



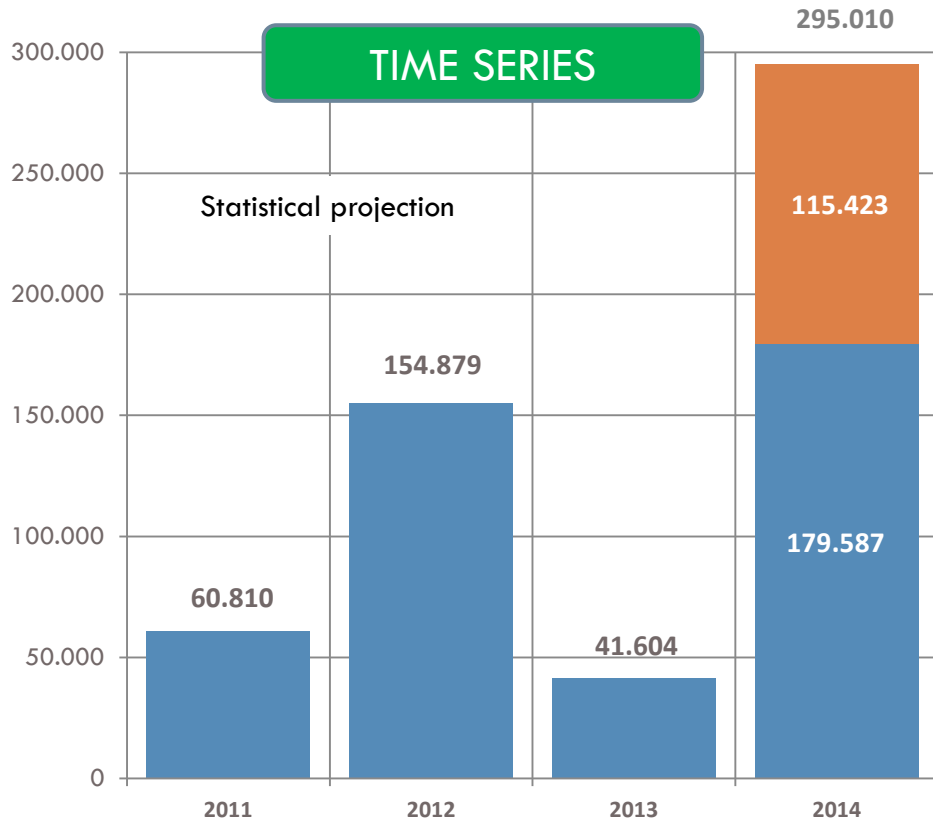
# **CIVIL MEDIATION LEGISLATIVE DECREE 28/2010**

