

26th June 2019 | Hotel Michaelis | 04107 Leipzig



European Conference on Mediation in Cross-Border Succession Conflicts

Conference Program

www.mediationstage.de/fomento



Program of the conference

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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| 9.00–10.00 a.m. | Registration (Hotel Michaelis, Paul-Gruner-Straße 44) |
| 10.00–10.45 a.m. | Opening – Presentation of FOMENTO project |
| 10.45–12.00 a.m. | Speeches |
| 12.00–1.30 p.m. | Lunch (Steinbeis-Beratungszentrum Wirtschaftsmediation, Hohe Straße 11) |
| 1.30–5.00 p.m. | First experiences in the cross-border use of the European Certificate of Succession (Dr. Paolo Pasqualis) [English] |
| 1.30–5.00 p.m. | Prä-testamentarische Mediation (Mag. Ulrich Wanderer) [Deutsch] |
| 1.30–3.00 p.m. | Engaging disagreement and managing conflict in probate dynamics (MariaClaudia Perego) [English] |
| 1.30–3.00 p.m. | Online Mediation, Secure Platforms, and Blockchain Based Technology (Prof. Luca Dal Pubel) [English] |
| 1.30–3.00 p.m. | A bi-cultural approach for Mediation (Nicola Giudice) [English] |
| 1.30–3.00 p.m. | Learn from the neuroscience to deal with cross-border disputes (Maurizio Di Rocco) [English] |
| 1.30–3.00 p.m. | Mediation and claims on the grounds of legitime (Dr. Barbara Jadwiga Pawlak) [English] |
| 3.30–5.00 p.m. | Co-Mediation in cross-border disputes (Gert Nilsson Eldrimner) [English] |
| 3.30–5.00 p.m. | Online-Mediation (RA Bernhard Böhm) [German] |
| 3.30–5.00 p.m. | Elder Mediation (Victoria Riedel) [English] |
| 3.30–5.00 p.m. | Umgang mit kulturellen Stereotypen in Verhandlungen (PD Dr. Gernot Barth) [German] |
| from 5.00 p.m. | Come together |

Wednesday, 26th June 2019

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.



Bildquelle: Paolo Pasqualis

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.

Wednesday, 26th June 2019

Prä-testamentarische Mediation [German]

Mag. Ulrich Wanderer arbeitet als selbstständiger Mediator in Wien. Er ist Beratungsjurist in Familienberatungsstellen, Vortragender an der juristischen Fakultät der Universität Wien und der FH Kärnten, Herausgeber des WEKA Handbuch Mediation sowie Autor zahlreicher Fachpublikationen.



Bildquelle: Ulrich Wanderer

1.30–5.00 p.m.

Wie verhindere ich, dass es im Rahmen der letztwilligen Regelung zu Konflikten zwischen den Erben und Vermächtnisnehmern kommt? Welche Bedürfnisse spielen eine Rolle? Wo sind juristische Irrtümer ein Problem? Welche Interventionen

sind sinnvoll? Welche Grundausbildung sollte der/die bzw. sollten die Mediatoren haben? Anhand von Praxisbeispielen und Rollenspielen werden die Situationen verdeutlicht und die Möglichkeiten der Mediation veranschaulicht.

Wednesday, 26th June 2019

Online Mediation, Secure Platforms and Blockchain Based Technology [English]

Prof. Luca Dal Pubel is a Conflict Resolution and Online Dispute Resolution practitioner and researcher. He teaches courses on Mediation, Arbitration, and Alternative Dispute Resolution for the International Security and Conflict Resolution program and Political Science at San Diego State University. He is a PhD Candidate at Open University of Catalunya. His research and teaching interests are in the areas of Digital Justice, Online Dispute Resolution, Alternative Dispute Resolution, and Conflict Resolution.



Bildquelle: Luca Dal Pubel

1.30–3.00 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.

Wednesday, 26th June 2019

Learn from the neuroscience to deal with cross-border disputes [English]

Maurizio Di Rocco works as a lawyer and mediator since 1998 in Venice (Italy). He is specialized in techniques and methods of negotiation and alternative dispute resolution (ADR), civil and commercial law and consumer law. Furthermore, Di Rocco is lecturer on contract at the University of Trento for Master's Degree in Law for the teaching in the course of "Alternative Dispute Resolution for Civil and Criminal Disputes". He is author of several publications on ADR.



Bildquelle: Maurizio Di Rocco

1.30–3.00 p.m.

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" pro-

cess, 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.

Wednesday, 26th June 2019

Engaging disagreement and managing conflict in probate dynamics [English]

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.



Bildquelle: MariaClaudia Perego

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.

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).



Bildquelle: Nicola Giudice

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.

Wednesday, 26th June 2019

Mediation and claims on the grounds of legitime [English]

Bildquelle: Barbara Jadwiga Pawlak

Dr. Barbara Jadwiga Pawlak has a PhD in Law and is certified mediator and negotiator. She is nowadays lawyer in private practice ADR LAW. Dr. Pawlak graduated at the University of Lodz, Interdisciplinary Doctoral Studies and Master Class of Management Psychology of Management Activities – SWPS University of Social Sciences and Humanities. Also, she did postgraduate studies in the field of mediation and negotiation – Catholic University of Lublin, Lazarski University, Collegium Civitas – and negotiation programs at following institutions: Harvard Law School, Harvard Business School and Hamline University School of Law, beneficiary of ECLAN programs, CEU, University of St. Andrews, ERA, EFRJ, Foundation for Polish Science, visiting scholar Catholic University Leuven.



