADR: Principles and Practice*. Sweet & Maxwell.

- Many case studies can be found in the textbook.

## Optional Readings

- Choo, A. (2021). *Evidence*. Oxford University Press.
- McGregor, H. (2021). *McGregor on Damages*. Sweet & Maxwell.
- Hodges, C. (2019). *Delivering Dispute Resolution: A Holistic Review of Models in England and Wales*. Hart Publishing.
- Redfern, A. & Hunter, M. (2021). *Law and Practice of International Commercial Arbitration*. Oxford University Press.
- Moloney, N. (2021). *EU Securities and Financial Markets Regulation*. Oxford University Press.
- D. Alexander and C. Nobes, *Financial Accounting: An International Introduction*, latest edition, FT Prentice Hall
- Arnold J., Hope T., Southworth A. and Kirkham L., *Financial Accounting*, (latest edition), FT Prentice Hall

## Primary Legal Sources

- Cyprus Code of Civil Procedure – The main body of procedural law governing civil litigation in Cyprus.
- Cyprus Arbitration Law (Cap. 4) – Governing the arbitration process in Cyprus.
- Mediation Law of Cyprus (L. 159(I)/2012) – Incorporating EU Directive 2008/52/EC on mediation.
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) – Governing international arbitration.
- EU Regulation 524/2013 on Online Dispute Resolution for Consumer Disputes – Applicable in cross-border online disputes.
- Companies Law of Cyprus (Cap. 113) – Relevant for corporate litigation and compliance matters.

## Online Legal Databases for Case Law and Research

- CyLaw ([www.cylaw.org](http://www.cylaw.org)) – Cyprus legal database providing case law and legal texts.
- Westlaw UK – Extensive coverage of UK civil litigation and ADR.
- LexisNexis – Covers international case law, arbitration awards, and Cyprus law updates.
- HeinOnline – A comprehensive legal research database, including journals on dispute resolution.
- ICCA Yearbook on International Arbitration – An essential resource for arbitration case law.

## Planned Learning Activities and Teaching Methods

- **Case Study Method:** Uses real-world accounting scenarios to teach you how to apply accounting principles and concepts.
- **Simulation and Role-Playing:** You will simulate real-world accounting situations or role-play as accountants, clients, or auditors.
- **Computer-Assisted Learning:** Utilizing accounting software and tools in teaching to simulate real-life accounting processes.
- **Collaborative Learning:** You will work in groups on accounting projects or case studies, encouraging peer-to-peer learning.
- **Problem-Based Learning (PBL):** You will be presented with an accounting problem to solve, requiring them to research and apply various accounting principles.
- **Flipped Classroom:** You will learn basic concepts and theories through pre-class assignments and videos. Class time is dedicated to practical application, problem-solving, and discussions.
- **Guest Lectures and Industry Interaction:** Inviting accounting professionals and experts to speak or interact with you.
- **Interactive Lectures with Real-Time Feedback:** Using technology such as clickers or educational apps to allow you to answer questions or solve problems during lectures and receive immediate feedback.

## Course Notes

Copies of lecture slides and other class information will be available through your CLASSE365 account.

# Course Detailed Syllabus

Students should read the assigned chapter(s) **BEFORE** the associated lecture date.

Topics	
Section I: Introduction to Civil Litigation and Procedural Law	
<p><b>Learning Objectives:</b></p> <ol style="list-style-type: none"> <li>1. Differentiate between civil litigation, criminal litigation, and administrative proceedings, explaining their purpose, burden of proof, and legal outcomes.</li> <li>2. Identify the structure and functions of the Cyprus judicial system, including, courts, and alternative dispute resolution mechanisms in civil cases.</li> <li>3. Explain the fundamental principles of civil justice, including fairness, accessibility, timeliness, and key procedural rights such as the right to a fair hearing and legal representation.</li> <li>4. Outline the key stages of civil litigation, from pre-litigation considerations and pleadings to trial, judgment, and enforcement procedures.</li> <li>5. Evaluate the role of precedent in civil litigation, distinguishing between binding and persuasive case law, and demonstrating the ability to conduct legal research.</li> <li>6. Assess litigation strategies from the perspectives of plaintiffs and defendants, including cost-benefit analysis, legal remedies, enforcement mechanisms, and post-litigation options.</li> </ol>	
<p><b>Lectures 1</b></p>	<p><b>Overview of Civil Litigation and the Legal Framework in Cyprus</b></p> <ul style="list-style-type: none"> <li>• The nature and scope of civil litigation <ul style="list-style-type: none"> <li>✓ Definition and purpose of civil litigation</li> <li>✓ How civil litigation differs from other forms of dispute resolution (criminal litigation and administrative proceedings)</li> <li>✓ The role of civil litigation in corporate and commercial disputes</li> </ul> </li> <li>• Key differences between civil and criminal litigation</li> </ul>