## **STATISTICS FOR THE PERIOD JANUARY 1<sup>ST</sup> – SEPTEMBER 30<sup>TH</sup> 2015**

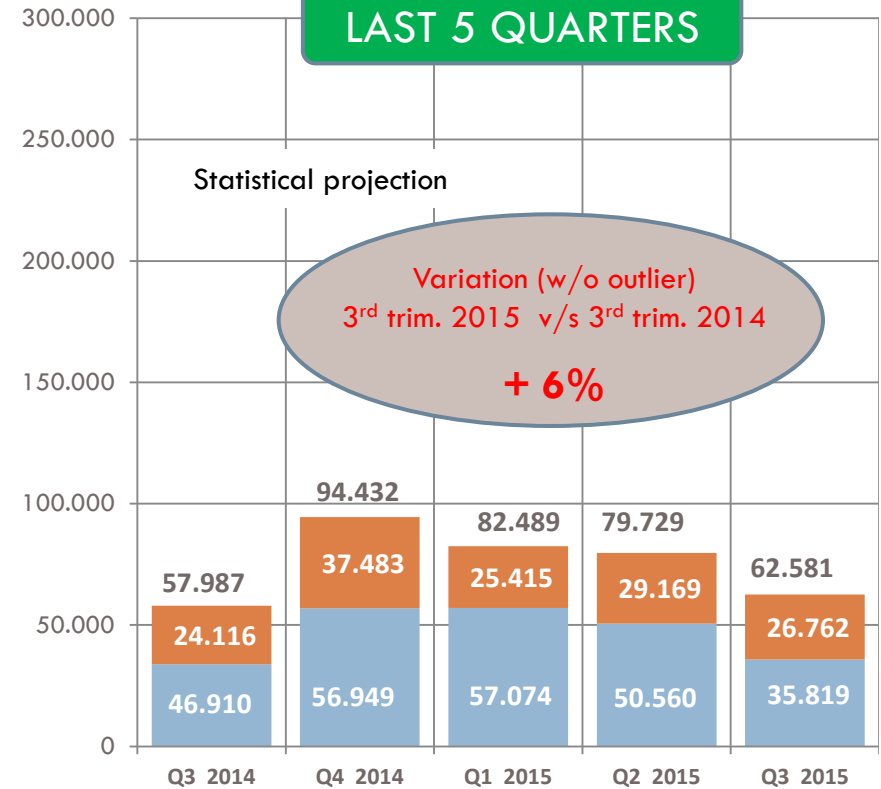
# Incoming mediations

March 2011 – September 2015

## TIME SERIES



## LAST 5 QUARTERS



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

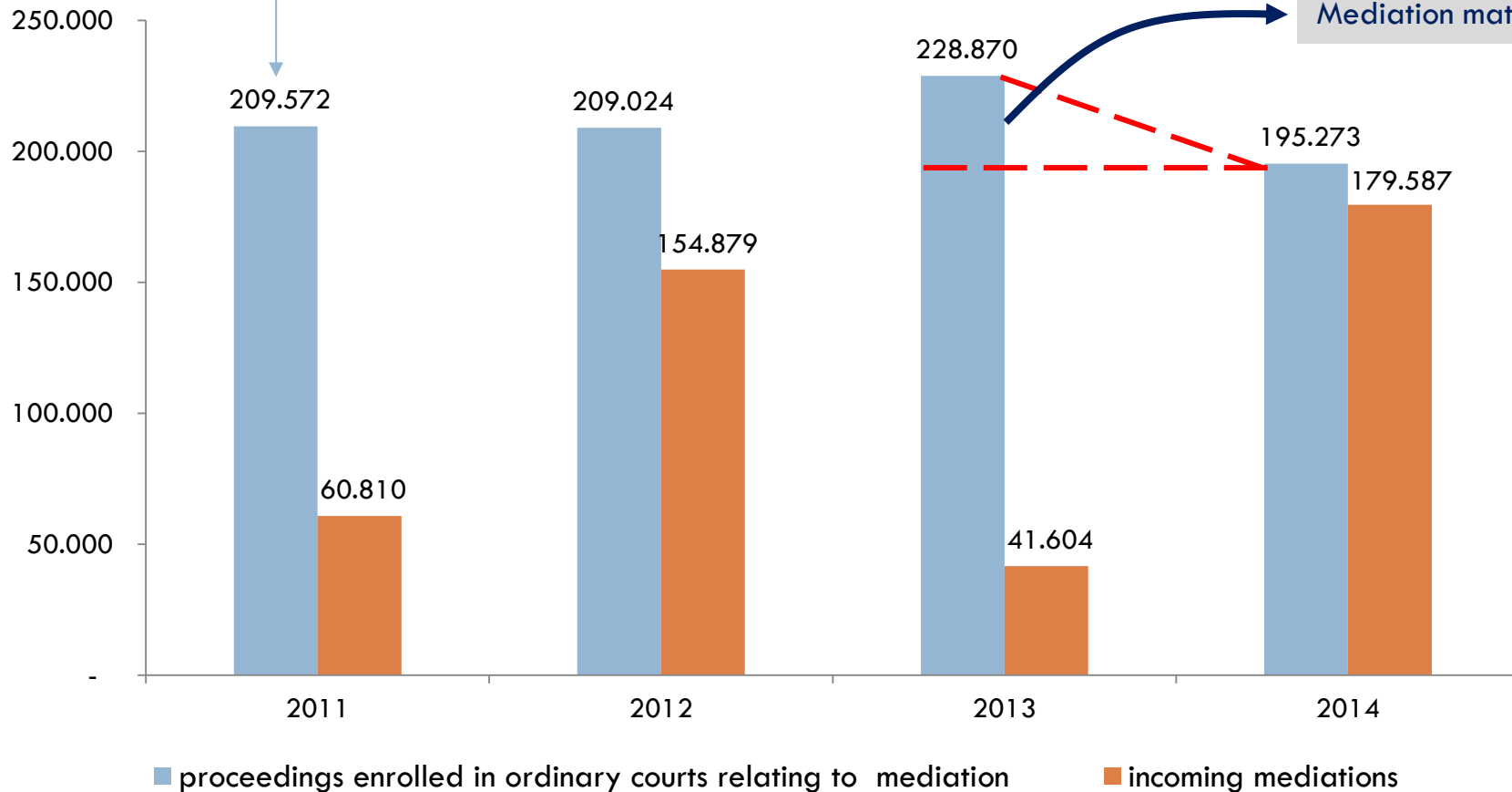
■ Incoming mediations for one mediation firm, statistical «outlier»

# Comparison between cases handled in mediation and those handled in the Tribunals

2011 – 2014

The proceedings enrolled in the ordinary courts relating to matters for which a mediation attempt is compulsory represent nearly 8% of the total civil cases registered in Italian tribunals each year.

Reduction  
2014 vs 2013  
Civil Total = -8%  
Mediation matters = -15%



# Mediation firm statistically an «outlier»

3<sup>rd</sup> quarter 2014 – 3<sup>rd</sup> quarter 2015

- Registered in 2014.
- Has 104 operational sites.
- Manages only insurance contract related litigations:

Incoming cases	
3 <sup>rd</sup> quarter 2014	24.116
4 <sup>th</sup> quarter 2014	37.483
1 <sup>st</sup> quarter 2015	25.415
2 <sup>nd</sup> quarter 2015	29.169
3 <sup>rd</sup> quarter 2015	26.762

- Almost all cases have ended due to the lack of presence of the counterparty:

Resolved cases	With counterparty Agreement not-reached	With counterparty Agreement reached	No presence of counterparty
3 <sup>rd</sup> quarter 2014	24	20	25.378
4 <sup>th</sup> quarter 2014	25	25	36.844
1 <sup>st</sup> quarter 2015	29	29	21.663
2 <sup>nd</sup> quarter 2015	39	19	26.611
3 <sup>rd</sup> quarter 2015	17	17	26.115

*This firm, for the activities reported above, represents a statistical outlier.  
For this reason the analysis of subsequent pages are processed without its data.*

# Data by subject matter

January 1<sup>st</sup> – September 30<sup>th</sup> 2015

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

\*non mandatory matter since September 2013

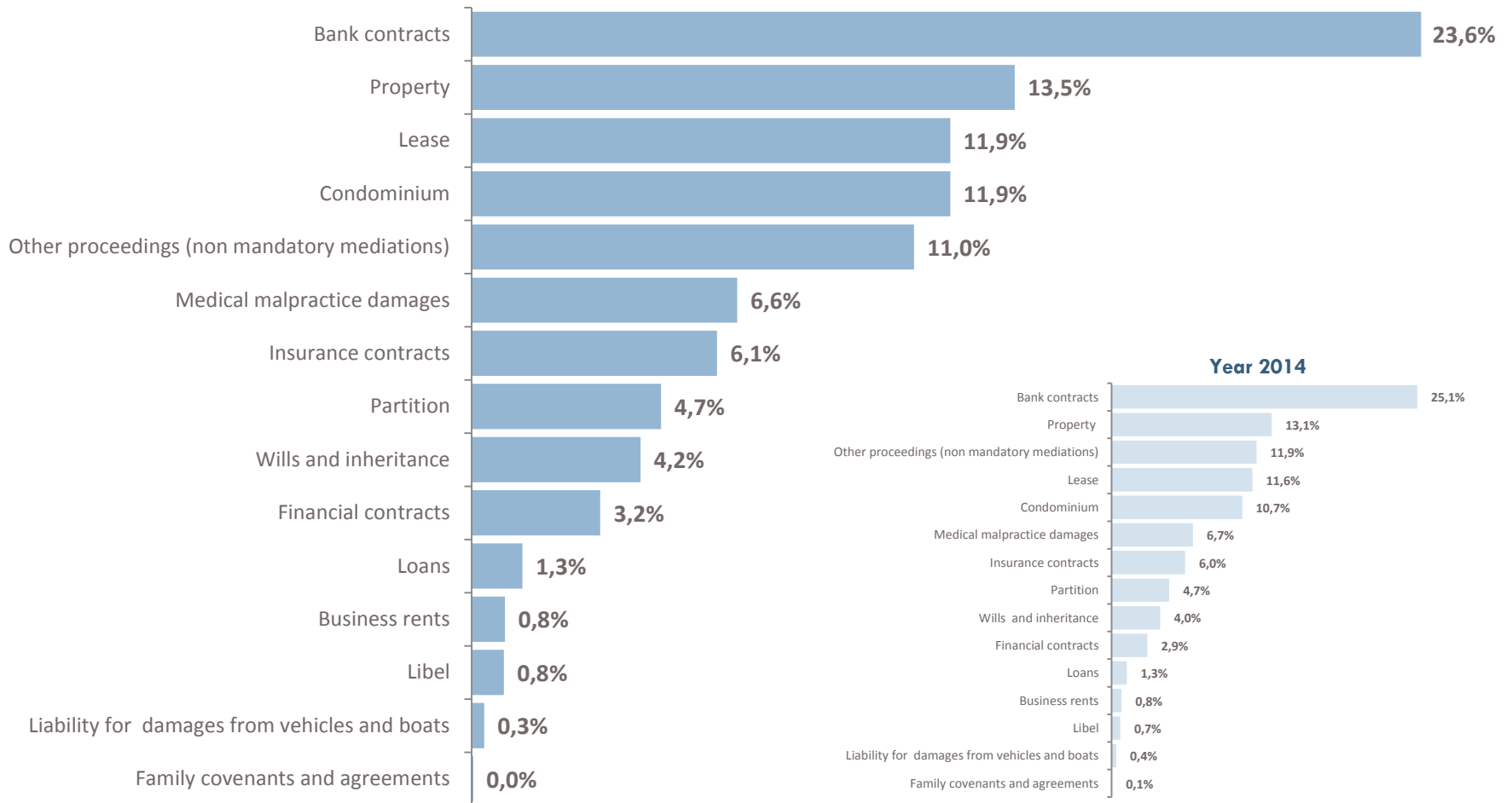
January 1 <sup>st</sup> – September 30 <sup>th</sup> , 2015			
INITIAL PENDING	INCOMING	RESOLVED	FINAL PENDING
6.212	17.006	15.672	7.546
9.342	19.418	17.989	10.771
3.469	6.778	6.189	4.058
2.791	5.955	5.485	3.261
104	59	69	93
6.486	17.088	16.723	6.851
775	1.840	1.770	845
724	1.212	1.214	721
1.103	471	445	1.130
3.799	9.486	9.162	4.124
477	1.082	1.023	536
3.450	8.751	8.379	3.822
12.696	33.898	33.694	12.900
2.064	4.603	4.682	1.985
11.001	15.807	15.336	11.473
<b>64.493</b>	<b>143.453</b>	<b>137.832</b>	<b>70.114</b>

