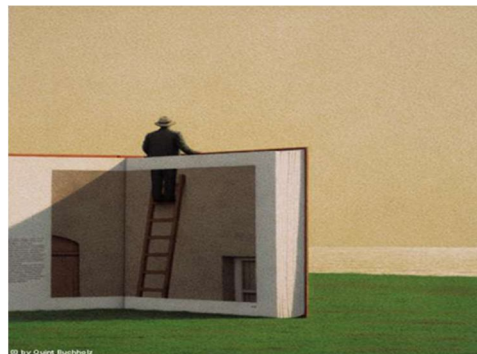


**UNALTRO
MODO**

ACTIVITY PLAN

2013



UNIVERSITÀ
DEGLI STUDI
FIRENZE
DSG
DIPARTIMENTO DI
SCIENZE GIURIDICHE

ACTIVITY PLAN FOR 2013

The Joint Laboratory "Un Altro Modo" has the project to create in a three year period a center for a new legal culture on conflicting relationships.

This document describes in details the activity plan for 2013.

• EXPERIMENTATION

1. **Implementation of the Protocol Nausicaa2 (upon the initiative of the Osservatorio per la Giustizia Civile) on mediation upon judicial invitation.**

Starting April 2013 the above specified activity will start by the staff of the joint Laboratory on the premises of the new Palazzo di Giustizia in cooperation with some of the divisions for civil and commercial matters of Florence's Tribunal and will be organized as follows:

- *Four research fellows*, law graduates learned in mediation, will give judges of the Florence's Tribunal support in selecting cases suitable for being sent to voluntary mediation. The scholarships are funded by the Laboratory. Fellows will be responsible for:
 - a) Create and edit forms that summarize the contents of the pleadings for the trial. The forms should focus mainly on the nature of conflict and its characteristics and on the content of judicial claims in order to facilitate judicial decisions on whether or not inviting parties to access voluntary mediation. Driving lines and criteria for the preparation and implementation of the mentioned forms will be set in a meeting between the Joint Laboratory academic staff and the judges who will try the service;
 - b) Support judges in the data entry procedure connected to invitations to voluntary mediation and to the results of the mediation that might follow. This work will be done with the aim of gathering information, data, and other useful elements for the assessment of the process and the enactment of guidelines and codes of best practices that might support the work of judges and of all the other institutions involved in the practice of mediation.
- *Activation of an orientation and training service* on the premises of the new Palazzo di Giustizia for all professionals and parties involved in litigation. This will give all those interested the opportunity to gain the basic knowledge necessary for the best use of mediation. The desk will be operational from April 2013, two mornings a week and will initially function with the direct and personal involvement of Prof. Paola Lucarelli. Later on, if needed, the number of opening days and hours will be increased with the involvement of trained staff of the Laboratory.
- *Meetings between the researchers of the Laboratory and the judges of the different divisions for civil and commercial matters of Florence's Tribunal.* Separate meetings will be held with judges belonging to the different divisions of the Court for civil and commercial matters with the goal of stimulating discussion on the different needs and problems encountered in litigation and of making a list of typical and recurring elements that might make mediation advisable and useful for certain kinds of conflicts. The ultimate goal is

to develop criteria that may allow judges to quickly assess the opportunity of inviting parties to mediate with good chances of success or of getting a better understanding of the problem and its possible alternative solutions; criteria for identifying the moment most appropriate to formulate that invitation during the trial will also be a main point for discussion. Researchers of the Joint Laboratory will prepare a short summary of each meeting and provide for its distribution among the participants. The content and ideas contained in those documents will then serve as the main reference for building and organizing dedicated training courses for mediators by the Joint Laboratory. The meetings schedule will be set by the end of February and the permanent tables for discussions will be established starting in March.

- *Analysis and interpretation of data resulting from close monitoring of the results of voluntary mediation upon judicial invitation in civil and commercial matters in the Florence's Tribunal.* Collection and analysis of the data supplied by the different Mediation Organizations based in the Florentine area.
- *Feedback* of mediation procedures started upon judicial invitation that have had a positive outcome. Parties and lawyers participating to successful mediations will be requested to contribute to the diffusion of mediation by reporting the inviting judge about the results.

