

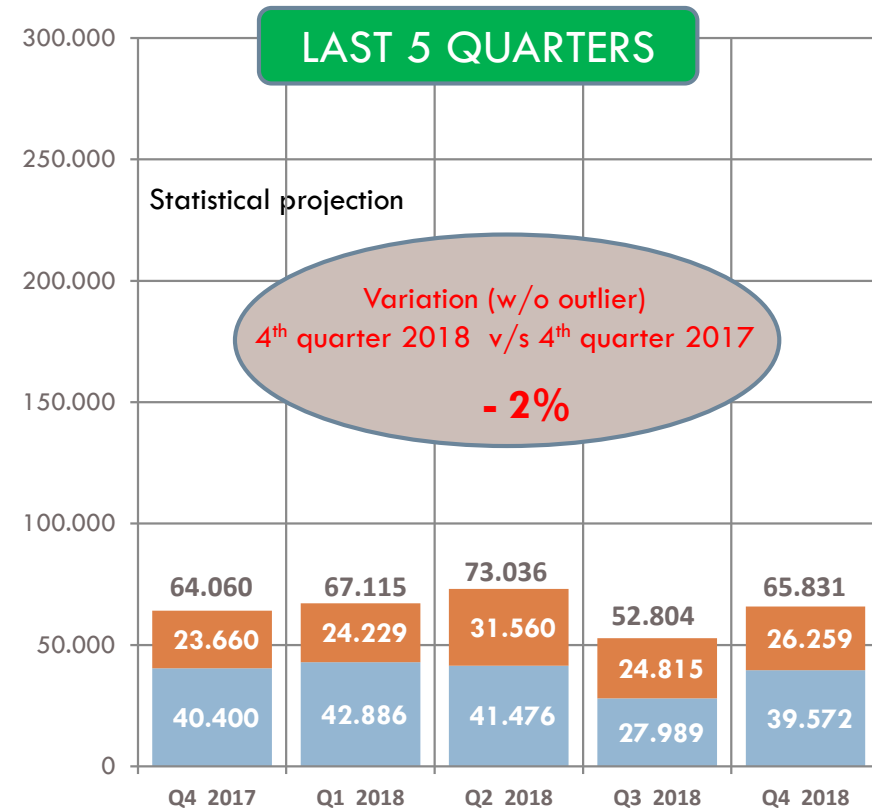
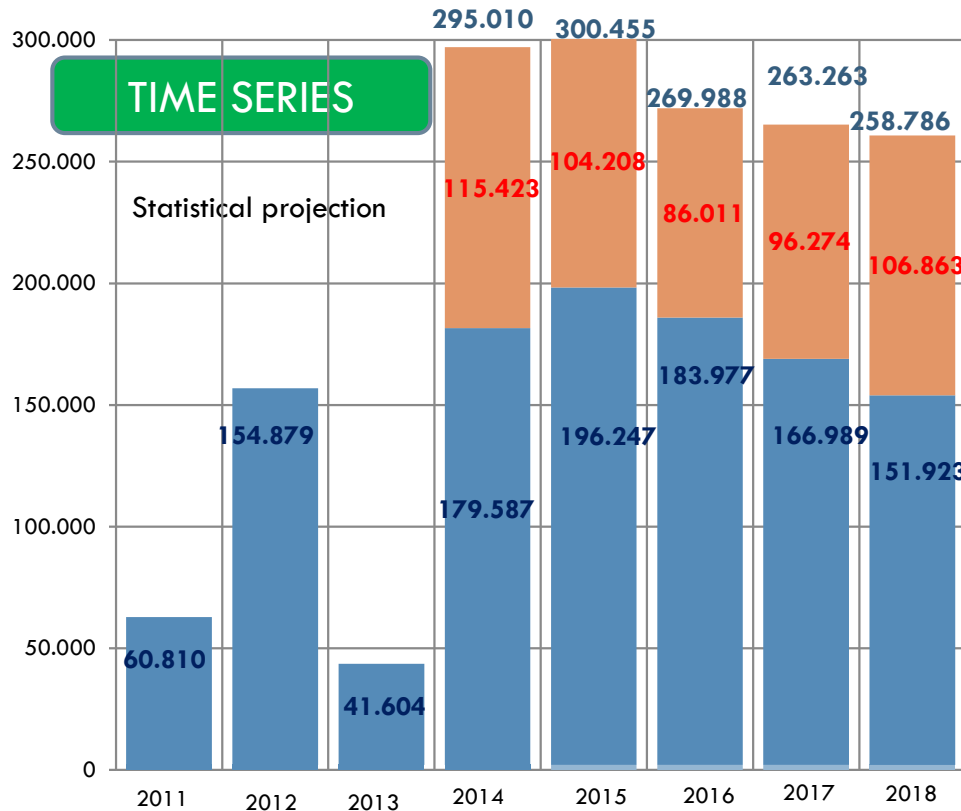


# **CIVIL MEDIATION LEGISLATIVE DECREE 28/2010**

## **STATISTICS FOR THE PERIOD JANUARY 1<sup>ST</sup> – DECEMBER 31<sup>ST</sup> 2018**

# Incoming mediations

March 2011 – December 2018



In the comparison between years, it has to be taken into account that:

- From 13 December 2012 to 30 September 2013 the compulsory attempt at conciliation was suspended;
- In 2012 there were approximately 45.000 mediations (an average of 11.165 per quarter) for damages from circulation of vehicles and boats, this subject matter is no longer mandatory as of September 20, 2013

Incoming mediations

Incoming mediations for one mediation firm, statistical «outlier»

# Data by subject matter

2018

Condominium
Property
Partition
Wills and inheritance
Family covenants and agreements
Lease
Loans
Business rents
Medical malpractice damages
Libel
Insurance contracts
Bank contracts
Financial contracts
Other proceedings (non mandatory mediations)
<b>Total</b>