<i>Insurance contracts «outlier»</i>
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5.886	81.346	74.505	12.727
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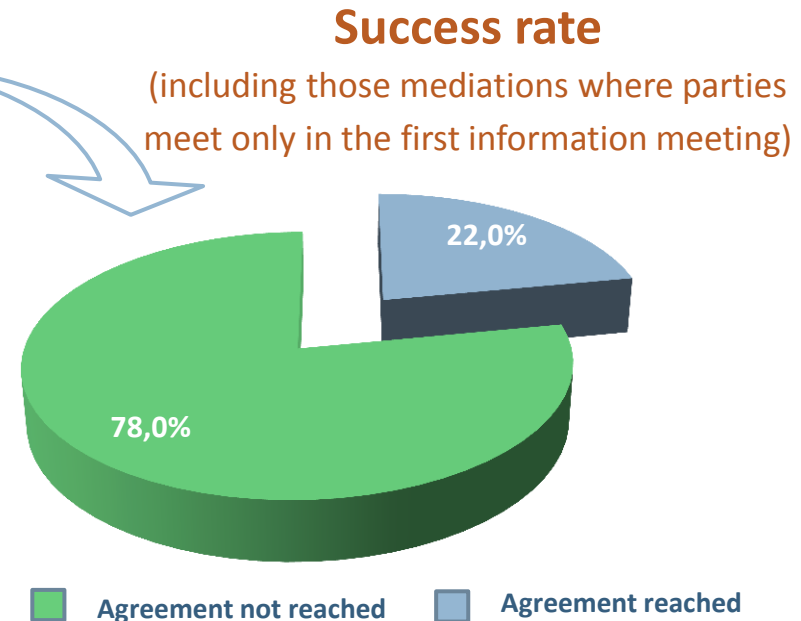
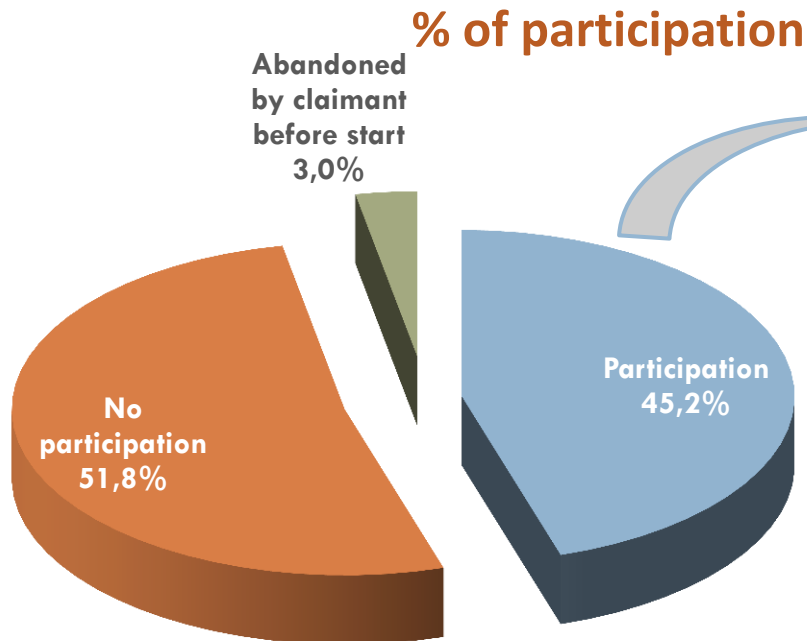
# Incoming mediations by subject

January 1<sup>st</sup> – September 30<sup>th</sup> 2015



# Success rate

January 1<sup>st</sup> – September 30<sup>th</sup> 2015



	Mar. 2011 - Dec. 2012	2013	2014
Participation	27,0%	32,4%	40,5%
Success rate	43,9%	42,4%	47,0% (*)