2. Public mediation of real cases at the universities.

In collaboration with the OCF Mediation Organization (Organismo di Conciliazione Forense di Firenze), keeping the project open to the participation of all other interested Mediation Organizations, the Laboratory will provide organization and locations for the completion of five real cases mediations on the premises of the Department of Legal Sciences of the University of Florence. Organization and management of the five mediations shall be up to OCF or other different mediation organization depending on the circumstances. Possible recipients for this activity shall be all mediators requested by D.M. 145/2011 to complete their education period.

The cases will be selected in collaboration with the partners of the Joint Laboratory and of the interested Organizations.

The simulations will be held monthly starting from April 2013.

3. The Joint Laboratory Un Altro Modo cooperates with the Observatory on case law on medical malpractice (Osservatorio sulla giurisprudenza in materia di responsabilità medica), directed by Prof. Ilaria Pagni.

Starting by cases discussion and review the Observatory aims at collecting data on the first grade judicial decisions on medical malpractice from judges interested in providing material for advancing and upgrading the level of the debate on medical malpractice.

The Observatory headquarter has been identified in the University, as the place where the presence of so many students interested in case study will create and improve the conditions for discussing and compare doctrine and case-law on medical malpractice.

At first researchers from the Observatory will work at the collection and cataloguing of first grade judicial decisions comparing them to the case law of the Corte di Cassazione. This activity will be supported by those judges who are more involved in medical liability trial cases.

When fully operational, the Observatory aims at becoming the reference point for all those who want to discuss and reflect on the data emerging from the screening of judicial decisions and on the information gathered in order to ensure the greatest possible circulation of ideas and experiences on the matter.

The Observatory has a double purpose:

- Diffuse knowledge of judicial decisions and stimulate reflection on all different legal issues involved in the analysis of medical malpractice cases.
- Enhance direct connection between mediation and court proceeding providing the mediator with knowledge about case law on medical malpractice.

- **TRAINING**

1. **Basic training.**

The Joint Laboratory will continue to offer, if market demand for enabling training persists, n. 3 annual editions - 54 hours each - of the basic training course for mediators and n. 1 annual edition of the required 18 hour refresher training structured in two sessions of nine hours each.

The Laboratory will also offer basic and refresher trainings to single Professionals, member of Bar Associations and to the public and private institutions who may request it.

A training course on mediation Advocacy will be offered to lawyers of the Florence Bar Association.

The course will be held in June 2013.

2. **Training on specific subject matters.**

The Laboratory will continue to offer trainings on specific subject matters for mediation cases in order to allow mediators to deepen their knowledge and understanding of conflict characteristics in specific areas of civil and commercial law. Each training session will last 6 hours and will cover also the issues emerged in the abovementioned meetings with the judges of the Florence's Tribunal. Each training session shall be valid for the required mediators' refresher trainings in accordance with the law.

3. **Training to the citizenry.**

The Joint Laboratory in order to introduce the citizenry to mediation and diffuse knowledge about alternative methods for dispute resolutions will offer to all those interested a basic training in mediation. The training will follow schedules suitable for working people.

4. **Movie production with educational content.**

The Joint Laboratory, thanks to the support of some members of its Scientific Committee, with the purpose of introducing the practice of mediation in complex organizations throughout the country, will produce and realize educational videos introducing an innovative teaching method. The project will be implemented from April 2013.

5. **Annual participation to the ICC Mediation Competition.**

Every year in February, a team of students from the Department of Law, selected by a committee appointed among the members of the same Department, will participate to the international mediation competition organized by the International Chamber of Commerce based in Paris. The team will be trained and accompanied by an expert coach. A team from the joint Laboratory trained and coached by Avv. Laura Ristori already participated at the 2013 edition. The report on the participation will soon be published.

- **SCIENTIFIC RESEARCH**

1. **Research topics**

The Joint Laboratory propose to work on the following research topics:

- Mediation upon judicial invitation: theory and practice in a changing culture and environment compared with foreign experiences.
- Business relations: long-term commercial contracts and alternative method of conflict management.
- Business relations: the inside business dynamics of conflict and resolution techniques.
- Law and complex society: towards a redefinition of spaces and functions?
- Upon specific request or indication of the members of the Scientific Committee and of the Partners other research topics will be taken on.
- The research activities of the Laboratory are associated to the research and experimentation of the Observatory on medical malpractice case law.