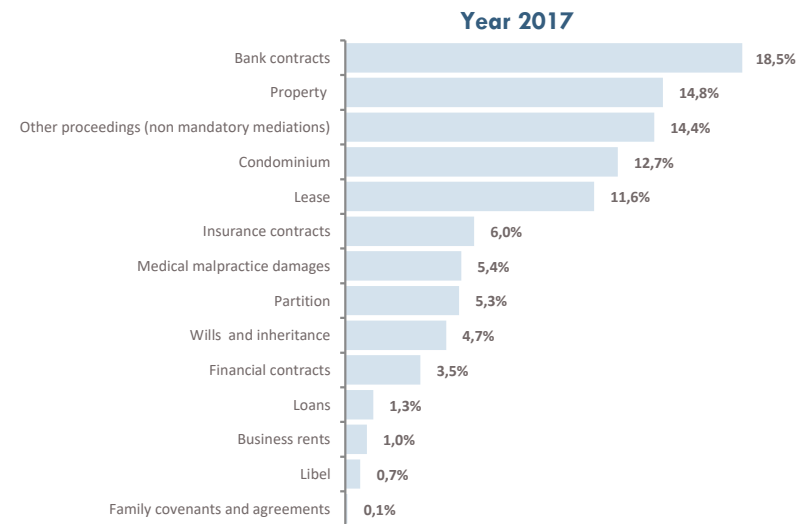
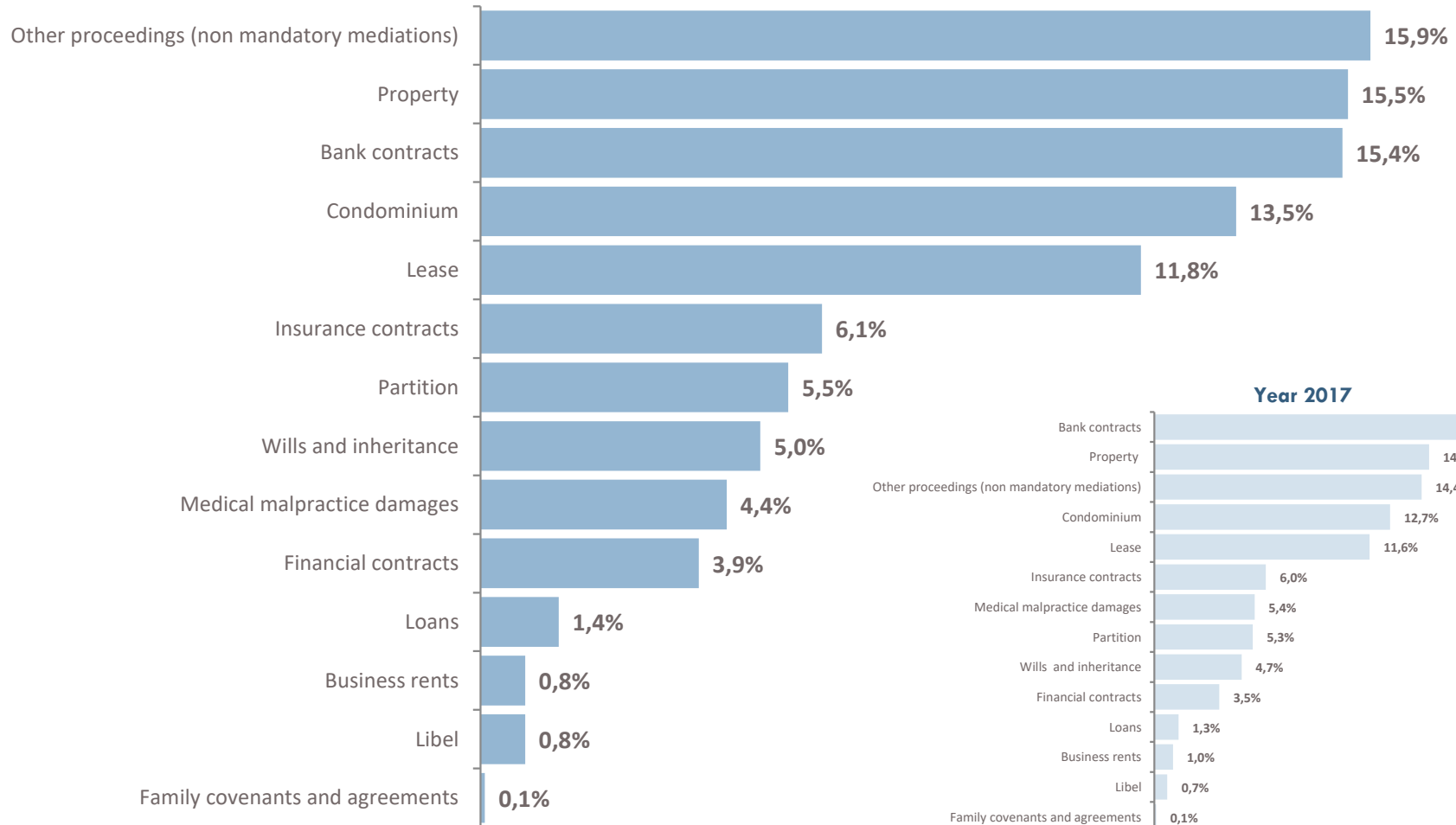
January 1 <sup>st</sup> – December 31 <sup>st</sup> 2018			
INITIAL PENDING	INCOMING	RESOLVED	FINAL PENDING
11.076	20.415	19.344	12.147
15.522	23.463	21.814	17.171
6.001	8.357	7.761	6.597
4.921	7.585	7.224	5.283
152	174	155	171
9.085	17.883	17.175	9.793
1.150	2.138	2.056	1.232
1.561	1.174	1.138	1.597
4.857	6.766	6.727	4.896
670	1.142	1.080	731
4.881	9.323	9.099	5.105
16.602	23.416	22.734	17.284
2.901	5.936	5.757	3.079
17.652	24.150	22.870	18.931
<b>97.031</b>	<b>151.923</b>	<b>144.934</b>	<b>104.019</b>

*Insurance contracts «outlier»*

<b>27.265</b>	<b>106.863</b>	<b>102.248</b>	<b>31.880</b>
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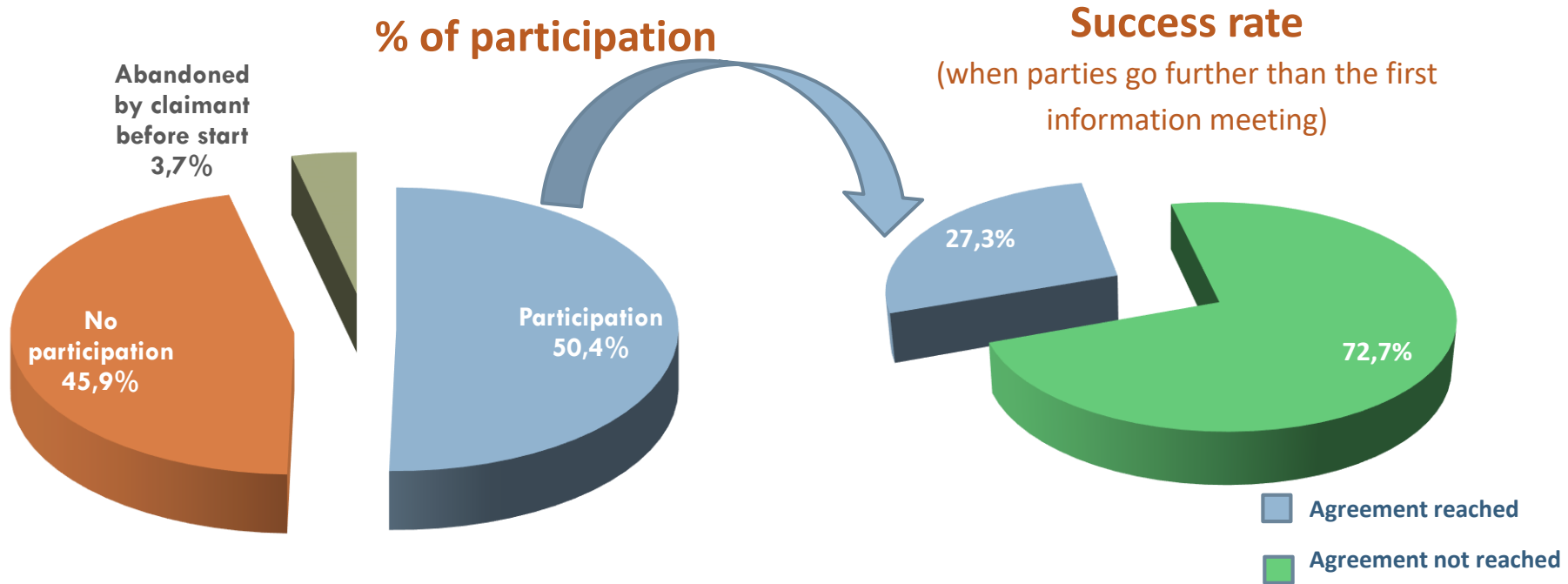
# Incoming mediations by subject

