

**EU Mediation Law Handbook with chapter on Italy just published co-written by Carlo Mastellone and Laura Ristori**

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For those of you who might be interested in learning more about the Italian experience concerning mediation, I invite you to read the chapter on Italy which I have written together with my colleague Laura Ristori in the just published *“EU Mediation Law Handbook - Regulatory Robustness Ratings for mediation regimes”* – eds. Nadia Alexander, Sabine Walsh and Martin Svastos, Kluwer Law International 2017, 777 pages [ISBN 978-90-411-5859-8], with a Forward by Michael McIlwrath.

The editors evaluate the mediation regulation in each of European Union Member States based on a Regulatory Robustness Rating (RRR) System designed to assist practitioners, advisers and users of mediation in making informed decisions on where to mediate and help draft mediation clauses and agreements. The RRR system is based on a set of assumptions about what makes good mediation law and what makes a jurisdiction attractive for mediation purposes in terms of its regulatory framework; the system adopts 12 criteria and a mediation star matrix.

Italy has introduced provisions for mandatory mediation which show how challenging it can be to introduce, implement and regulate mediation for the first time in a country with a strong tradition of litigation and no traditional alternative dispute resolution methods beyond arbitration. In regulatory terms, Italy shows how valuable clear principles and process can be, and this is reflected in the high star score of the RRR rating. The combination of encouragement for and incentivising of mediation, with robust obligations on legal professionals to embrace the process, reflects positive regulatory steps in Italy.

The Chapter on Italy covers items including mandatory pre-trial mediation, mediation ordered by the judge, mediation clauses; obligations upon lawyers concerning mediation, at the level of professional code of conduct and also as a legal duty; a detailed description of the mediation process and the special significance of the so-called “first meeting”, designed for information and planning purposes, which parties should personally attend together with their lawyers and at the end of which the mediator invites the parties and their lawyers to decide whether or not they want to proceed with mediation .

The first meeting is free of charge (if no settlement is reached at the end of the meeting, which is generally the case)

The chapter also addresses specifically court-ordered mediation and the legal consequences of refusal to go to court ordered mediation, with citations of decisions by the tribunals on court-ordered mediation.

Further aspects covered with tax incentives, recognition, credentialling and accreditation of mediators, mediation organisations, confidentiality and enforceability of mediated outcomes, the effect on statute of limitations, and the duties and obligations of the mediator before, during and after mediation