European Conference on Mediation in Cross-Border Succession Conflicts

Conference Program
www.mediationstage.de/fomento
The European Conference on Mediation in Cross-Border Succession Conflicts invites mediators, legal practitioners, researchers, policymakers and citizens who are interested in succession mediation and cross-border mediation. The EU-funded project FOMENTO (Fostering mediation in cross-border civil and succession matters) aims to contribute to foster a widespread use of mediation as a cost-effective solution to prevent and solve international disputes in civil and succession matters. The conference is a possibility for mediators and jurists to get in contact and exchange experience in the field of succession conflicts. It also provides a venue for giving and receiving constructive feedback on research in progress, networking and discussions for the advancement of mediation across Europe.

For more information see www.mediationstage.de/fomento or www.fomentonet.eu.

**Wednesday, 26th June 2019**

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First experiences in the cross-border use of the European Certificate of Succession [English]

Dr. Paolo Pasqualis, Civil law notary since 1985, President of the Council of the Notariats of the European Union (CNUE) in 2016, has been member of numerous international notarial institutions: the General Council of the International Union of Notaries (UINL), the Commission of European Affairs of the same UINL, General Rapporteur of the 1st Congress of the CNUE, Chair of the Commission of European Studies of the Italian Consiglio Nazionale del Notariato and Vice-President (2001–2004) of the Italian Consiglio Nazionale del Notariato. He has published numerous studies, especially dedicated to the subject of the international free movement of authentic instruments.

1.30–3.00 p.m.

The first years of experience in the use of the European Certificate of Succession (ECS) have already provided examples of the most relevant issues faced by courts and professionals. Beyond the cases already addressed and decided by the Court of Justice of the EU, there are numerous practical examples of how the use of the certificate has met effective solutions through the intervention of the professionals who have dealt with it.

Now, thanks to the solutions given by the Court of Justice and the experience of practitioners, the challenge is to develop a common reading, interpretation and application of the European rules, very often still influenced by those existing in the different national legal systems.
Prä-testamentarische Mediation [German]


1.30–5.00 p.m.

Dispute resolution professionals have an ethical obligation to protect the confidentiality of the information shared by the parties in mediation, arbitration, and other dispute resolution processes. Hence, the use of free and open tools like email, Skype, and other types of online communication in ADR and ODR is a cause for concern. In fact, such tools do not guarantee effective protection to confidential and private information. With the recent growth and developments of Online Dispute Resolution, there is a need for transparent, secure, and convenient platforms. The first part of this presentation will address issues related to confidentiality and privacy and investigate the risks of using email, mobile phones, video calls, and conferencing in Online Mediation. The second part will look at examples of successful and secure platforms for Online Mediation and Arbitration. Finally, it will be claimed that a use of ODR through platforms built on the Blockchain would increase security, transparency, and privacy of dispute resolution processes.
Cross-border negotiations are strongly influenced by cultural, social and linguistic differences, which should always be taken into due consideration during a negotiation. Neurosciences, however, confirm more and more the existence of a basic neurological structure that unites all human beings in the perception of reality as well as in the processing of emotions, influencing their behaviour and relationships regardless of their actual social or cultural affiliation. Any "decision making" process, therefore, is inevitably influenced and directed by this inner and emotional structure, to the point that, according to some, the concept of “free will” should be broadly redefined. In any case, the knowledge of the cognitive and emotional characteristics that unite human beings can be particularly useful to a mediator, greatly increasing the chances of success of a negotiation.
Engaging disagreement and managing conflict in probate dynamics [English]

1.30–3.00 p.m.

Probate Dynamics are very complicated and they need a work on more than one layer. The main intent of this workshop is to help conflict professionals to work on all these layers in the appropriate way, that is a way of understanding and the inclusion of all who are touched by the conflict. The first part of the workshop is dedicated to explore with a theoretical approach, the three main layers of succession cases with a particular attention for the symbolic layer. The second part of the workshop is dedicated to understand how to map a probate conflict. The third part of the workshop is about doing it practically.