2018



# Success rate

2018



	03/2011 – 12/2012	2013	2014	2015	2016	2017	2018
<b>Participation</b>	27,0%	32,4%	40,5%	44,9%	46,9%	48,2%	50,4%
<b>Success rate</b>	43,9%	42,4%	24,2%	22,6%	23,7%	25,4%	27,3%

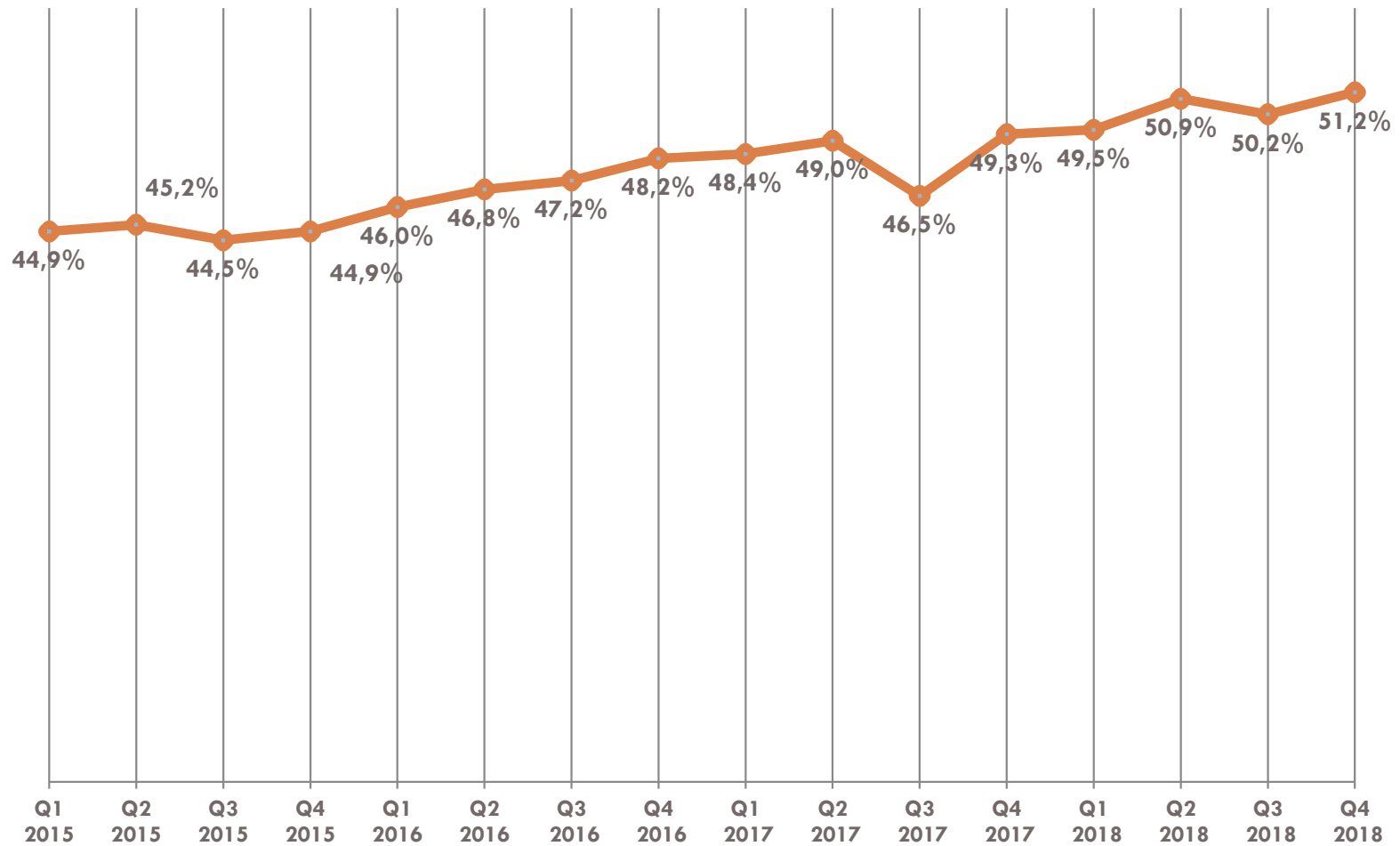
**From an analysis carried out on a part of organisms it appears that the success rate rises to 44.8% if the parties agree to sit at the mediation table even after the first meeting introduced with Law 98/2013.**