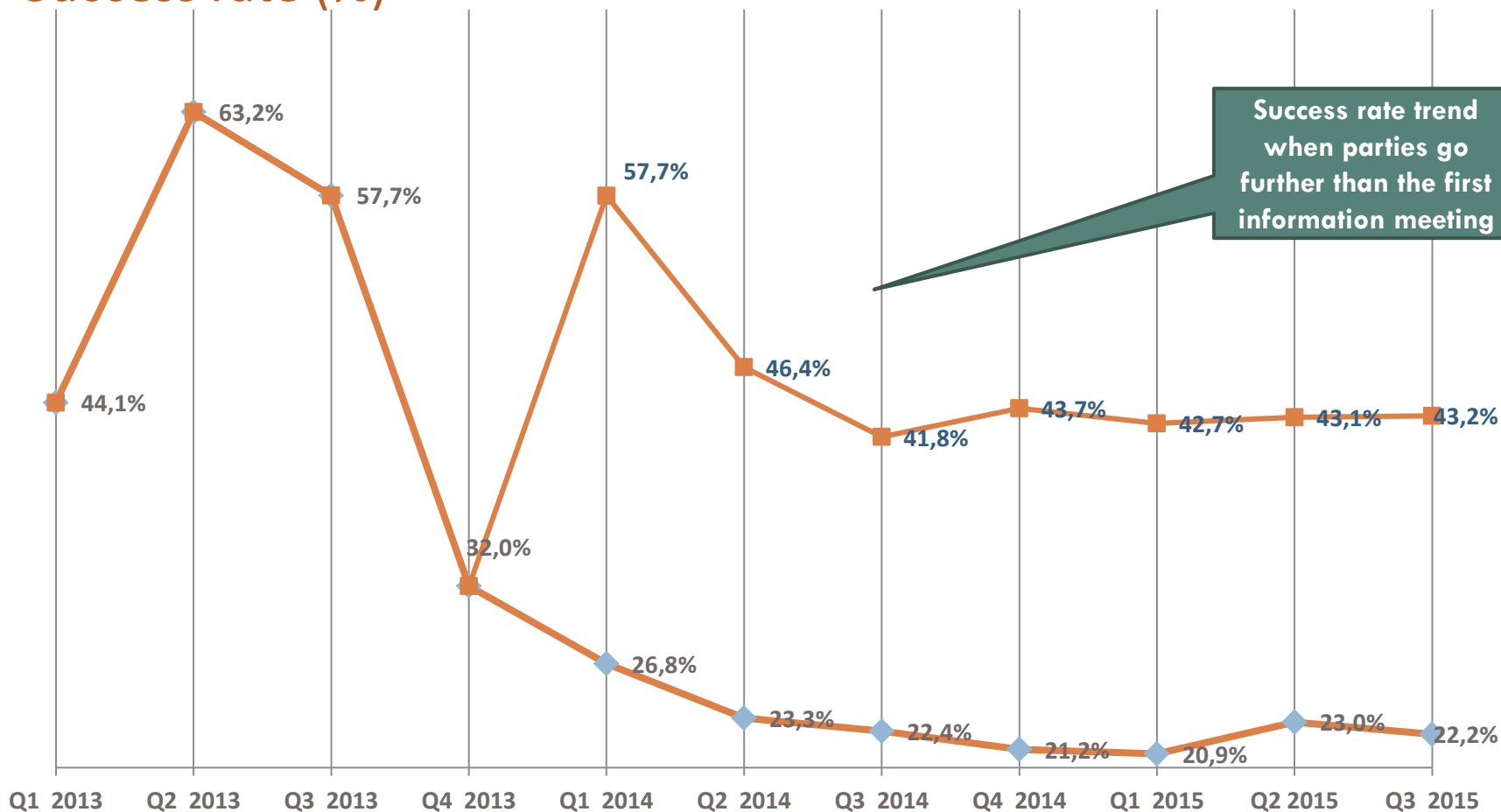
**A sample analysis shows that the success rate goes up to 43,2% when parties go further in the mediation attempt after the first information meeting**

(\*) Excluding mediations in which parties participated only in the first information meeting

# Trend of success rates

2013 – 3<sup>rd</sup> quarter 2015

## Success rate (%)



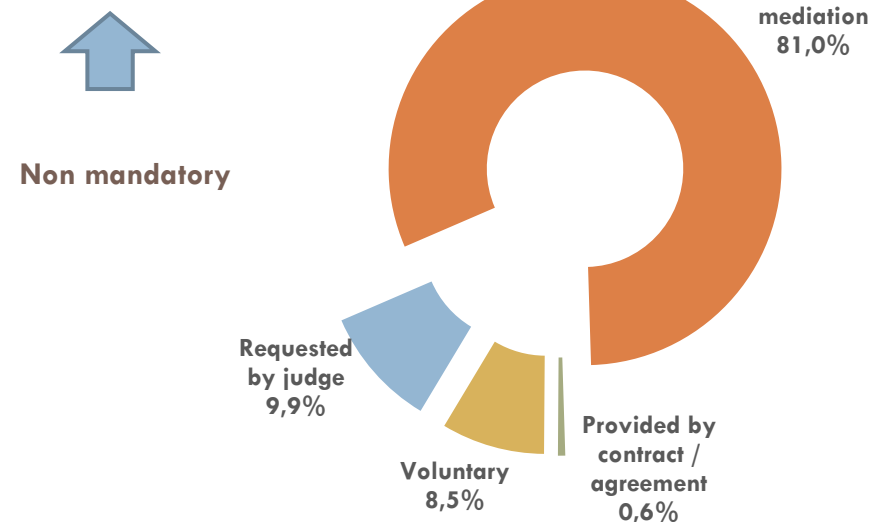


# Categories of mediation – resolved cases

2011- September 30<sup>th</sup> 2015

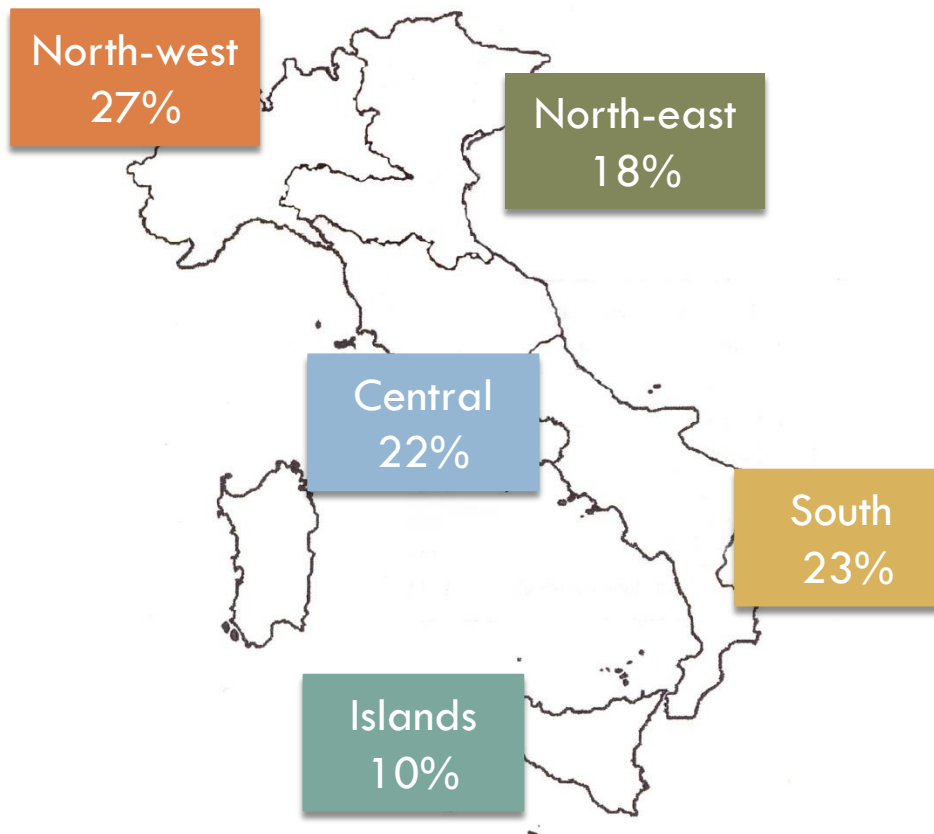
	2011		2012		2013		2014	
<b>Judicial referral</b>	<b>700</b>	<i>1,7%</i>	<b>4.965</b>	<i>3,3%</i>	<b>489</b>	<i>2,0%</i>	<b>7.699</b>	<i>5,6%</i>
<b>Mandatory mediation (2011-2012)</b>								
<b>Mandatory Mediation with easy opt-out at the initial meeting (from end 2013)</b>	<b>31.288</b>	<i>77,9%</i>	<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>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>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>

