UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Adr- Strumenti di Composizione delle Liti nel Diritto Civile

2122-3-E1401A088

Learning objectives

The course provides students with the general rules governing every Alternative Dispute Resolution tool (s.c. A.D.R.) in civil and commercial cases

Contents

The course provides students with an opportunity to explore the area of A.D.R. (Alternative dispute resolution) world. It takes into account the mediation proceeding as provided by d.lgs. n. 28/2010, an act that has firstly set the mediation as a general A.D.R. means within the Italian legal system, the s.c. assisted negotiation procedure pursuant to d.l. n. 132/2014, ADR tools in family matters, the s.c. collaborative law and general notions of the arbitration proceedings under the italian civil procedure code. Depending on the available teaching options, the course will make extensive use of simulations, in order to provide students with the essential practical skills for a successful negotiation.

Detailed program

Mediation and conciliation;

Duties of the mediator;

Mediation bodies;

Mediation proceedings;

Mediation agreement and proposal;

Connections mediation-judicial proceedings;

Kind of arbitration;

Duties of the arbitrator;

Arbitration pleadings;

Arbitration proceedings and evidence;

Award and remedies;

Assisted negotiation;

Collaborative practice.

Prerequisites

Students need to know the general principles of the italian civil law and procedure.

Teaching methods

Lessons; negotiation practice; moot mediations; negotiation lab.

Assessment methods

Oral exam

Textbooks and Reading Materials

Danovi F., Ferraris F. (a cura di), ADR. Una giustizia complementare, Milano, Giuffrè, 2018.