



## Mediation meets judges – FINAL fact sheet – WS2

### Paris COURT OF APPEAL

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

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- **Who is involved:**
  - **Which court (or judge/clerk)? Number of judges? (*initials will do in case privacy issues are raised*):** the Social section of the Paris Court of appeal
  - **Name and contact person in the Court/Tribunal:** Ms Chantal ARENS, First President of the Court of appeal and Benoît HOLLAUX, referent mediation in the Social Section of the court
  - **Number of mediators involved in the or on call:** 30, specialized in social mediation
  - **Name and contact details of concerned MmJ partner/Chamber:** CMAP
  - **Other (bar association, lawyer, mediation centres, mediators...):** we collaborate with 5 other associations
- **When did it start? Is there a date foreseen for review/evaluation?** It starts in 2013 and be improved in 2014 and 2015 (evaluation every year)
- **What is the process?**
  - **Where/when is info about mediation communicated:** during the hearings.
  - **Who receives the info (lawyers, parties):** both lawyers and parties
  - **How is the communication made (individual meeting, permanence, group meetings, written...)?** After the pleadings, the judge, if he thinks that the case should be refer to mediation, asks the parties and the lawyers to meet with a mediator in a separate room
  - **Is it an invitation or an order by the judge? (discretionary)** it's only an invitation, the judge can't force them
  - **Is there a feedback given to the judge? (discretionary)** yes (only if the parties accepted or refused the mediation)
  - **Are there statistics collected and how? (discretionary)** yes, but the Court want to keep them confidential
- **Where there any prerequisite? (such as trainings for the judges)**
- **Others**

#### Evaluation of the scheme

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- **What works well/what is positive?**
  - given that the mediation proposal is made during the hearings, it's easier for the judge to convince the parties/lawyers to accept to meet with a mediator
  - time saving system because the mediator is available on the fly
  - MMJ was very useful to improve the existing system (we did a lot of working sessions with our partners)
- **What are the difficulties**



-the timing isn't easy. Sometimes, lawyers are quite frustrated to meet with a mediator at this stage of the procedure (they already work a lot on the case, they already pleaded, etc.)

- **How many cases were referred to mediation?**

- in 2014: around 200 cases

- in 2015: data non available yet

- **How many mediation were positively concluded (even partially):**

- in 2014: 65%

- in 2015: not available

- **Number of cases that were concluded through negotiation (other than mediation) with or without lawyers' assistance: data non collected**

- **Number of summons before the court (to mediate)**

- **Average number of parties: 2**

- **Number of informative sessions organized by the mediation service: 3 sessions per month**

## Conclusion

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- **What is the future of this pilot scheme like?** The system will proceed in the future

- **Suggestion for improvement?**

- The judges need to be trained;

- The judges have to change the way they present mediation to the parties

- we should give some documents to the parties to complete the information delivered by the mediator

- the court should select better the mediators selected to deliver information

- **What are you planning/able/ready to do to improve the service?**

- a training will be organized by the mediation unit

- we are working on a brochure to give to the parties

- each association should be responsible for the quality of the mediators proposed