Jan.y 1<sup>st</sup> – Sept. 30<sup>th</sup> 2015



# Geography of mediations

January 1<sup>st</sup> – September 30<sup>th</sup> 2015

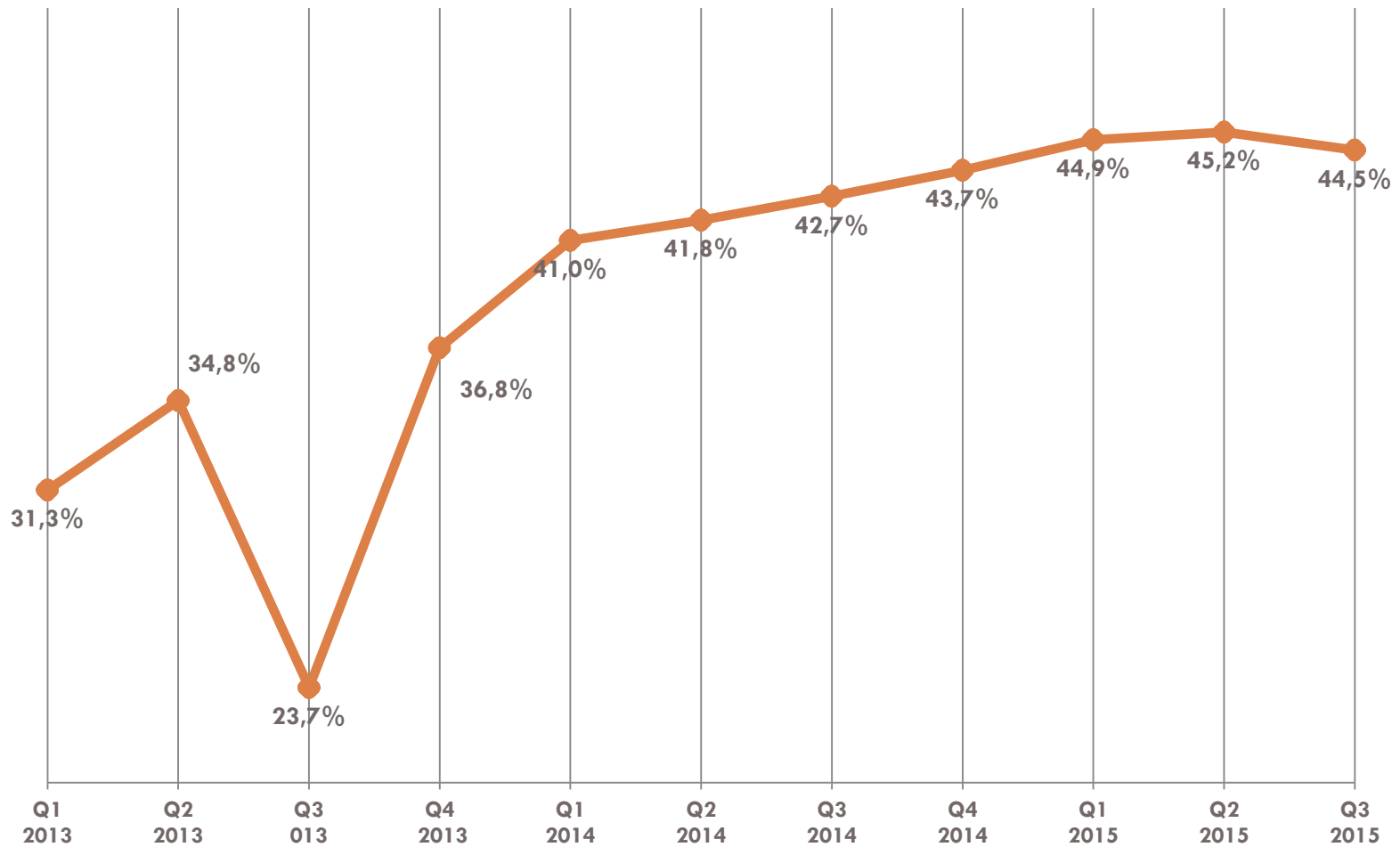


REGIONS	%
LOMBARDY	16,8%
LAZIO	10,8%
CAMPANIA	9,5%
EMILIA-ROMAGNA	8,0%
TUSCANY	7,7%
SICILY	7,4%
VENETO	7,1%
PIEDMONT	7,1%
PUGLIA	5,0%
CALABRIA	4,5%
LIGURIA	3,3%
SARDINIA	2,9%
ABRUZZO	2,4%
FRIULI-VENEZIA GIULIA	2,1%
MARCHE	2,0%
TRENTINO-ALTO ADIGE	1,5%
UMBRIA	1,2%
MOLISE	0,7%
BASILICATA	0,6%
VALLE D'AOSTA	0,2%