# Participation by subject

2018

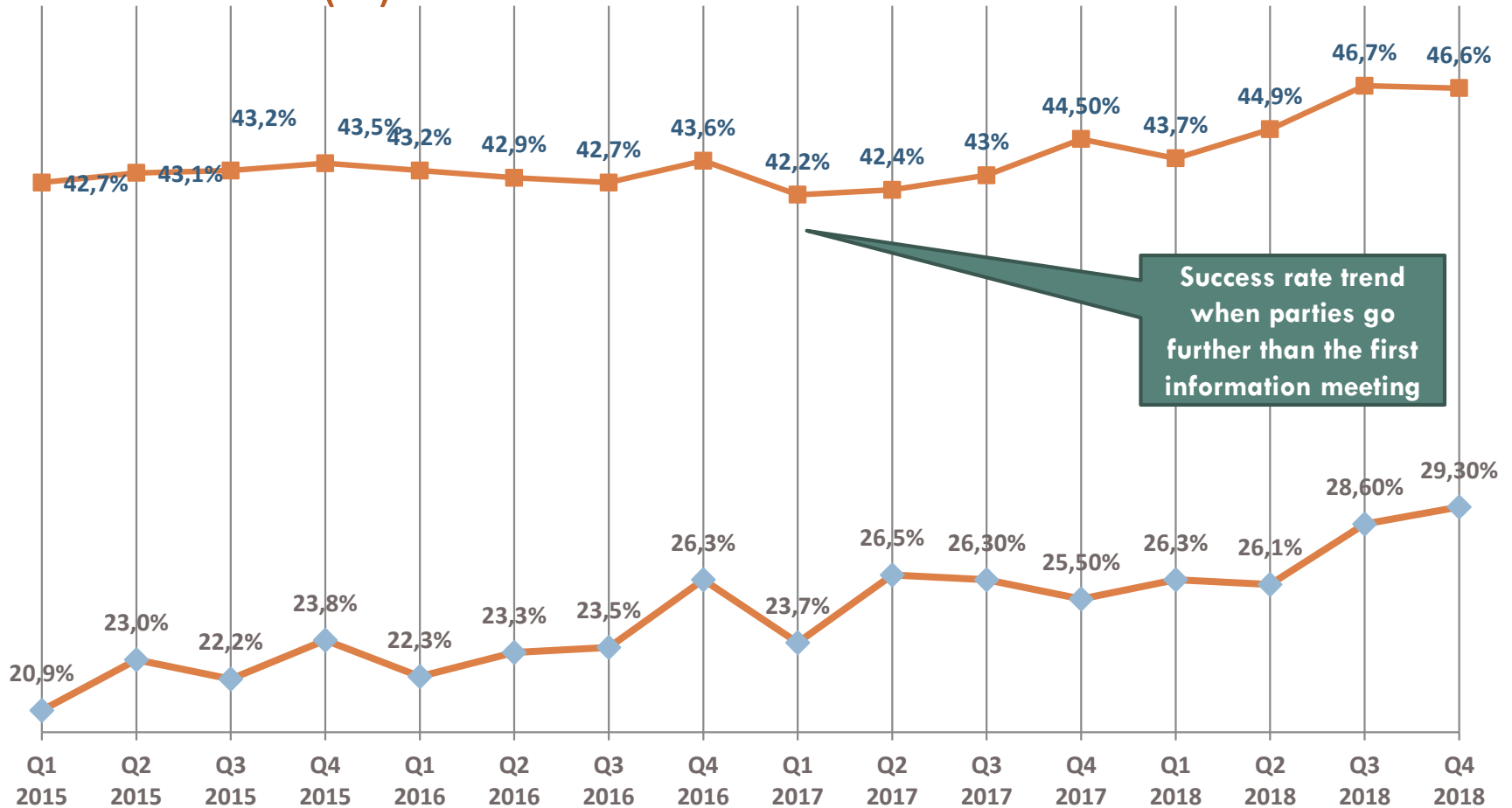
Subject	% of participation
Wills and inheritance	66,0%
Family covenants and agreements	60,7%
Business rents	59,9%
Partition	59,8%
Property	58,2%
Condominium	53,4%
Lease	53,3%
Bank contracts	49,6%
Other proceedings (non mandatory mediations)	48,0%
Loans	47,4%
Medical malpractice damages	44,6%
Financial contracts	44,5%
Libel	42,8%
Insurance contracts	14,1%

# Rate of Counterparty Participation in a Mediation Process



# Trend of success rates

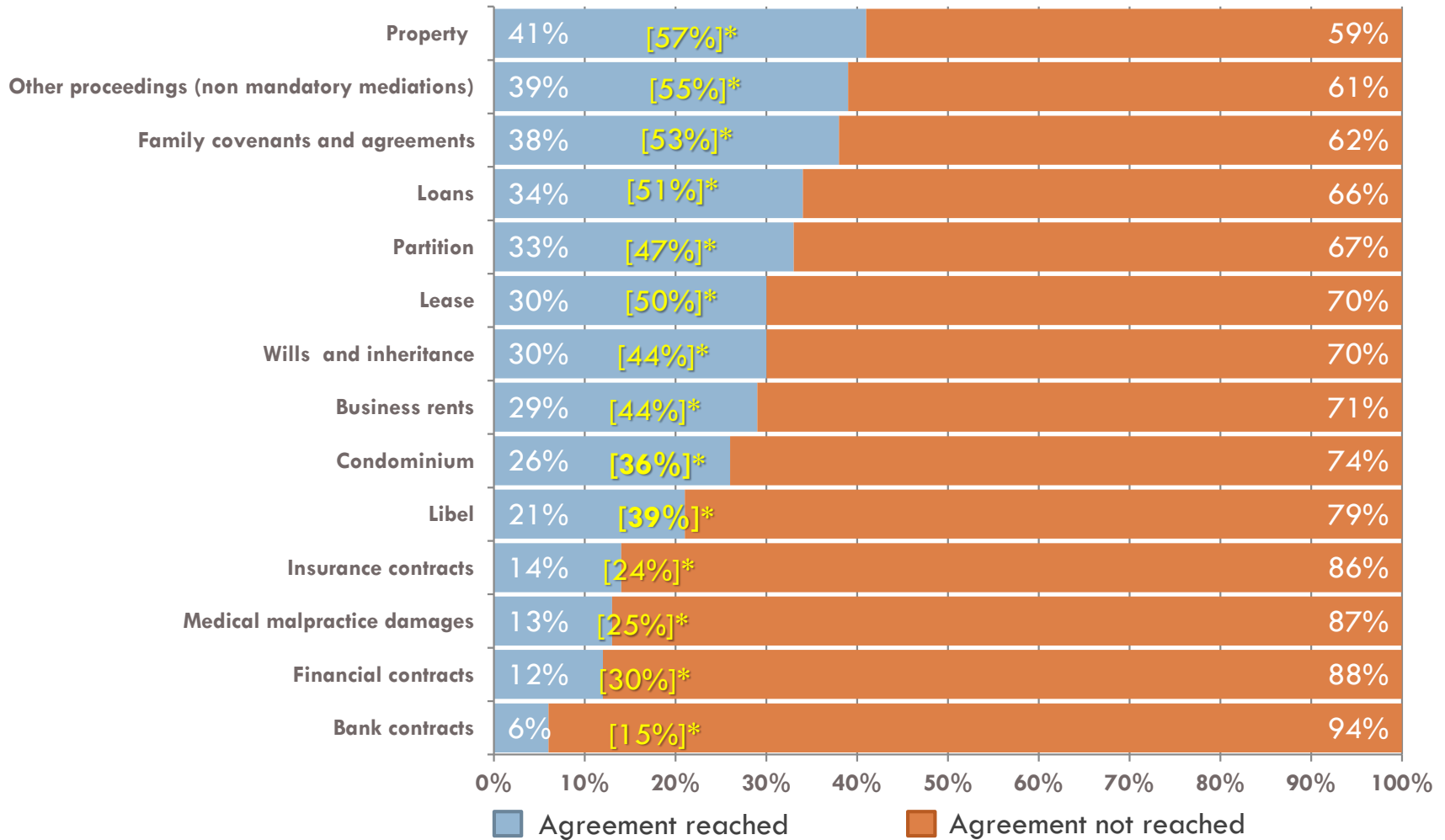
## Success rate (%)