2. Research products

At the end of each of the abovementioned research project, results will be made public in the following forms:

- A book providing for a review and critical analysis of the data obtained on the practice of mediation upon judicial invitation following the plans and objectives of the Nausicaa2 protocol.
- The English translation of the book "Mediazione e Progresso Sociale" (legal Utet, 2012), the first publication of the series 'Un Altro Modo, Mediation Culture'.
- A book on "Il governo del cambiamento nei contratti commerciali di durata: crisi di cooperazione e metodi negoziali di soluzione per una nuova impresa" (Governing change in long term commercial contracts. Cooperation crisis and negotiation for a new way of doing business".
- A book on "Humanistic education for mediators"
- Collections of educational materials

3. Diffusion of the research materials

The Joint Laboratory proposes to the Scientific Committee to organize an international conference on the following topic:

"The law paths between theory and legal methods: developing autonomy and responsibility in the complex society."

The proposed time for the conference is the 23rd and 24th of September 2013.

A meeting of the Scientific Committee will be called in the first two weeks of April to discuss the contents and the organization of the conference.

• NETWORK activity

The web page of the Joint Laboratory is operational on the University of Florence website, its content is dedicated to the introduction of the center, to communications, and to reports on each activity.

Also operational is the Laboratory Facebook page which will be used as the preferred network channel for contacts and relationships with public and private institutions, training and mediation organizations, research centers that are engaged or interested in the culture and practice of mediation and management of dispute resolutions all over the world.

First contacts will be asked for right after the mapping of relevant organizations worldwide to be completed by the research fellows of the Joint Laboratory.

PEOPLE COOPERATING TO THE PROGRAM OF ACTIVITIES 2013:

Members of the Direction Committee

Paola Lucarelli – Direttore del laboratorio
Sandro Bonaceto – Confindustria Toscana – s.bonaceto@confindustria.toscana.it
Simone Forni - Associazione Italiana Giuristi di Impresa (AIGI) - simone.forni@libero.it
Dino Crivellari - Unicredit Credit Management Bank S.p.a. – dino.crivellari@unicreditgroup.eu
Angelo Santi - Coordinamento della Conciliazione Forense - angsanti@tin.it
Eros Bellemo - Wolters Kluwer Italia Srl - Rosita.Bisaccia@wki.it
Marco Masi – Regione Toscana - marco.masi@regione.toscana.it
Luciana Breggia - Osservatorio sulla Giustizia Civile del Tribunale di Firenze, Gruppo Mediazione e Conciliazione - fiordiligi@world.it

Members of the Scientific Committee

Exclusive Committee

Paola Lucarelli – lucarelli@unifi.it
Ilaria Pagni – ilaria.pagni@unifi.it
Remo Caponi – remo.caponi@unifi.it
On behalf of the Department of Private and Processual Law will also participate:
Giuseppe Conte – gconte@quipo.it
Riccardo Del Punta – riccardo.delpunta@unifi.it
Giovanni Furguele – giovanni.furguele@unifi.it
Lorenzo Stanghellini – lorenzo.stanghellini@unifi.it
Simona Viciani – simona.viciani@unifi.it
Sara Landini – sara.landini@unifi.it
Maria Ettore Lombardi - ettoremaria.lombardi@unifi.it

Also participating:

Annamaria Di Fabio – annamaria.difabio@psico.unifi.it
Giovanni Scotto – giovanni.scotto@unifi.it
Stefano Calamandrei - posta@stefanocalamandrei.it
Maria Martello - maria.martello@tiscali.it
Elena Urso – elena.urso@unifi.it
Annalisa Tonarelli – annalisa.tonarelli@unifi.it
Yoga Patti – inmediazione@hotmail.com

Scientific Coordination

Laura Ristori – lristori@tin.it

Dipartment staff:

segreteria didattica:
Vincenza Giannetto

Coordination of the organizational management system

Elena Catani – posta@elenacatani.it

Scholars

Ilaria Forestieri - ilafore86@libero.it
Chiara Iannalfo - chiaraiannalfo@gmail.com
Marco Lauletta - marco.lauletta@gmail.com
Laura Maria Pantiru - pantiru-laura@hotmail.it

Research fellow

Elisa Guazzesi – elisa.guazzesi@libero.it

Classroom tutor

Elisa Pirrotta - elisapirrotta@hotmail.it