*Analysis made with a sample of resolved cases*

# Rate of Counterparty Participation in a Mediation Process

2013 – 3<sup>rd</sup> quarter 2015

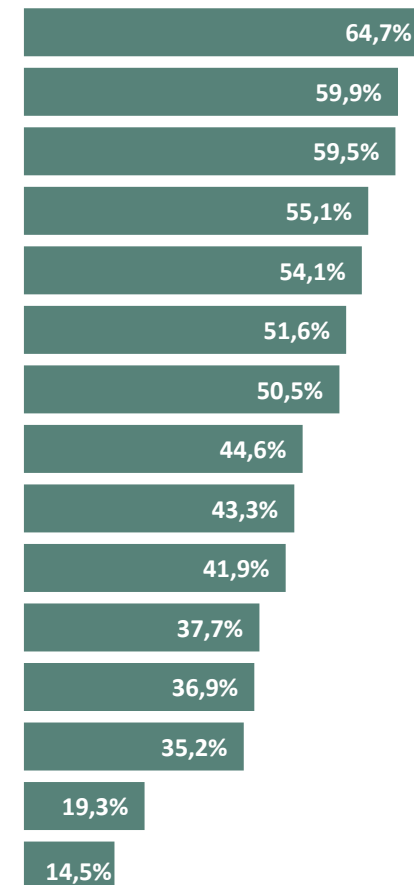


# Participation by subject

January 1<sup>st</sup> – September 30<sup>th</sup> 2015

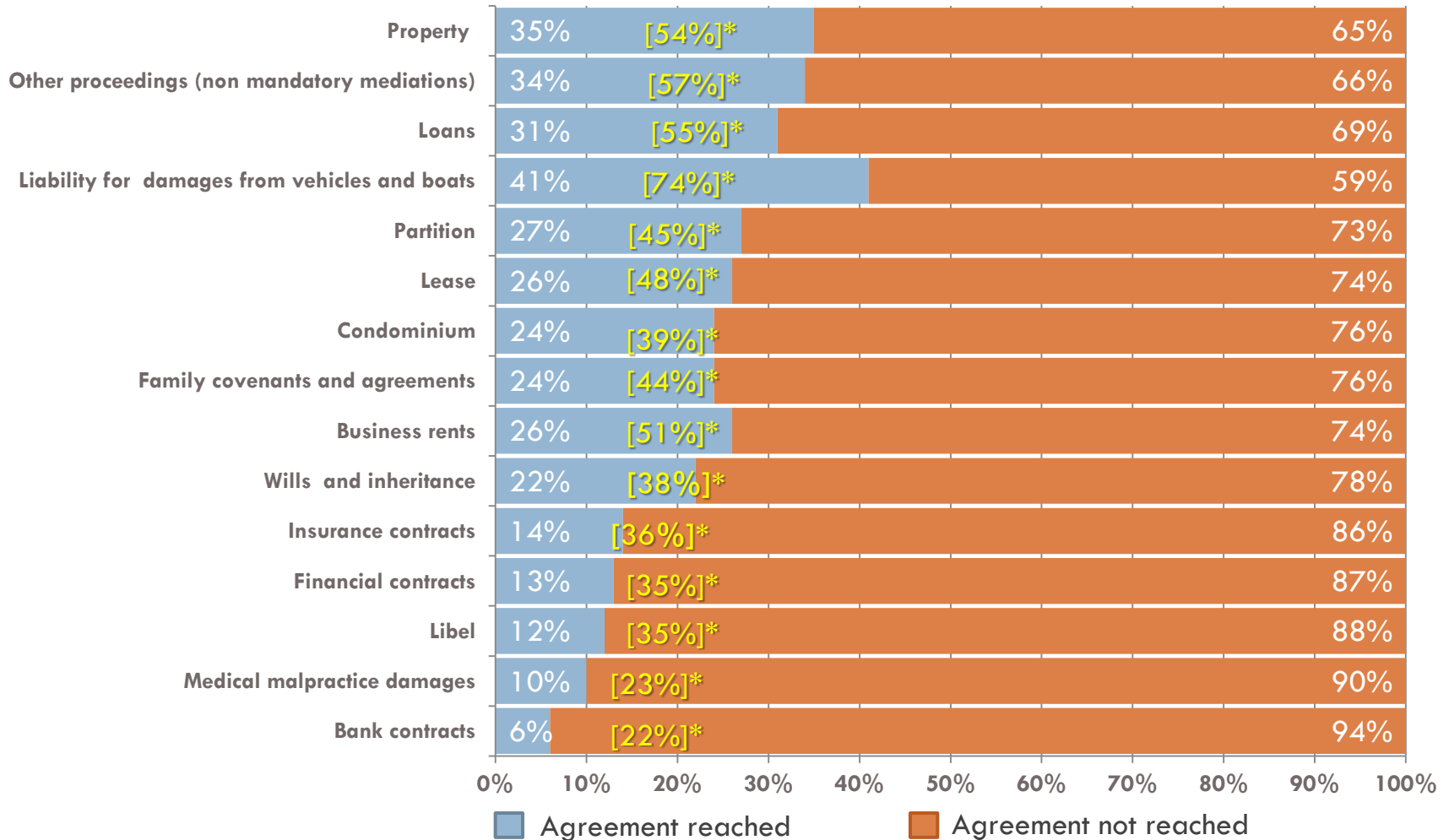
Subject	% of participation
Wills and inheritance	64,7%
Partition	59,9%
Family covenants and agreements	59,5%
Property	55,1%
Condominium	54,1%
Business rents	51,6%
Lease	50,5%
Loans	44,6%
Bank contracts	43,3%
Other proceedings (non mandatory mediations)	41,9%
Medical malpractice damages	37,7%
Libel	36,9%
Financial contracts	35,2%
Liability for damages from vehicles and boats	19,3%
Insurance contracts	14,5%

## Ranking of participation



# Success rate analysis by subject

January 1<sup>st</sup> – September 30<sup>th</sup> 2015



\* Outcome of the procedures when parties agree on meeting

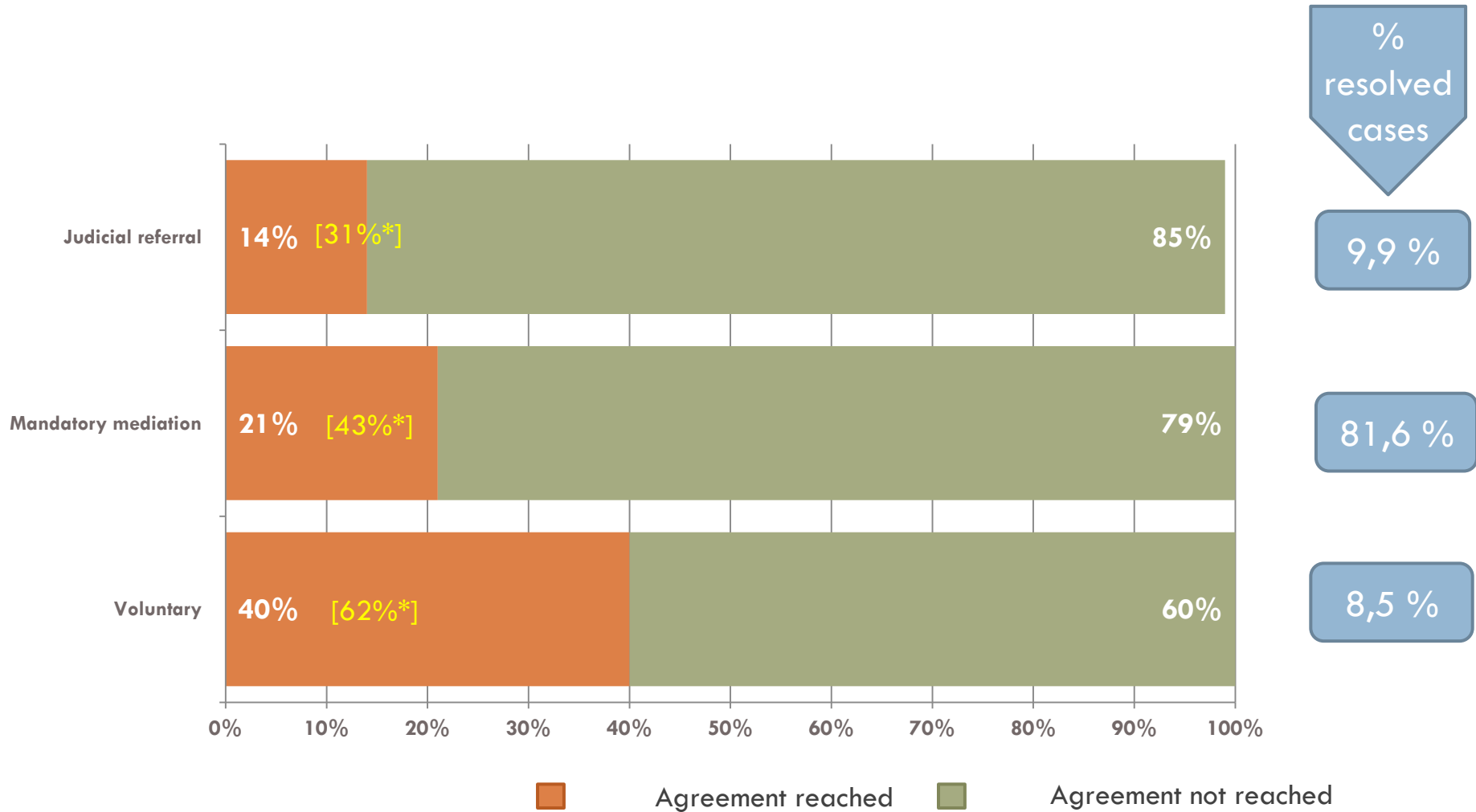
# Success rate by type of mediation body