	<ul style="list-style-type: none"> <li>✓ Legal purpose</li> <li>✓ Burden of proof</li> <li>✓ State vs. private parties</li> <li>✓ Sanctions vs. remedies</li> <li>• Basic concepts <ul style="list-style-type: none"> <li>✓ Private law, procedural and substantive law</li> <li>✓ Concept of jurisdiction</li> <li>✓ Concept of trial</li> <li>✓ Diagnostic process and compulsory enforcement</li> <li>✓ Procedural reasoning</li> <li>✓ Judicial decisions</li> </ul> </li> <li>• Fundamental principles of civil justice <ul style="list-style-type: none"> <li>✓ Fairness, Accessibility, and Timeliness: The core elements that ensure justice is served</li> <li>✓ Rule of Law: The right of all individuals and entities to have their disputes resolved by an impartial tribunal</li> <li>✓ Procedural rights <ul style="list-style-type: none"> <li>▪ Right to a fair hearing</li> <li>▪ Right to legal representation</li> <li>▪ Right to an impartial and competent tribunal</li> <li>▪ Presumption of openness in court proceedings</li> </ul> </li> </ul> </li> </ul>
<b>Lecture 2</b>	<b>The Structure of Civil Litigation and Procedural Framework</b> <ul style="list-style-type: none"> <li>• The stages of civil litigation <ul style="list-style-type: none"> <li>✓ Pre-litigation considerations: Demand letters, negotiations, pre-action</li> </ul> </li> </ul>

	<p>protocols</p> <ul style="list-style-type: none"> <li>✓ Commencing Proceedings: Issuing and serving a claim</li> <li>✓ Pleadings and Responses <ul style="list-style-type: none"> <li>▪ Statement of claim</li> <li>▪ Defence, counterclaims, and replies</li> </ul> </li> <li>✓ Interlocutory Applications: Injunctions, procedural objections, and summary judgments</li> <li>✓ Disclosure and Discovery: Exchange of evidence and legal documents</li> <li>✓ Trial and Judgment: Court proceedings, evidentiary hearings, and issuance of a ruling</li> <li>✓ Appeals and Enforcement: Review of judgments, enforcement measures (writs, garnishments, asset seizure)</li> <li>✓</li> <li>• Procedural principles and requirements in civil litigation <ul style="list-style-type: none"> <li>✓ Principle of party disposition: Parties control the conduct of their case</li> <li>✓ Principle of Adversarial Proceedings: Equal opportunity to present arguments</li> <li>✓ Principle of procedural economy: Efficient litigation with minimal costs</li> <li>✓ Principle of legal certainty: Ensuring consistency in judicial decisions</li> </ul> </li> <li>• Procedural requirements and key doctrines <ul style="list-style-type: none"> <li>✓ Jurisdiction: Determining the appropriate court for a claim</li> <li>✓ Legal standing and capacity to sue <ul style="list-style-type: none"> <li>▪ Party capacity (individuals, legal entities, minors)</li> <li>▪ Legal representation in proceedings</li> </ul> </li> <li>✓ Procedural deadlines and service of process</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>▪ Types of deadlines: commencement, suspension, extension</li> <li>▪ Methods of service: personal service, substituted service, publication</li> </ul>
<b>Lecture 3</b>	<p><b>Case Law, Litigation Strategy, and Alternatives to Litigation</b></p> <ul style="list-style-type: none"> <li>• The role of precedent in civil litigation <ul style="list-style-type: none"> <li>✓ The concept of common law: Importance of prior decisions in shaping legal outcomes</li> <li>✓ Binding vs. persuasive precedents: Cyprus case law hierarchy and application</li> <li>✓ How courts use precedent: Legal reasoning and judicial interpretation</li> <li>✓ Legal research techniques <ul style="list-style-type: none"> <li>▪ Identifying relevant case law</li> <li>▪ Understanding ratio decidendi (binding elements of a judgment)</li> <li>▪ Using legal databases and citations effectively</li> </ul> </li> </ul> </li> <li>• The litigant's perspective: Strategy and considerations in civil litigation <ul style="list-style-type: none"> <li>✓ Costs of litigation <ul style="list-style-type: none"> <li>▪ Court fees, legal representation, and ancillary costs</li> <li>▪ Cost recovery and indemnity rules</li> </ul> </li> <li>✓ Risks vs. rewards <ul style="list-style-type: none"> <li>▪ Probability of success</li> <li>▪ Potential financial and reputational impact</li> </ul> </li> <li>✓ Strategic considerations in filing a lawsuit <ul style="list-style-type: none"> <li>▪ Selecting the appropriate legal remedy (damages, injunctions, declaratory relief)</li> <li>▪ Choosing an efficient litigation strategy (timing, settlement)</li> </ul> </li> </ul> </li> </ul>