# Success rate analysis by subject

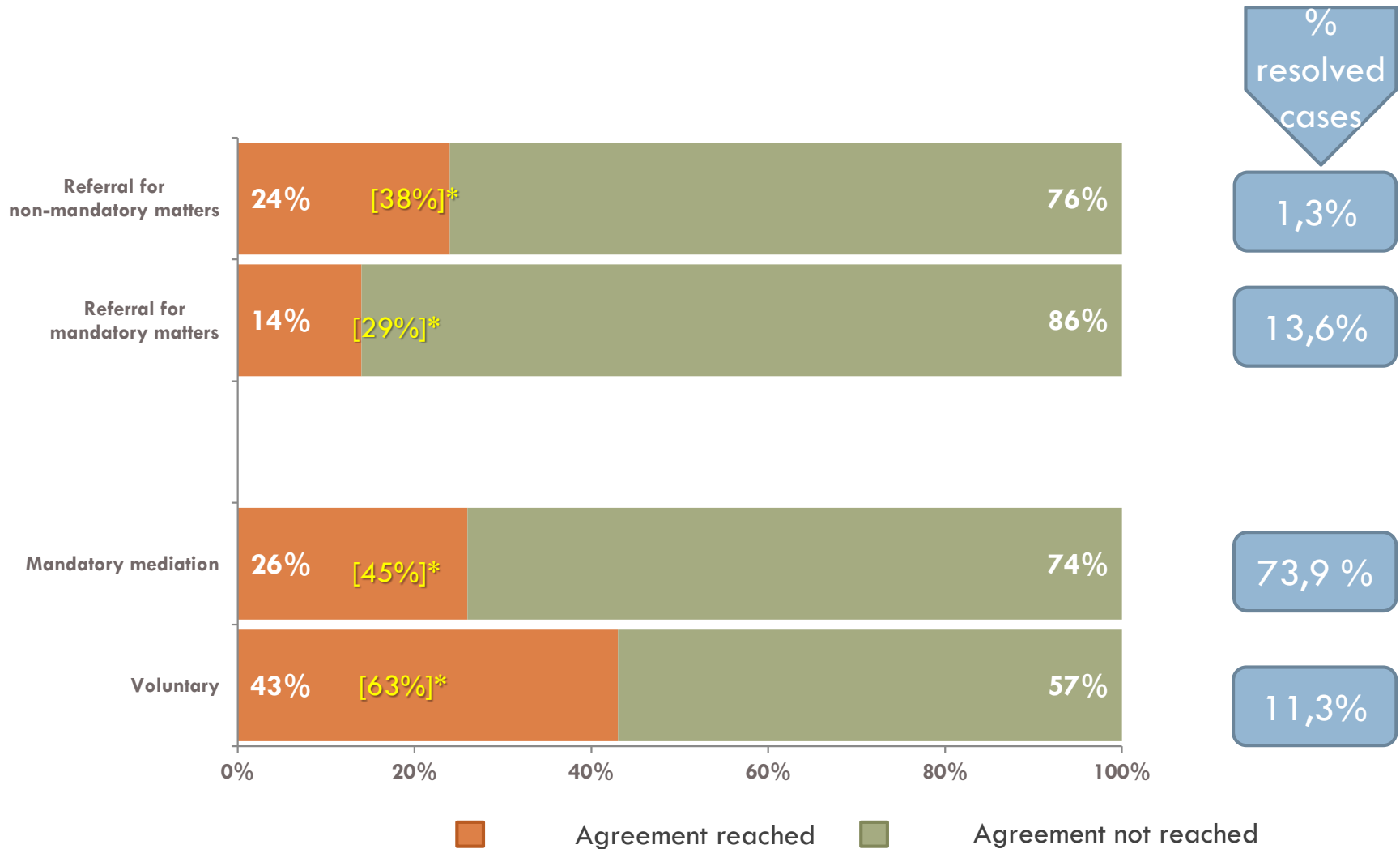
2018



\* Outcome of the procedures when parties agree on meeting

# Success rate of Mediation by Type of Referral

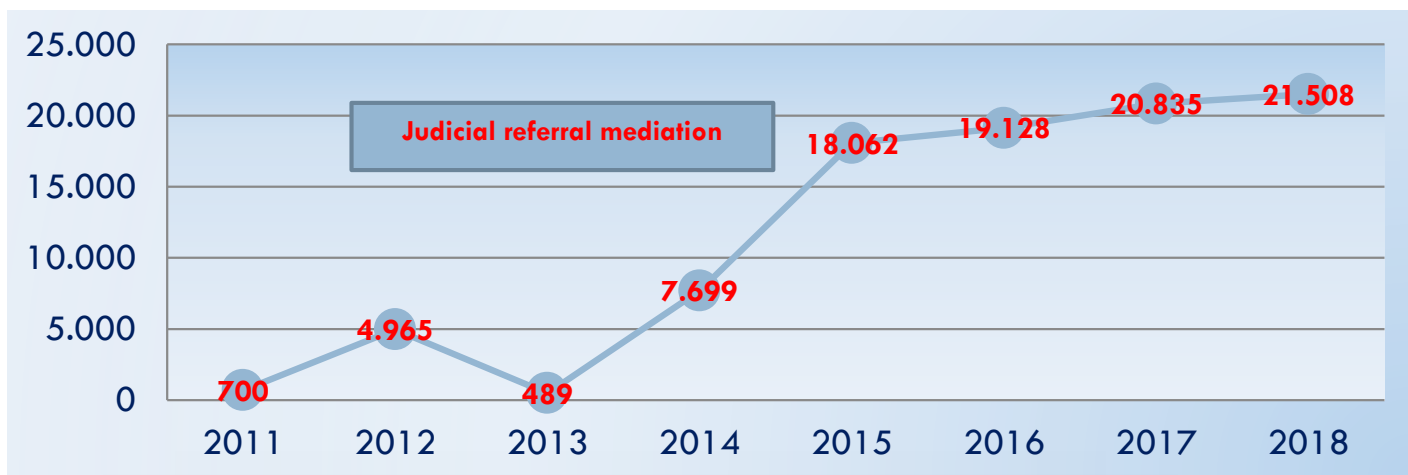
2018



\* Outcome of the procedures when parties agree on meeting

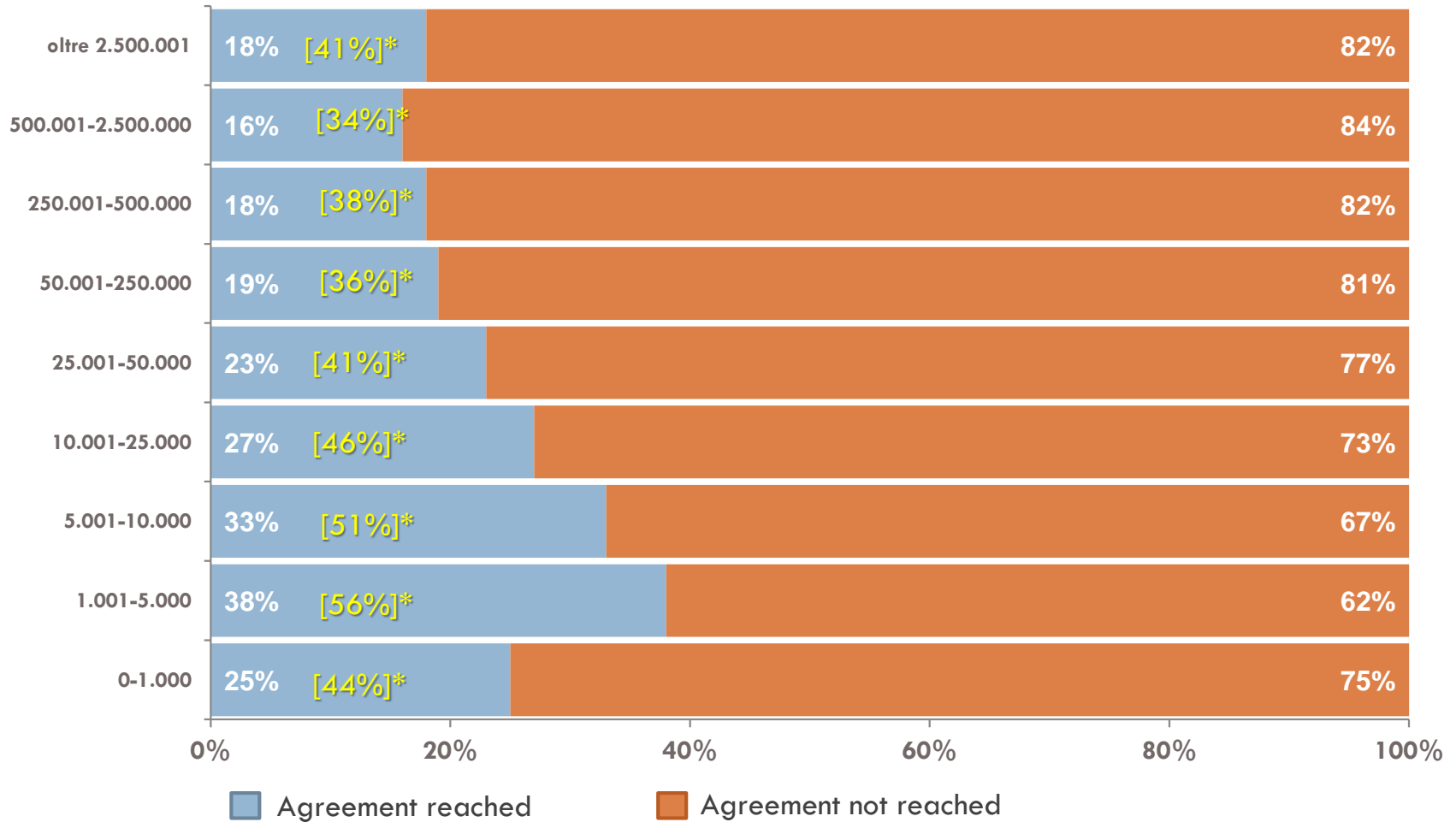
# Categories of mediation – resolved cases

	2011		2012		2013		2014		2015		2016		2017		2018	
<b>Judicial referral</b>	<b>700</b>	<i>1,7%</i>	<b>4.965</b>	<i>3,3%</i>	<b>489</b>	<i>2,0%</i>	<b>7.699</b>	<i>5,6%</i>	<b>18.062</b>	<i>9,7%</i>	<b>19.128</b>	<i>11,0%</i>	<b>20.835</b>	<i>13,4%</i>	<b>21.508</b>	<i>14,8%</i>
