

ADR AND ENTERPRISE

Over recent years there has been an increasing use of alternative dispute resolution methods in Italy, the so-called ADR methods.

The crisis of the Italian justice system, along with the persistent economic and liquidity crisis, has led the Italian legislature to identify and regulate new dispute resolution tools aimed at reducing the litigation rate and length of judicial proceedings.

The Italian legislature has also intervened in several areas of law, promoting alternative dispute resolution methods not only in civil and commercial matters, but also in many other fields in which individuals and enterprises operate. Italian businesses, in particular during the current economic crisis, could benefit from the many advantages related to the use of alternative dispute resolution methods. In any case, in the event of a dispute, they should assess the costs and benefits of ADR, comparing the various ADR methods with each other and with litigation.

Having said that, the first chapter analyses the main alternative dispute resolution tools, also distinguishing whether or not they end with a binding decision.

The second chapter examines the advantages, but also the disadvantages, that enterprises may experience by using ADR methods, as the case may be.

The third and fourth chapters analyse the ADR methods related to disputes in civil and commercial matters. These chapters focus in particular on lawyer-assisted negotiation, mediation and arbitration in the light of recent regulatory reforms and case law.

The fifth chapter examines the ADR tools that businesses can use in specific fields, notably in corporate, banking, financial and labour matters.