	<p>negotiations)</p> <ul style="list-style-type: none"> <li>✓ Defendant's perspective <ul style="list-style-type: none"> <li>▪ Procedural defences and counterclaims</li> <li>▪ Tactical considerations: jurisdictional challenges, motions for dismissal</li> </ul> </li> <li>• Enforcement of civil judgments and post-litigation remedies <ul style="list-style-type: none"> <li>✓ Understanding judgment enforcement <ul style="list-style-type: none"> <li>▪ Methods of execution (writs, seizure of assets, garnishment).</li> <li>▪ Role of enforcement agents.</li> </ul> </li> <li>✓ Appeal and rehearing procedures <ul style="list-style-type: none"> <li>▪ Grounds for appeal</li> <li>▪ Procedural requirements for higher court review</li> </ul> </li> <li>✓ Extraordinary remedies <ul style="list-style-type: none"> <li>▪ Annulment of default judgments</li> <li>▪ Cassation and constitutional appeal</li> </ul> </li> </ul> </li> </ul>
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## Section II: The Civil Litigation Process and Procedural Requirements

### **Learning Objectives:**

1. Explain pre-trial procedures, including pre-action steps and procedural requirements.
2. Determine the correct jurisdiction and venue for filing a civil claim.
3. Describe key litigation documents and the consequences of non-compliance.
4. Identify types of pleadings and their procedural requirements.
5. Apply evidence law principles, including burden of proof and admissibility.
6. Assess disclosure and discovery obligations in civil litigation.

7. Evaluate procedural obstacles and defensive litigation strategies.

**Lecture 4**

**Pre-Trial Procedures and Initiating a Civil Claim**

- Introduction to pre-trial procedures in civil litigation
  - ✓ Importance of pre-litigation steps: Attempts to resolve disputes before filing a lawsuit.
  - ✓ Pre-action correspondence: Demand letters, notice of claim, and settlement negotiations.
  - ✓ Pre-trial procedural requirements under Cyprus law.
- Initiating civil litigation in Cyprus
  - ✓ Determining jurisdiction and venue
    - Subject-matter jurisdiction: Which court has the authority?
    - Territorial jurisdiction: Where should the case be filed?
    - International jurisdiction issues (cross-border disputes, EU regulations).
  - ✓ Legal standing and capacity to sue
    - Who can initiate a lawsuit?
    - Representation of minors and legal persons.
    - Role of corporate litigants and authorized representatives.
- Filing a civil claim: Key documents and court procedures
  - ✓ The writ of summons: Purpose and content.
  - ✓ Statement of claim: Drafting essentials, structure, and required legal details.
  - ✓ Service of the claim: Rules governing notification to the defendant.
  - ✓ Consequences of Failing to Respond: Default judgment and remedies for non-appearance.

