

Kluwer Mediation Blog

All mediation roads lead to Rome

Constantin-Adi Gavrila (ADR Center Romania) · Monday, May 14th, 2018

There aren't many models of effective mediation legal frameworks that ensure sustainable systems of mediation. In fact, in most countries, the mediators don't have demand and a real market for services. They are trying to convince users, lawyers, judges, policy makers, others and sometimes themselves that mediation is a viable option of the dispute resolution culture. There are a few recent examples where mediators are busy these days - Italy, Greece and Turkey - they all have domestic mediation frameworks based on the Italian Model and policy, "Recourse by Voluntary Agreement during a Required Initial Mediation Session". It is enough to say that all mediation roads lead to Rome.

In the April 2018 issue of *Alternatives*, [Leonardo D'Urso](#) published a very interesting article, "[Italy's 'Required Initial Mediation Session': Bridging The Gap between Mandatory and Voluntary Mediation](#)". This piece advocates for using effective legislative mediation to generate demand and delivery of mediation services.

In essence, according to [Leonardo](#) and the statistics in the last four years, it is a proven fact and not a matter of opinion that a required first meeting of the mediator under some circumstances can generate a mediation demand and practice. There are five conditions that, if met, will enable environments that are friendly to mediation.

The conditions are the following, as quoted from the article:

- 1) The relevant parties of the dispute should be present in person; if the lawyer is without the client there is little chance to proceed to the full mediation process;
- 2) The session should be administered by an experienced and well-trained mediator;
- 3) The session should be held in a short period of time since the filing of the request and the fee should be minimal in order to not be considered a barrier to the access to justice;
- 4) The parties when present can decide to easily "opt-out" without sanctions, or voluntarily continue the process; and
- 5) Substantial sanctions should be given in the case of an absent party during the subsequent judicial proceeding.

[Leonardo](#) argues that if all the relevant parties and the mediator are exploring together - in joint or separate meetings, but present at the same time - the possibility of using mediation, many agreements to initiate the process can be made by the

parties. Not only Italy, but also Turkey reported over 30.000 cases in a few months in 2018, announcing that the mediation profession is alive in Turkey (details [here](#)).

Indeed, all mediation roads lead to Rome. But what do we learn from all these examples? Who's next? Who's listening?

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