<b>Mandatory mediation (2011-2012)</b> <b>Mandatory Mediation with easy opt-out at the initial meeting (from end 2013)</b>	<b>31.288</b>	<i>77,9%</i>	<b>129.531</b>	<i>84,9%</i>	<b>13.802</b>	<i>57,5%</i>	<b>131.360</b>	<i>83,8%</i>	<b>151.469</b>	<i>81,6%</i>	<b>138.127</b>	<i>79,6%</i>	<b>118.963</b>	<i>76,5%</i>	<b>106.336</b>	<i>73,4%</i>
<b>Provided by contract / agreement</b>	<b>200</b>	<i>0,5%</i>	<b>458</b>	<i>0,3%</i>	<b>359</b>	<i>1,5%</i>	<b>1.332</b>	<i>0,6%</i>	<b>823</b>	<i>0,4%</i>	<b>935</b>	<i>0,5%</i>	<b>761</b>	<i>0,5%</i>	<b>818</b>	<i>0,6%</i>
<b>Voluntary</b>	<b>7.973</b>	<i>19,9%</i>	<b>17.677</b>	<i>11,6%</i>	<b>9.369</b>	<i>39,0%</i>	<b>15.926</b>	<i>10,0%</i>	<b>15.392</b>	<i>8,3%</i>	<b>15.284</b>	<i>8,8%</i>	<b>14.898</b>	<i>9,6%</i>	<b>16.273</b>	<i>11,2%</i>