<b>Lecture 5</b>	<b>Pleadings, Deadlines, and Service of Process</b> <ul style="list-style-type: none"><li>• Definition and Types of Pleadings<ul style="list-style-type: none"><li>✓ Statement of claim (legal content, factual allegations, and relief sought)</li><li>✓ Statement of defence and counterclaims</li><li>✓ Reply pleadings: Addressing allegations raised in the defence</li><li>✓ Interim applications and motions (e.g., injunctions, freezing orders)</li></ul></li><li>• Procedural deadlines (Time Limits)<ul style="list-style-type: none"><li>✓ Definition and importance of procedural deadlines</li><li>✓ Types of deadlines<ul style="list-style-type: none"><li>▪ Mandatory deadlines (cannot be extended)</li><li>▪ Non-mandatory deadlines (subject to extension by the court)</li></ul></li><li>✓ Commencement and expiry of deadlines<ul style="list-style-type: none"><li>▪ When does the clock start running?</li><li>▪ Rules on calculating litigation timeframes</li></ul></li><li>✓ Interruption, suspension, and extension of deadlines<ul style="list-style-type: none"><li>▪ Exceptional cases where deadlines can be modified</li><li>▪ Court discretion in allowing deadline extensions</li></ul></li></ul></li><li>• Service of process and court notifications<ul style="list-style-type: none"><li>✓ Definition and importance of service of process</li><li>✓ Modes of service<ul style="list-style-type: none"><li>▪ Personal service on individuals</li><li>▪ Service on legal entities (companies, partnerships)</li><li>▪ Substituted service (posting, newspaper publication, electronic</li></ul></li></ul></li></ul>
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	<p>service)</p> <ul style="list-style-type: none"> <li>✓ Time and place of service <ul style="list-style-type: none"> <li>▪ How long does a party have to respond after service?</li> <li>▪ Service in Cyprus vs. service outside of Cyprus</li> </ul> </li> <li>✓ Challenging improper service <ul style="list-style-type: none"> <li>▪ What happens if a defendant claims they were not properly notified?</li> </ul> </li> </ul>
<p><b>Lecture 6</b></p>	<p><b>Discovery and Gathering Evidence in Civil Litigation</b></p> <ul style="list-style-type: none"> <li>• Fundamental principles of evidence law <ul style="list-style-type: none"> <li>✓ Principle of free evaluation of evidence: The judge's discretion in assessing the credibility of evidence</li> <li>✓ Principle of adversarial proceedings: Ensuring both parties can present and challenge evidence</li> <li>✓ Relevance and admissibility: What makes evidence acceptable in a Cyprus court?</li> </ul> </li> <li>• Burden and standard of proof <ul style="list-style-type: none"> <li>✓ Who bears the burden of proof in civil litigation?</li> <li>✓ Differences between civil standard (balance of probabilities) and criminal standard (beyond reasonable doubt)</li> <li>✓ Shifting the burden of proof: When does the defendant have to prove facts?</li> </ul> </li> <li>• Types of evidence <ul style="list-style-type: none"> <li>✓ Witness testimony <ul style="list-style-type: none"> <li>▪ Examination-in-chief, cross-examination, and re-examination</li> <li>▪ Witness credibility and impeachment</li> </ul> </li> <li>✓ Documentary evidence</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ Admissibility of contracts, correspondence, and official records</li> <li>▪ Authenticity and chain of custody</li> <li>✓ Expert evidence <ul style="list-style-type: none"> <li>▪ When are expert opinions needed?</li> <li>▪ Role of court-appointed vs. party-appointed experts</li> </ul> </li> <li>✓ Judicial presumptions <ul style="list-style-type: none"> <li>▪ How courts infer facts based on indirect evidence</li> </ul> </li> <li>✓ Illegally obtained evidence <ul style="list-style-type: none"> <li>▪ Consequences of improperly gathered documents or testimony</li> </ul> </li> <li>• Disclosure and discovery <ul style="list-style-type: none"> <li>✓ Obligations of the parties to disclose documents</li> <li>✓ Limits to disclosure: Privileged communications and trade secrets</li> <li>✓ Failure to disclose evidence: Sanctions and adverse inferences</li> </ul> </li> </ul> <p><b>Procedural Obstacles and Objections</b></p> <ul style="list-style-type: none"> <li>• Procedural challenges to a claim <ul style="list-style-type: none"> <li>✓ Improper jurisdiction objections</li> <li>✓ Lack of standing or legal capacity</li> <li>✓ Improperly drafted pleadings (vague, contradictory, or deficient claims)</li> <li>✓ Failure to comply with statutory pre-action procedures</li> </ul> </li> <li>• Procedural remedies and defensive strategies <ul style="list-style-type: none"> <li>✓ Applications to strike out pleadings for lack of merit</li> <li>✓ Summary judgment applications (where no defence exists)</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>✓ Interim measures (e.g., injunctions, freezing orders, asset preservation)</li> <li>✓ Challenging court orders (setting aside service, stay of proceedings)</li> </ul>
<p><b>MID TERM EXAMINATION</b></p>	
<p><b>Section III: The Trial Process and Procedural Challenges</b></p>	
