



INTERNATIONAL MEDIATION and ALTERNATIVE CAREERS

by Alessandra Sgubini LLM

“It has always been my life-long passion to work together with other to understand their differences and to find a way to bridge the gap in understanding what divides them.”

A new chapter opened up in my life in March 2001. I arrived in San Diego, California, to study mediation and to explore different career paths. As a civil litigator in Milan, Italy, I had grown restless with the traditional judicial system, which seemed to be cumbersome, conservative, overly expensive and time-consuming; in other words, it was not failing to hold my interest anymore. I needed to explore new forums to solve legal conflicts. During my early times in San Diego, I was introduced to the promise and power of mediation to help individuals and businesses resolve disputes. I immediately became deeply involved with the mediation field. My involvement in the field has included extensive academic training, through the LLM program at California Western School of Law, private mediation training, direct observation of mediators and arbitrators, and hands-on experience as a mediator practitioner.

The expanding global community and the development of the technology have brought the world closer together. Geographical boundaries that exist in the world today are not as important as they once were.

The globalization of commerce has facilitated new ways of doing business and developing commercial relationships that are not connected geographically to a specific country. International commerce has created a link between people from very different cultures and backgrounds, which can be both very productive and an impediment, especially since a cultural misunderstanding can cause a negotiation to fail or a business relationship to end. Conflict is a natural outgrowth of human interaction. As my long-time mentor has always reminded me, “Conflict is a growth industry.” Often, when a dispute arises, the difficulties in resolving it in accordance with both parties’ cultural and legal standards leads to a search for a more efficient way to reconcile the differences. Under many legal systems lies a tool that is essential, fast and efficient to resolve disputes. That tool is Mediation.

Mediation is a voluntary and confidential process where a neutral third party meets with the disputants and helps to open lines of communication so that the parties can arrive at a mutually agreeable, fair, and workable resolution. Mediation allows parties to understand each other and find friendly and effective solutions to conflict rather than being bogged down in difficult, expensive, and lengthy litigation (or arbitration). Mediation has emerged as perhaps the most predominant ADR process because it offers parties the opportunity to develop settlements that are practical, economical, and durable. Even though businesses are open to the idea of mediation, they are at the stage where they need further education on the process. Once they are familiar with the concept, they can apply it in their own business to serve the interests of the companies they represent, using it as a resources to develop business and generate revenue.



Mediation is not based on legal premises, but on communication, and can thus be applied virtually anywhere in the world when communicative and cultural barriers are broken down. Communication methods vary from country to country, depending on the historical development, legal systems, and ethnic and cultural background of each area. The key to make mediation successful globally is to understand the cultural effect on both business negotiation and communication techniques.

When a “bridge” exists between two countries, an exchange of knowledge, attitudes, and ideas can have positive impact and can create business for both countries. My vision is to develop a concrete plan for the transfer of the concept of mediation to Italy and to build an ideal mediation “bridge” for the benefit of the international business communities in San Diego (US), Milan (Italy), Barcelona (Spain) and Brazil. Specifically, the goal of the “bridge” will be to develop a pathway and create a resource for companies to efficiently resolve disputes while they save money, conserve resources, increase productivity, and cultivate stronger business relationships. The “bridge” will instantly create practical business solutions for a broad spectrum of business problems.

I based my company in San Diego because I know that San Diego for what I am doing expose me to the international arena. San Diego is international and everything started during the LLM Program at California Western School of Law where I met 21 lawyers from all over the world. Life is only about building relationship and you never know what can happen tomorrow, maybe one of your classmates will expose you to international law from been an international attorney.

In Italy, it is very common to say: “There is an ocean between saying something and doing something.” In my opinion, it is only a matter of time before mediation is not only talked about, but also practiced in the internationally. It is a question of taking careful steps to encourage and cultivate understanding of the mediation process. In some areas, this transition has already begun, while in other areas, the process of introducing mediation must be initiated and the bridge still needs to be built.

I, Alessandra Sgubini, would like to thank you and express my gratitude to Scott Normal for his editing to this article.