# Success rate by value range

2018



\* Outcome of the procedures when parties agree on meeting

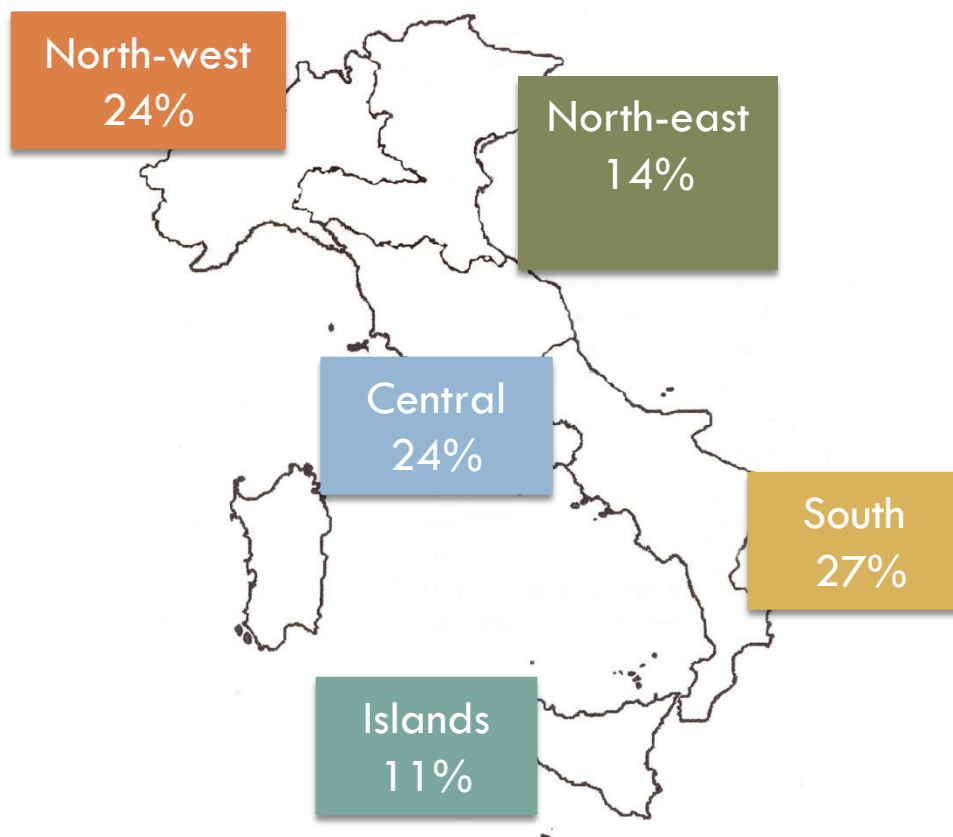
# Success rate by type of mediation body

2018

Type of mediation organization	Number of organizations as of 31.12.2018	Resolved	Sample Survey	
			Success rate including cases where the other party did not participate in the process	Success rate including only cases in which both parties participated in meetings following the first information one
CHAMBERS OF COMMERCE	79	14.009	25,9%	47,3%
PRIVATE ORGANIZATIONS	375	76.029	30,3%	50,6%
BAR ASSOCIATIONS	103	53.918	24,2%	37,9%
OTHER PROFESSIONAL ASSOCIATIONS	40	978	36,3%	60,2%
<b>Totale complessivo</b>	<b>597</b>	<b>144.934</b>	<b>27,3%</b>	<b>44,8%</b>

# Geography of mediations

2018

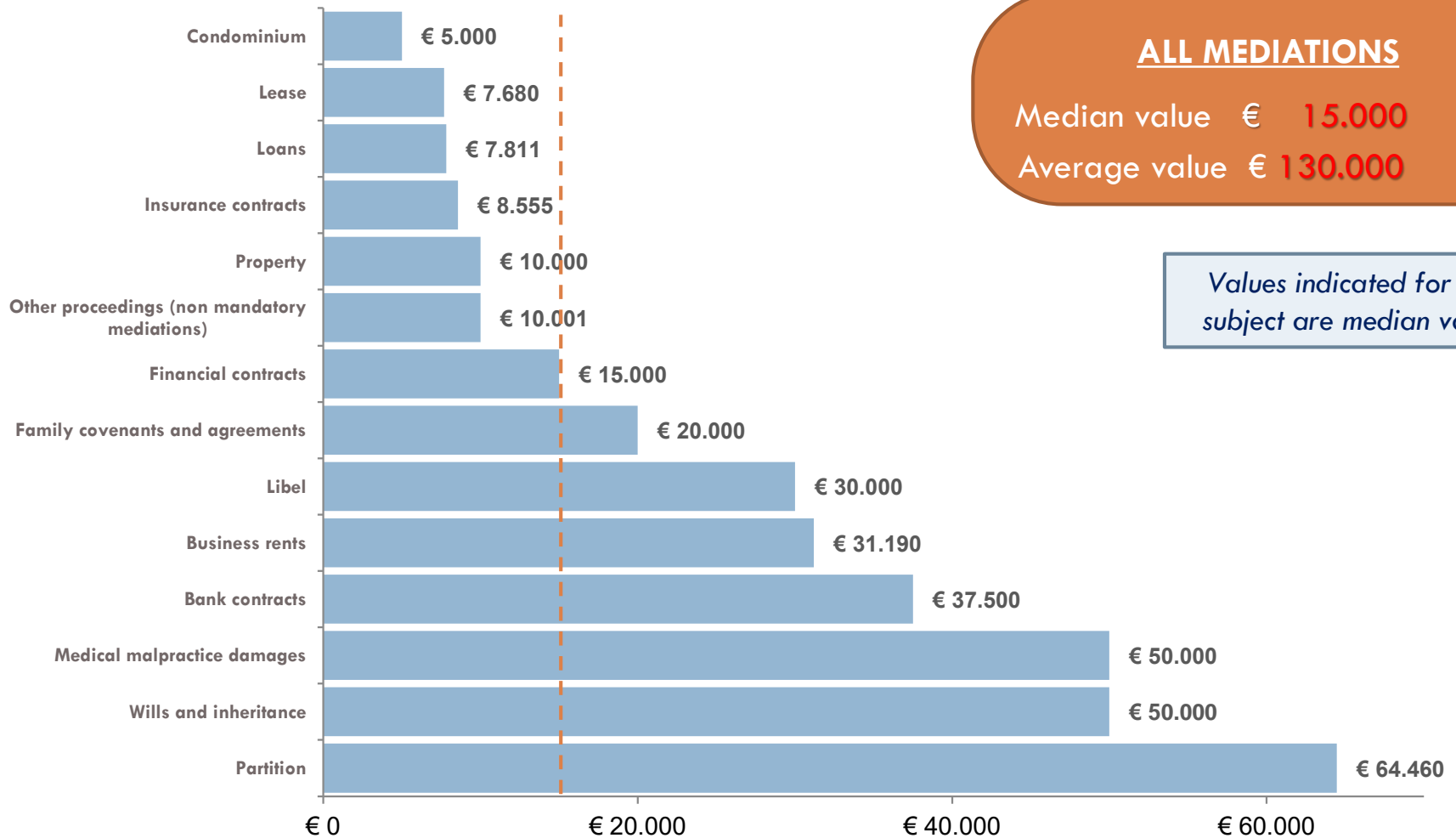


REGIONS	%
LOMBARDY	13,5%
LAZIO	13,3%
CAMPANIA	11,1%
SICILY	8,7%
TUSCANY	7,6%
PUGLIA	7,1%
EMILIA-ROMAGNA	6,7%
PIEDMONT	6,3%
VENETO	5,0%
CALABRIA	4,3%
LIGURIA	3,2%
ABRUZZO	3,1%
SARDINIA	2,8%
MARCHE	1,9%
FRIULI-VENEZIA GIULIA	1,5%
UMBRIA	1,3%
TRENTINO-ALTO ADIGE	1,2%
BASILICATA	0,9%
MOLISE	0,4%
VALLE D'AOSTA	0,2%