<p><b>Learning Objectives:</b></p> <ol style="list-style-type: none"> <li>1. Explain the trial process in Cyprus, including courtroom roles, procedures, and decorum.</li> <li>2. Identify admissible evidence types and apply witness examination techniques.</li> <li>3. Analyze judicial decision-making, including types of judgments</li> <li>4. Describe post-trial remedies, including appeals, rehearings, and annulments.</li> <li>5. Evaluate judgment enforcement mechanisms and legal challenges to execution.</li> </ol>	
<p><b>Lecture 8</b></p>	<p><b>Conduct of Trial and Presentation of Evidence</b></p> <ul style="list-style-type: none"> <li>• The trial framework under Cyprus civil law <ul style="list-style-type: none"> <li>✓ Overview of the adversarial system used in Cyprus civil trials</li> <li>✓ The courtroom structure and roles of key players <ul style="list-style-type: none"> <li>▪ Judge(s)</li> <li>▪ Lawyers</li> <li>▪ Witnesses</li> <li>▪ Court clerks and registrars</li> </ul> </li> <li>✓ Types of civil litigation trials <ul style="list-style-type: none"> <li>▪ Trials based on oral hearings vs. documentary evidence</li> <li>▪ Summary proceedings vs. full trials</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>✓ Procedural rules governing trial conduct<ul style="list-style-type: none"><li>▪ Order of proceedings: Opening statements, witness examination, evidence submission, closing arguments</li><li>▪ Courtroom decorum and case management</li></ul></li><li>• Presentation and examination of evidence<ul style="list-style-type: none"><li>✓ Types of evidence admissible in civil trials<ul style="list-style-type: none"><li>▪ Documentary evidence: Contracts, correspondence, invoices</li><li>▪ Oral testimony: Witness statements, party examination</li><li>▪ Expert reports: Use of forensic and technical evidence</li><li>▪ Judicial presumptions and circumstantial evidence</li></ul></li><li>✓ Examination of witnesses<ul style="list-style-type: none"><li>▪ Direct examination (Examination-in-chief)</li><li>▪ Cross-examination</li><li>▪ Re-examination</li></ul></li><li>✓ Objections and procedural challenges<ul style="list-style-type: none"><li>▪ Hearsay evidence: When is it admissible?</li><li>▪ Leading questions: What is allowed?</li><li>▪ Privilege and confidentiality protections</li></ul></li><li>✓ Role of the judge in evaluating evidence<ul style="list-style-type: none"><li>▪ Application of the principle of judicial discretion</li><li>▪ Weight given to different types of evidence</li></ul></li><li>• Judicial decision-making and court judgments<ul style="list-style-type: none"><li>✓ Types of judgments issued by Cyprus courts<ul style="list-style-type: none"><li>▪ Default judgment</li></ul></li></ul></li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>▪ Summary judgment</li> <li>▪ Interim orders</li> </ul>
<p><b>Lecture 9</b></p>	<p><b>Post-Trial Remedies and Appeals</b></p> <ul style="list-style-type: none"> <li>• Post-trial remedies in civil litigation <ul style="list-style-type: none"> <li>✓ Appeal <ul style="list-style-type: none"> <li>▪ Definition and function of appellate review</li> <li>▪ Grounds for appeal: Legal errors, procedural irregularities, and factual misinterpretations</li> <li>▪ Process and time limits for filing appeals in Cyprus courts</li> </ul> </li> <li>✓ Rehearing <ul style="list-style-type: none"> <li>▪ When can a case be reopened due to newly discovered evidence?</li> <li>▪ Criteria for granting a rehearing</li> </ul> </li> <li>✓ Annulment of default judgment <ul style="list-style-type: none"> <li>▪ Procedure for setting aside a judgment when a party fails to appear</li> <li>▪ Justifications: Improper service, lack of notice, or procedural unfairness</li> </ul> </li> </ul> </li> <li>• Cassation and special remedies <ul style="list-style-type: none"> <li>✓ Cassation before the Supreme Court of Cyprus <ul style="list-style-type: none"> <li>▪ Correcting serious procedural or legal errors in lower court judgments</li> <li>▪ Grounds for cassation: Violation of procedural law, errors in statutory interpretation</li> </ul> </li> <li>✓ Third-party objections to judgments <ul style="list-style-type: none"> <li>▪ When a non-party is affected by a judgment and seeks to challenge</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>✓ Review of judgments <ul style="list-style-type: none"> <li>▪ Conditions under which final decisions may be reviewed</li> </ul> </li> <li>• Enforcement of judgments and execution proceedings <ul style="list-style-type: none"> <li>✓ Mechanisms for enforcing court orders <ul style="list-style-type: none"> <li>▪ Monetary judgments: Garnishment of wages, freezing of bank accounts.</li> <li>▪ Seizure of assets: Movable and immovable property enforcement.</li> </ul> </li> <li>✓ Legal procedures for compulsory execution <ul style="list-style-type: none"> <li>▪ Writs of execution: Issued by courts to enforce judgments.</li> <li>▪ Attachment orders: Seizure of assets held by third parties.</li> <li>▪ Auction of debtor's property: Procedures for sale of seized assets.</li> </ul> </li> <li>✓ Challenging enforcement actions <ul style="list-style-type: none"> <li>▪ Objections under Articles 933 and 936 of the Cyprus Code of Civil Procedure</li> <li>▪ Injunctions and court orders suspending execution</li> </ul> </li> </ul> </li> </ul>
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#### Section IV: Alternative Dispute Resolution (ADR) in Cyprus