MariaClaudia Perego is a Collaborative and Integrative Lawyer, a Civil and Commercial Mediator, and a Facilitator. She started her practice in 2005 and has her experience in the field of hereditary. Perego gives courses and lectures in Italy about mediation, probate conflict, and archetypes. She writes articles for www.avvocatidifamiglia.it, www.theconsciouslawyer.co.uk and www.blogmedizione.com.
The program in detail

Wednesday, 26th June 2019

A bi-cultural approach for Mediation
[English]

Nicola Giudice graduated in Law from University of Turin. He has been working in CAM (Milan Chamber of Arbitration) since 1997. He is a civil and commercial mediator, currently holding the position of head of CAM Mediation Service. He coordinates the site “BlogMediazione.com”. Giudice is author of books and articles on mediation as well as speaker and trainer on Alternative Dispute Resolution. Furthermore, he is Organizing Committee Member of Competizione Italiana di Mediazione (Italian Mediation Competition).

1.30–3.00 p.m.

In international mediation, a third neutral mediator is usually considered as a best option to lead a discussion which is often focused on cultural biases. There are other patterns. For example, a co-mediation with mediators coming from the countries of each parties. Or a mediator which is familiar with both cultures. I would like to focus my presentation on these topics.
1.30–3.00 p.m.

The institution of the legitime deriving from the Roman law, has been accepted by most of the European legislations based on the system of the continental law. As showed by the practice in many cases of applying this institution it is possible to observe how big divisions in families it causes and how deep distrust among relatives it creates. It also discloses lack of a dialogue and respect. An application of the mediation in cases for settling succession issues among the closest members of the family, and the legitime can significantly contribute to relieving common courts of law and can indicate other solutions to a dispute. Explaining the issue of the legitime and disinherance at the beginning of the proceedings gives an opportunity to eliminate potential divisions that may occur in the family after a testator’s death. In the mediation process, an educational role of the mediator is noticeable.
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Co-Mediation in cross-border disputes
[English]

Gert Nilsson Eldrimner is a commercial lawyer since 1991, based in Stockholm, Sweden. He has litigated a large number of commercial disputes and also been involved in arbitration, both as a party representative and arbitrator. He is accredited by CEDR and also assessed and approved by the International Mediation Institute, IMI, as a commercial mediator, is a holder of National Certificate in Workplace Mediation (United Kingdom), and is also qualified by MiKK as an international family mediator, with specific focus on child abduction disputes. He is the Chair of The Swedish Institute for Mediation and of the Swedish Section of GEMME, and Board Member of GEMME International. He has completed approximately 1,300 hours (Dec 2018) as a mediator, both in Sweden and abroad.

3.30–5.00 p.m.

Generally, but also specifically this lecture is about challenges and possibilities regarding co-mediation in international disputes. The presentation will be based on experiences and conclusions taken from real life. But it also will be suited for mediators who will mediate in cross-border succession cases. After the presentation there will be time for discussion.
The worldwide ageing population is constantly increasing. With the impacts of growing older there is a rise of external, mainly family-internal and often very personal issues in dealing with this social and individual development. To name a few topics - caregiving at home or in facilities, financial matters, decrease of strength and power, the juggling of the 'sandwich generation', inheritance, the one taking daily care vs. the fly-ins, medical, psychological and more age related developments and much more. Understanding of the physical, emotional, social and cultural expectations of elder persons can give the involved mediator awareness and sensitivity. To know the areas of concern is a starting point for mediators especially in cross-border succession conflicts which the FOMENTO project focusses on. This lecture is aimed to provide first impressions of the field and thus empower the participants to embark on the journey to become an elder mediator.
Wednesday, 26th June 2019

Umgang mit kulturellen Stereotypen in Verhandlungen [German]


3.30–5.00 p.m.


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