*Analysis made with a sample of resolved cases*

# Economic value of mediation disputes

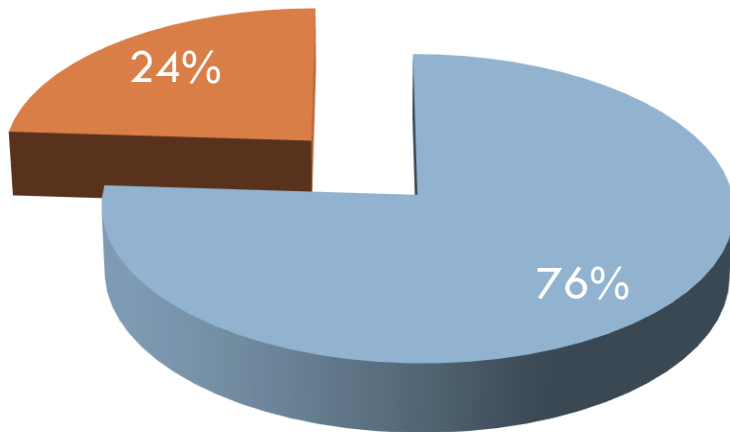
2018



# Lawyer's assistance in voluntary mediation

2018

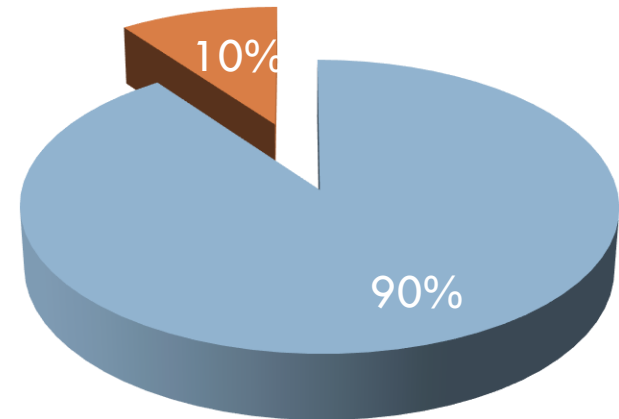
### Total claimants



Year 2017	77% Assisted by lawyer
	23% NOT assisted by lawyer

- Assisted by lawyer
- NOT assisted by lawyer

### Total defendants



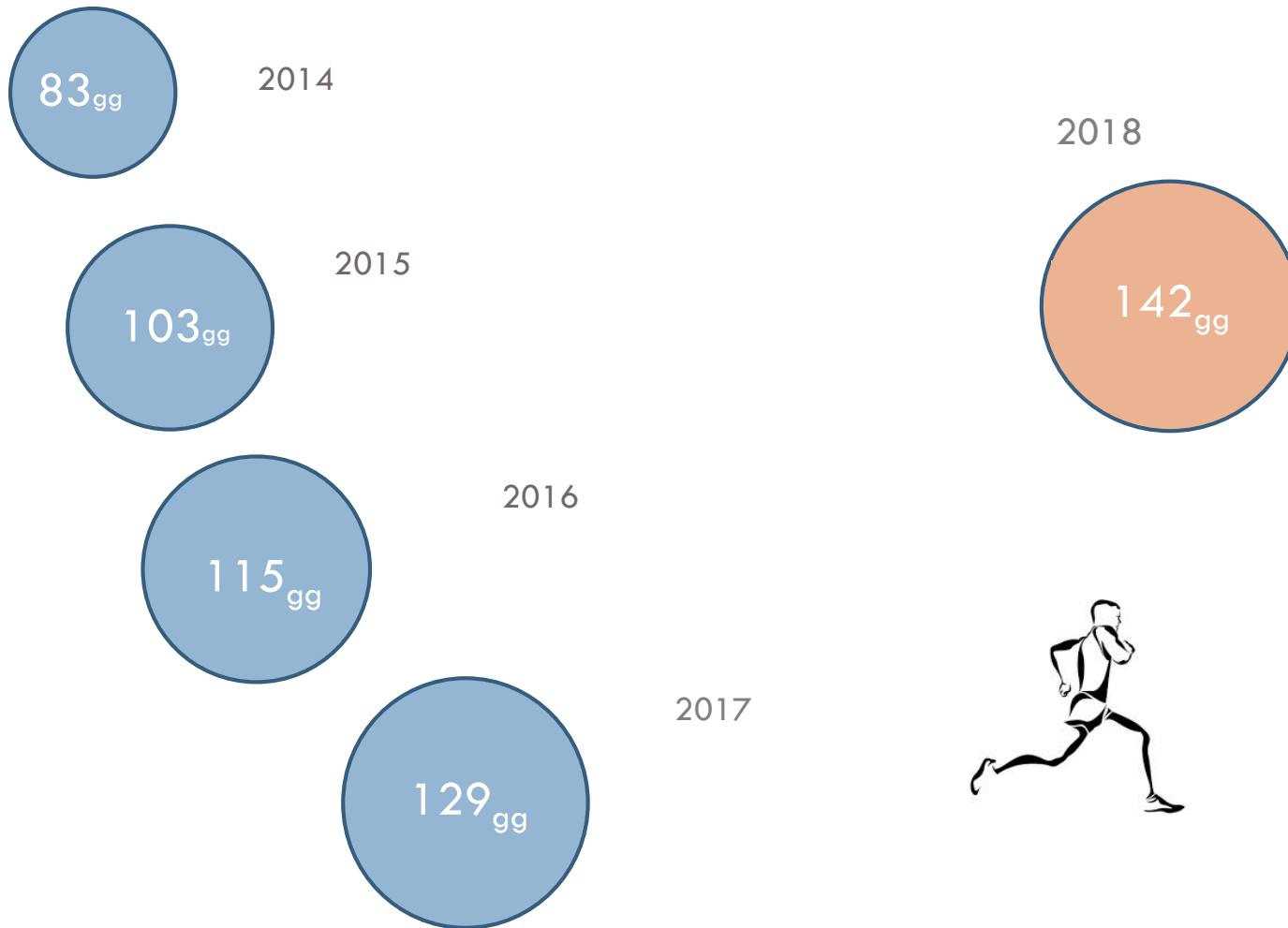
Year 2017	85% Assisted by lawyer
	15% NOT assisted by lawyer

***From September 21<sup>st</sup> 2013 the assistance of parties by lawyers is mandatory for all mandatory mediations***



# Days in mediation

(Cases when an agreement is reached)



Ministero della Giustizia



Direzione Generale di Statistica  
e Analisi Organizzativa

Document available at <https://webstat.giustizia.it>