##### **Learning Objectives:**

1. Differentiate between arbitration, mediation, and other ADR mechanisms, explaining their advantages over litigation.
2. Describe the legal framework and procedures governing arbitration in Cyprus, including enforcement of arbitral awards.
3. Explain the mediation process in Cyprus, its legal basis, and the enforceability of mediated agreements.
4. Identify emerging ADR methods, such as conciliation, negotiation, and Online Dispute Resolution (ODR).

5. Compare ADR practices in Cyprus with international frameworks, including EU, US, and global arbitration institutions.

**Lecture 10****Arbitration and Mediation as Primary ADR Mechanisms**

- Introduction to ADR: Definition and importance
  - ✓ What is ADR? A comparative analysis of litigation vs. ADR
  - ✓ Advantages of ADR
    - Cost-effectiveness and efficiency
    - Confidentiality
    - Flexibility and preservation of business relationships
    - Enforceability of settlements and arbitral awards
  - ✓ Scope of ADR: Where ADR is commonly used in Cyprus (e.g., commercial disputes, employment disputes, construction disputes)
- Arbitration in Cyprus: Legal framework and procedures
  - ✓ Legal basis for arbitration
    - Arbitration Law of Cyprus (Cap. 4)
    - UNCITRAL Model Law on International Commercial Arbitration
    - New York Convention (1958) on Recognition and Enforcement of Foreign Arbitral Awards
  - ✓ Types of arbitration
    - Institutional arbitration: Administered by bodies such as the Cyprus Arbitration and Mediation Centre (CAMC)
    - Ad hoc arbitration: Parties design their own arbitration process
    - International commercial arbitration: Application of the New York Convention
  - ✓ Stages of arbitration in Cyprus