January 1<sup>st</sup> – September 30<sup>th</sup> 2015

Type of mediation organization	Number of organizations as of 30.06.2015	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	85	14.872	21,7%	47,6%
Private organizations	605	73.093	25,0%	46,8%
Bar associations	112	48.542	18,5%	36,4%
Other professional associations	80	1.325	35,0%	51,5%
<b>Total</b>	<b>882</b>	<b>137.832</b>	<b>22,0%</b>	<b>43,2%</b>

# Success rate of Mediation by Type of Referral

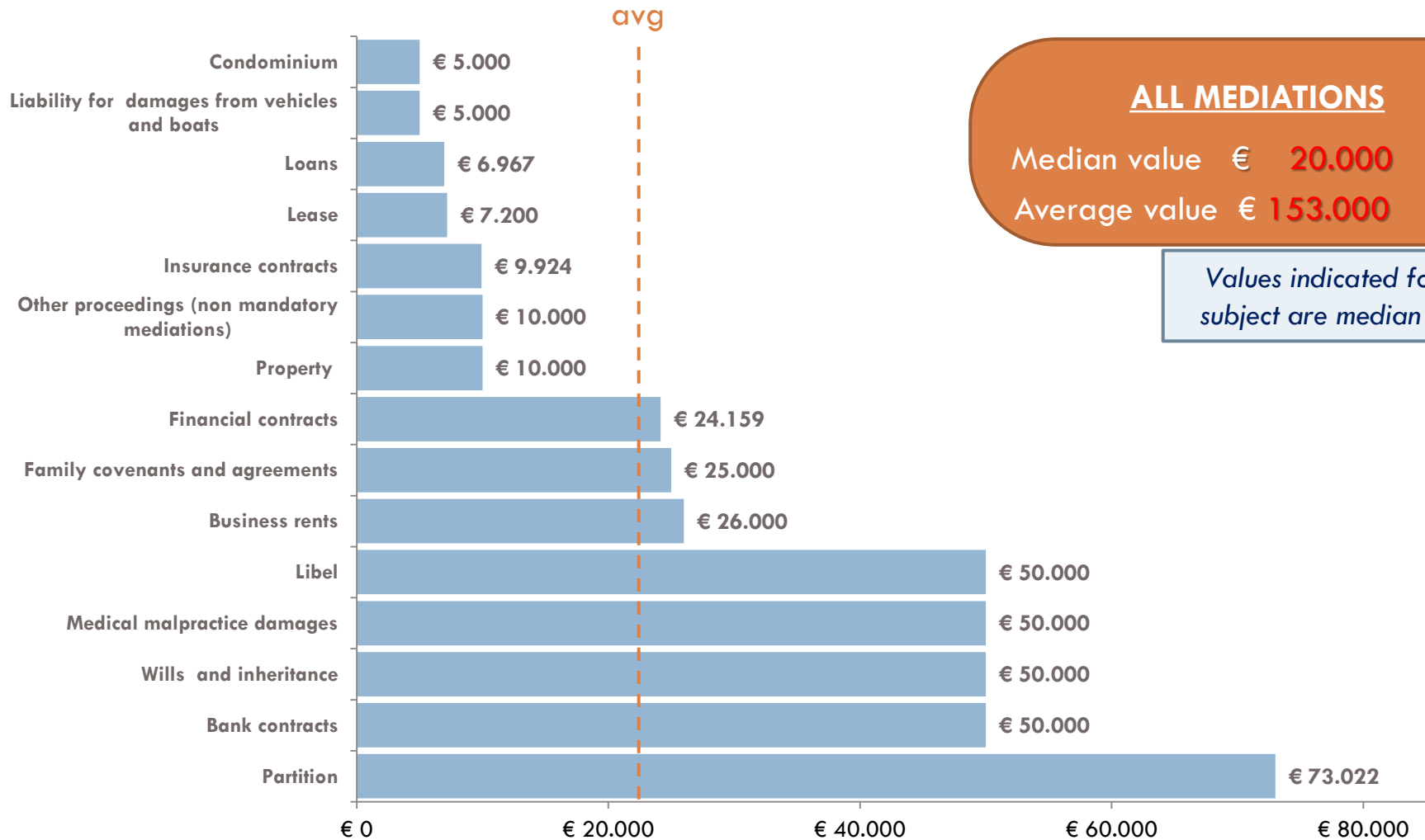
January 1<sup>st</sup> – September 30<sup>th</sup> 2015



\* Outcome of the procedures when parties agree on meeting

# Economic value of mediation disputes

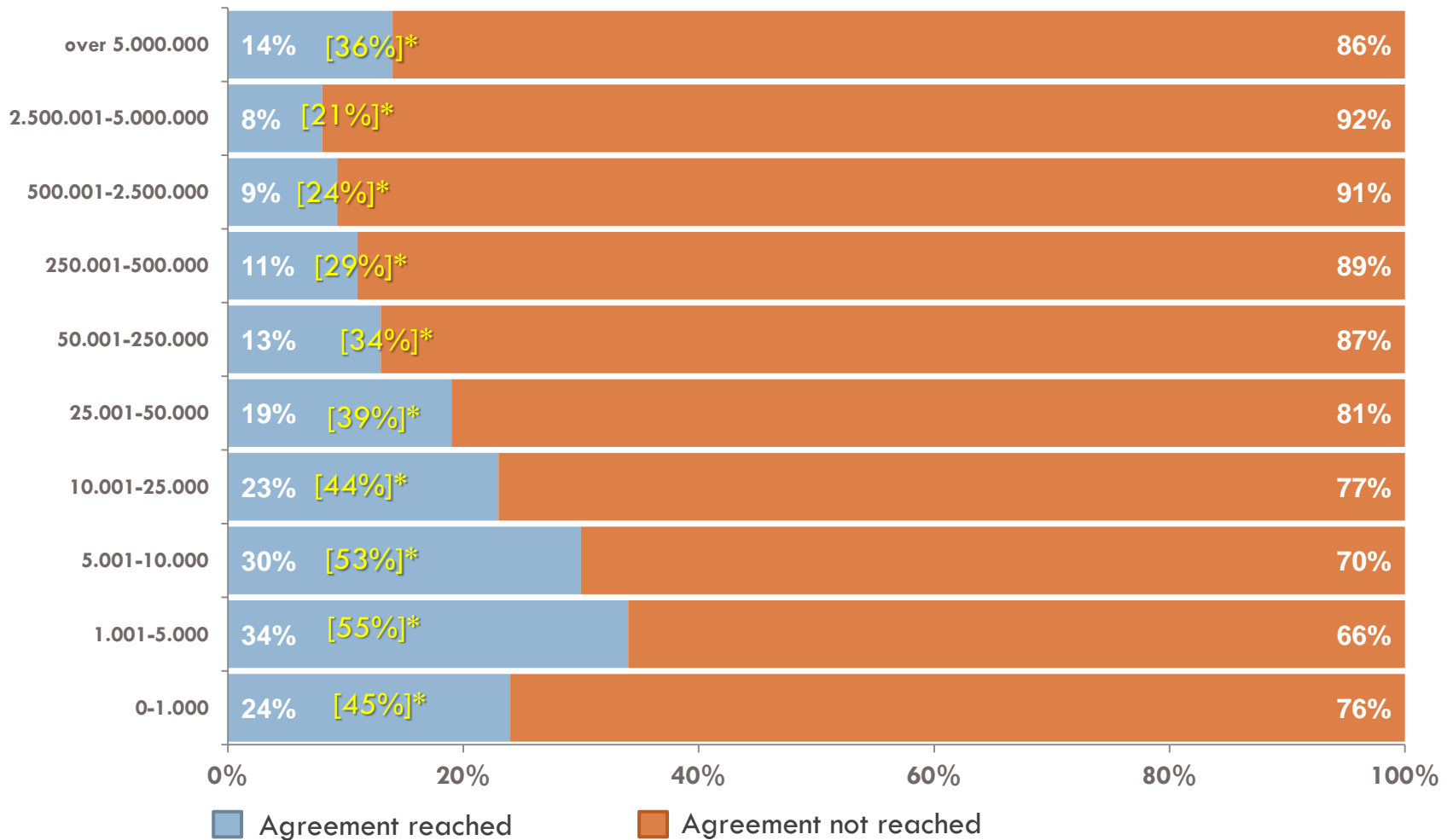
January 1<sup>st</sup> – September 30<sup>th</sup> 2015





