



Mediation meets judges – FINAL fact sheet – WS2

The Court annexed mediation pilot scheme fact sheet aims to provide information about the experiences of mediation projects in Courts that have been developed during the project.

Description

- Who is involved:
 - Which court (or judge/clerk)? Number of judges? (*initials will do in case privacy issues are raised*)
3 out of 10 BCN Commercial Courts
 - Name and contact person in the Court/Tribunal.
Judge Isabel Giménez, Court number 3
 - Number of mediators involved in the or on call
2
 - Name and contact details of concerned MmJ partner/Chamber
Mr. Cristian Casellas
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 - Other (bar association, lawyer, mediation centres, mediators...).
Centre de Mediació de Dret Privat de Catalunya
- When did it start? Is there a date foreseen for review/evaluation?
In Spring 2014
- What is the process?
 - Where/when is info about mediation communicated
The mediation is communicated by the judge him/herself, normally during the first hearing of the parties before the date of the trial.
 - Who receives the info (lawyers, parties)
Parties and their lawyers.
 - How is the communication made (individual meeting, permanence, group meetings, written...)?
Both written and oral, before the date of the trial.
 - Is it an invitation or an order by the judge? (discretionary)
An invitation.
 - Is there a feedback given to the judge? (discretionary)
Normally yes.



- Are there statistics collected and how? (discretional)
Yes, as far as the mediations referred to our center.

- Where there any prerequisite? (such as trainings for the judges)
No
- Others

Evaluation of the scheme

- What works well/what is positive?
The mere existence of the working scheme is positive.
- What are the difficulties
The lack of direct communication and enough coordination have to be improved a lot.
- How many cases were referred to mediation?
23
- How many mediation were positively concluded (even partially)
5
- Number of cases that were concluded through negotiation (other than mediation) with or without lawyers' assistance
1
- Number of summons before the court (to mediate)
0. Summons to mediate do not take place before de court, but in our center.
- Average number of parties
2
- Number of informative sessions organized by the mediation service
22 informative sessions given to the parties of the referred mediation cases

Conclusion

- What is the future of this pilot scheme like?
The future is optimistic as there is a stable framework to work on



This project
is co-funded by
the European Union
Civil Justice Programme



- Suggestion for improvement?
The need to involve all the administrative competent bodies in the management of courts resources.
- What are you planning/able/ready to do to improve the service?
We plan to increase the awareness and commitment of all commercial courts. Particularly, we plan to favour a meeting between judges and court staff with business representatives of our mediation service in order to favour mutual knowledge and cooperation, as well as discussions on the importance of a mediation as an effective tool for the settlement of disputes.