	<ul style="list-style-type: none"> <li>▪ Commencement: Submission of dispute to arbitration</li> <li>▪ Selection of arbitrators: Qualifications, independence, and impartiality</li> <li>▪ Arbitral proceedings: Presentation of evidence and arguments</li> <li>▪ Arbitral awards: Enforceability and finality of decisions</li> <li>✓ Setting aside and enforcement of arbitral awards <ul style="list-style-type: none"> <li>▪ Grounds for annulment: Procedural irregularities, lack of jurisdiction, violation of public policy</li> <li>▪ Recognition and enforcement procedures in Cyprus courts</li> </ul> </li> <li>• Mediation: Cyprus Legal framework and application <ul style="list-style-type: none"> <li>✓ Legal basis for mediation <ul style="list-style-type: none"> <li>▪ Mediation Law of Cyprus (L. 159(I)/2012) (transposing EU Directive 2008/52/EC)</li> <li>▪ Role of EU Mediation Directive in cross-border disputes</li> </ul> </li> <li>✓ Mediation process <ul style="list-style-type: none"> <li>▪ Voluntary vs. court-referred mediation</li> <li>▪ Selection of a mediator: Requirements and role in dispute resolution</li> </ul> </li> <li>✓ Stages of mediation <ul style="list-style-type: none"> <li>▪ Opening session and statements</li> <li>▪ Private caucuses and negotiation</li> <li>▪ Drafting and signing the settlement agreement</li> </ul> </li> <li>✓ Confidentiality and enforceability of mediated agreements <ul style="list-style-type: none"> <li>▪ Mediation agreements as enforceable contracts</li> <li>▪ Judicial enforcement mechanisms</li> </ul> </li> <li>✓ Judicial mediation: Role of Cyprus courts in promoting mediation before</li> </ul> </li> </ul>
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	litigation
<b>Lecture 11</b>	<p><b>Emerging ADR Mechanisms and International Perspectives</b></p> <ul style="list-style-type: none"> <li>• Negotiation as an ADR tool <ul style="list-style-type: none"> <li>✓ Definition and importance: How negotiation differs from mediation and arbitration</li> <li>✓ Techniques in legal negotiation <ul style="list-style-type: none"> <li>▪ Distributive bargaining vs. integrative bargaining</li> <li>▪ Interest-based negotiation</li> <li>▪ BATNA (Best Alternative to a Negotiated Agreement) and WATNA (Worst Alternative to a Negotiated Agreement)</li> </ul> </li> <li>✓ Legal considerations in negotiation <ul style="list-style-type: none"> <li>▪ Contractual enforceability of negotiated settlements</li> <li>▪ Ethical considerations and fair dealing</li> </ul> </li> </ul> </li> <li>• Conciliation: A hybrid ADR method <ul style="list-style-type: none"> <li>✓ Definition and comparison with mediation <ul style="list-style-type: none"> <li>▪ Conciliator's role in proposing solutions rather than facilitating negotiations</li> <li>▪ Cyprus legal framework for conciliation</li> <li>▪ Areas of law where conciliation is commonly used (commercial law, employment law, family law)</li> </ul> </li> <li>✓ Process of conciliation <ul style="list-style-type: none"> <li>▪ Appointment of a conciliator</li> <li>▪ Information gathering and proposal of settlement terms</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>▪ Reaching a binding or non-binding agreement</li><li>• Online Dispute Resolution (ODR) and the future of ADR<ul style="list-style-type: none"><li>✓ Definition and emergence of ODR: Use of technology to facilitate dispute resolution</li><li>✓ Cyprus and EU frameworks for ODR<ul style="list-style-type: none"><li>▪ EU Regulation 524/2013 on Online Dispute Resolution for Consumer Disputes</li><li>▪ Application of ODR in cross-border disputes</li></ul></li><li>✓ Types of ODR mechanisms<ul style="list-style-type: none"><li>▪ Automated negotiation platforms</li><li>▪ Virtual mediation and arbitration hearings</li></ul></li><li>✓ Challenges and future prospects of ODR<ul style="list-style-type: none"><li>▪ Digital security and confidentiality concerns</li><li>▪ AI in ADR: Ethical and legal implications</li></ul></li></ul></li><li>• Comparative analysis of ADR in international jurisdictions<ul style="list-style-type: none"><li>✓ ADR in the EU: EU policy initiatives promoting ADR over litigation</li><li>✓ ADR in the United States: The role of the American Arbitration Association (AAA)</li><li>✓ ADR in international commercial disputes<ul style="list-style-type: none"><li>▪ International Chamber of Commerce (ICC) Arbitration</li><li>▪ World Trade Organization (WTO) Dispute Resolution Mechanism</li><li>▪ International Centre for Settlement of Investment Disputes (ICSID)</li></ul></li></ul></li></ul>
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## Section V: Corporate and Compliance-Related Litigation in Cyprus

### Learning Objectives:

1. Explain the legal framework governing corporate litigation in Cyprus, including Companies Law, corporate governance regulations, and CySEC compliance.
2. Identify common corporate disputes, including shareholder conflicts, director liability, and M&A disagreements.
3. Assess available remedies in corporate litigation, such as court interventions, injunctions, and alternative dispute resolution (ADR) mechanisms.
4. Evaluate compliance considerations, regulatory investigations, and penalties for corporate law breaches in Cyprus.

### Lecture 12

#### Corporate Litigation and Shareholder Disputes

- Introduction to corporate litigation
  - ✓ Definition and significance of corporate litigation in business operations
  - ✓ Regulatory framework
    - Companies Law, Cap. 113.
    - Corporate governance regulations and EU directives
    - Compliance with Cyprus Securities and Exchange Commission (CySEC) rules
- Common corporate disputes in Cyprus
  - ✓ Shareholder disputes
    - Minority shareholder protection under Companies Law, Cap. 113
    - Derivative actions: Shareholders suing on behalf of the company
    - Unfair prejudice claims: When shareholders' rights are unfairly affected