# Success rate by value range

January 1<sup>st</sup> – September 30<sup>th</sup> 2015



\* Outcome of the procedures when parties agree on meeting

# Legal Aid

January 2013 – September 2015

% of <b>claimants</b> to whom legal aid was granted	% of <b>defendants</b> to whom legal aid was granted
1,0%	1,2%

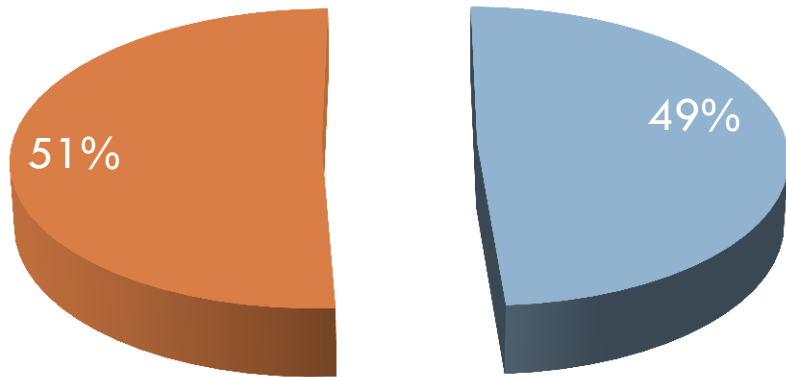
<b>Categories of mediation</b>	% of <b>claimants</b> to whom legal aid was granted	% of <b>defendants</b> to whom legal aid was granted
Judicial referral	1,1%	1,7%
Mandatory mediation	0,9%	1,1%
Voluntary	1,8%	1,7%

<b>Type of mediation organization</b>	% of <b>claimants</b> to whom legal aid was granted	% of <b>defendants</b> to whom legal aid was granted
Other professional associations	0,9%	0,7%
Chambers of Commerce	2,2%	0,6%
Bar associations	0,8%	1,3%
Private organizations	0,9%	1,2%
<b>Total</b>	1,0%	1,2%

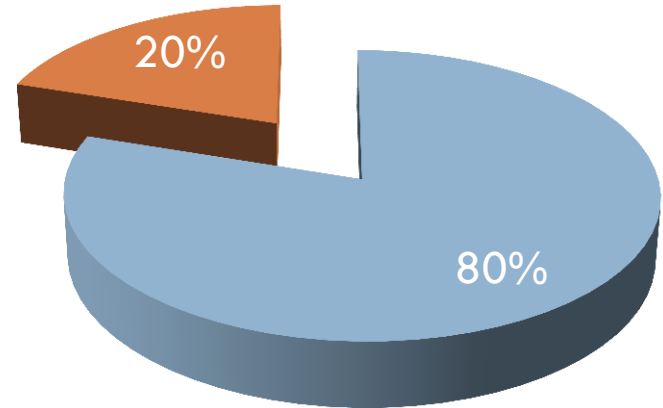
# Lawyer's assistance in voluntary mediation

January 1<sup>st</sup> – September 30<sup>th</sup> 2015

### Total claimants



### Total defendants



- Assisted by lawyer
- 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 compared to days in Court

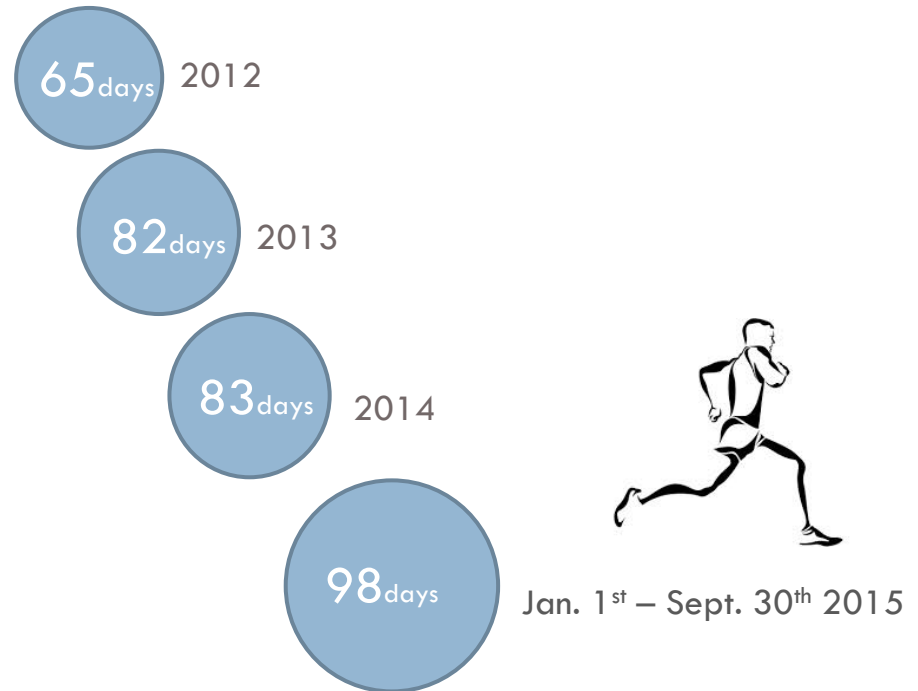
January 1<sup>st</sup> – September 30<sup>th</sup> 2015

## CIVIL CASES IN COURTS



## MEDIATION

Cases when an agreement is reached



Ministero della Giustizia



Direzione Generale di Statistica

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