UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Adr -(alternative Dispute Resolutions)

2425-3-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.

In particular, the following training objectives are identified:

A) Knowledge and understanding

Know and understand the constitutional, code and regulatory sources of alternative dispute resolution tools. Learning the so-called soft skills of effective negotiation.

B) Applied knowledge and understanding

Being able not only to identify and apply the rules to a concrete case, but also to apply the correct communication and negotiation techniques to facilitate reaching an out-of-court agreement.

C) Communication skills

Develop and strengthen your negotiation communication skills, applying different soft skills - use of different forms of questions, feedback, paraphrasing, mirroring, "I" message e.g. - necessary to set up an effective negotiation.

D) Ability to learn

Develop skills and autonomy in identifying the needs and interests of the parties that lie beyond the different legal positions, since only on these (and not those) will it be possible to build an effective negotiation.

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

12 lessons of 2 hrs. in class
2 lessons of 2 hrs. online
5 laboratories of 2 hrs. in class
2 simulations of 2 hrs. in class

Assessment methods

Oral exam where the legal and negotiation skills of alternative dispute resolution tools will be assessed.
Interview on the topics covered in class and on the exam handbook.
The aim is to verify the ability to understand and apply all the topics - theoretical and practical - of the subject.

Textbooks and Reading Materials

UNAM - *Mediazione 3.0 e negoziazione assistita 2.0*, Giappichelli 2024

Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH | PEACE, JUSTICE AND STRONG INSTITUTIONS