	<ul style="list-style-type: none"><li>✓ Director and officer liability<ul style="list-style-type: none"><li>▪ Fiduciary duties and conflicts of interest</li><li>▪ Breach of duty and liability lawsuits</li><li>▪ Corporate fraud and mismanagement claims</li></ul></li><li>✓ Mergers and acquisitions disputes<ul style="list-style-type: none"><li>▪ Breach of contract in acquisition agreements</li><li>▪ Shareholder opposition to mergers and restructuring</li></ul></li><li>• Remedies in corporate litigation<ul style="list-style-type: none"><li>✓ Court intervention in corporate disputes<ul style="list-style-type: none"><li>▪ Injunctions preventing corporate actions</li><li>▪ Judicial dissolution and forced buyouts</li></ul></li><li>✓ Alternative resolution mechanisms<ul style="list-style-type: none"><li>▪ Arbitration in shareholder disputes</li><li>▪ Mediation in corporate governance conflicts</li></ul></li></ul></li><li>• Compliance considerations in corporate litigation<ul style="list-style-type: none"><li>✓ Regulatory investigations<ul style="list-style-type: none"><li>▪ The role of CySEC in financial compliance</li><li>▪ Investigations into insider trading and market manipulation</li></ul></li><li>✓ Penalties for non-compliance<ul style="list-style-type: none"><li>▪ Civil and criminal liability for breaches of company law</li><li>▪ Personal liability of directors and officers</li></ul></li></ul></li><li>• Alternative Dispute Resolution (ADR) in corporate and compliance disputes<ul style="list-style-type: none"><li>✓ Arbitration and mediation clauses in corporate contracts</li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>✓ Resolving shareholder disputes through ADR</li> <li>✓ Negotiating regulatory settlements outside of court</li> </ul>
<b>Section VI: Case Management and Cost Considerations in Litigation</b>	
<p><b>Learning Objectives:</b></p> <ol style="list-style-type: none"> <li>1. Explain the legal framework and principles of case management in Cyprus civil litigation.</li> <li>2. Assess key case management strategies, including early case assessment, procedural fairness, and ADR use.</li> <li>3. Analyze litigation cost management, including court fees, cost allocation, and alternative fee arrangements.</li> <li>4. Evaluate the role of technology in case management, including electronic filing, legal research, and AI tools.</li> </ol>	
<p><b>Lecture 13</b></p>	<p><b>Introduction to Case Management in Civil Litigation</b></p> <ul style="list-style-type: none"> <li>• Definition and importance of case management</li> <li>• Legal framework governing case management in Cyprus courts</li> <li>• The role of the judge in active case management</li> </ul> <p><b>Key Case Management Principles</b></p> <ul style="list-style-type: none"> <li>• Early case assessment: Evaluating the strengths and weaknesses of a claim.</li> <li>• Identifying procedural risks: Addressing potential legal obstacles early.</li> <li>• Timely and efficient litigation strategies <ul style="list-style-type: none"> <li>✓ Avoiding unnecessary delays</li> <li>✓ Using alternative dispute resolution (ADR) to expedite resolution</li> </ul> </li> <li>• Cooperation between parties and procedural fairness</li> </ul>

	<p><b>Managing Litigation Costs and Procedural Efficiency</b></p> <ul style="list-style-type: none"> <li>• Legal costs and their allocation in Cyprus litigation</li> <li>• Court fee structures and financial planning in civil litigation</li> <li>• Cost orders and cost-shifting rules <ul style="list-style-type: none"> <li>✓ When can a party recover legal costs?</li> <li>✓ "Loser pays" principle in Cyprus courts</li> </ul> </li> <li>• Alternative fee arrangements <ul style="list-style-type: none"> <li>✓ Fixed fees vs. hourly rates</li> <li>✓ Conditional fee agreements and contingency fees</li> </ul> </li> </ul> <p><b>Case Management Tools and Technology</b></p> <ul style="list-style-type: none"> <li>• Electronic case filing and digital document management.</li> <li>• Legal research databases and online case tracking.</li> <li>• Using AI and legal analytics for litigation strategy.</li> </ul>
<b>Revision</b>	
<b>Lecture 14</b>	<p><b>Course Revision &amp; Practical Application</b></p> <ul style="list-style-type: none"> <li>• Case study scenarios</li> <li>• Applying knowledge to real life scenarios</li> </ul>
<b>FINAL EXAMINATION</b>	

## Assessment Method and Criteria

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Type of Assessment	Weight
Final Examination	60%
Mid Term Examination	30%
Class Attendance and Participation	10%

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## Assessment Criteria

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Numerical Grade	Grade	Meaning
90-100%	A	Excellent
85-90%	B+	Very Good
80-84%	B	Good
75-79%	C+	Above Average
70-74%	C	Average
65-69%	D+	Below Average
60-64%	D	Poor

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Below 60

F

Failure

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