**Centre for Chinese Law
中國法研究中心
Faculty of Law, The University of Hong Kong**

**The Italian Model of ADR: A Good Bad Example?**

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**Venue: A825, 8/F, Cheng Yu Tung Tower Centennial Campus, HKU**

Abstract：

The legitimacy of using Alternative (or Amicable) Dispute Resolution (ADR) to give relief to the State managed court system is debated in almost every advanced legal system. It seems that, while the theory of contemporary ADR imagined procedures of mediation being more than a mere patch for the deficiencies of the national court system, it appears that now ADR is primarily being implemented by legislators as a means of reducing the work burden of judges. Italy is not an exception to this trend. The Italian situation, however, is quite peculiar. Italy tried to effectively adopt the European Directive 2008/52/EC (s.c. “Mediation Directive”) but, contrary to the spirit of the Directive, it did so by providing for a large use of mandatory mediation. Although the legislation was only mildly criticized by the UE, it faced a fierce opposition in Italy, and was eventually challenged before the Constitutional Court. The solution adopted to respond to criticisms, however, is even more defective than the original law and puts Italy far from the European context in this regard. The key feature of Italian ADR legislation will be analyzed.

About the speaker：

Dr. Giorgio Fabio COLOMBO is Designated Assistant Professor of Law at Nagoya University Graduate School of Law. Before that he was Adjunct Professor of Japanese Law at “Ca’ Foscari” University, Venice, Research Fellow in Comparative Law at Pavia University and JSPS Postdoctoral Fellow at Ritsumeikan University, Kyoto. His research focus primarily on arbitration and ADR in Europe and Japan.