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 disinheritance 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.

Wednesday, 26th June 2019

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.



Bildquelle: Gert Nilsson Eldrimner

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.

Wednesday, 26th June 2019

Elder Mediation [English]

Victoria Riedel is based in Duesseldorf, Germany. Attorney-at-law for over 20 years she specialized in inheritance law. Highly trained as mediator with a strong inclination to elder mediation she currently finalizes a Master Course in Continuing Education Integrated Gerontology.



Bildquelle: Victoria Riedel

3.30–5.00 p.m.

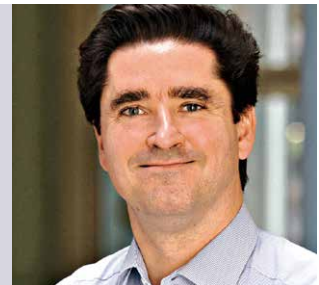
The worldwide ageing population is constantly increasing. With the impacts of growing older there is a rise of external, mainly family-internal and often very personal issues in dealing with this social and individual development. To name a few topics- caregiving at home or in facilities, financial matters, 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

Online-Mediation [German]

RA Bernhard Böhm arbeitet seit Ende der 90iger Jahre als Mediator und ist Experte für Mediation und außergerichtliches Konfliktmanagement. Mit seinem klaren Profil gehört er zu den noch wenigen Anwälten in Deutschland, die ihren Schwerpunkt ausschließlich auf dem Gebiet der Mediation, der Kommunikation und der nichtrechtlichen Konfliktbearbeitung haben. Als Ausbildungsleiter und Trainer hat er vor vielen Jahren gemeinsam mit Dr. Gernot Barth das Steinbeis-Ausbildungskonzept entwickelt und bildet seitdem Mediatoren in Deutschland und Österreich aus. Er ist als Mitinhaber der Fachbuchhandlung mediators-shop.com immer bestens über neue Veröffentlichungen und Trends informiert und Herausgeber der Fachzeitschrift „Die Mediation“.



Bildquelle: FotoStudio 80

3.30–5.00 p.m.

Online-Mediation kann eine hilfreiche Ergänzung des Werkzeugkastens eines Mediators sein und Konfliktbeteiligte bei der Lösungs- und Entscheidungsfindung unterstützen. Vielleicht mag es überraschen, aber: Online-Mediation kann die unmittelbare Kommunikation vereinfachen, wodurch die Parteien ihre Themen schnell, effizient und reibungslos lösen können. Geringe zeitliche Ressourcen stehen somit weniger im Weg. Hocheskalierte, emotionale Konflikte, wie sie bei Erbfällen häufig anzutreffen sind, können durch den geschützten Raum in der Onlinemediation gesteuert werden, Sprach- und Mach-

tungleichgewichte gut kompensiert werden. Im Workshop lernen Sie die wichtigsten Tools und Anwendungsfelder kennen und erhalten einen Einblick in die Praxis der Online-Mediation. Bernhard Böhm befasst sich seit vielen Jahren praktisch als Mediator mit der Online-Mediation. In diversen europäischen Projekten hat er mit dem Steinbeis Beratungszentrum Wirtschaftsmediation die Online-Mediation entwickelt.

Wednesday, 26th June 2019

Umgang mit kulturellen Stereotypen in Verhandlungen [German]

PD Dr. habil. Gernot Barth arbeitet schwerpunktmäßig als Mediator im innerbetrieblichen Bereich der Mediation (z. B. Konflikte zwischen Mitarbeitern oder Führungskräften) und in der Schnittmenge von Unternehmen und Familie. Darüber hinaus bildet Gernot Barth seit vielen Jahren Mediatoren für Wirtschaft und Familie als Trainer aus. Er ist Direktor der Akademie für Mediation, Soziales und Recht an der staatlich anerkannten privaten Steinbeis-Hochschule, Privatdozent an der Universität Erfurt und geschäftsführender Vizepräsident des Deutschen Forums für Mediation (DffM e. V.).



Bildquelle: FotoStudio 80

3.30–5.00 p.m.

Verhandlungen zwischen Menschen mit unterschiedlichen kulturellen Hintergründen sind voller Herausforderungen. Oft sind kulturelle Verschiedenheiten nicht auf den ersten Blick sichtbar oder werden von dem Verhandlungsführer nicht bewusst wahrgenommen. Dabei haben kulturelle Dimensionen einen enormen Einfluss auf das Kommunikationsverhalten von

Menschen. In dem Workshop werden praxisnahe Schlüsselfaktoren für erfolgreiche interkulturelle Verhandlungen und Kommunikation vermittelt. Dabei werden Beispiele aus dem Kontext von Verhandlungen und Mediation einbezogen.