**Mediation meets judges – FINAL fact sheet – WS2**

**Poitiers 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

- **Who is involved:**
  - **Which court (or judge/clerk)? Number of judges?** *(initials will do in case privacy issues are raised):* Poitiers Court of appeal and the TGI (first grade jurisdiction) associated
  - **Name and contact person in the Court/Tribunal:** Mr. Funck Brentano, referent mediation at the Poitiers Court of appeal
  - **Number of mediators involved in the or on call:** 22 mediators and 3 mediation associations
  - **Name and contact details of concerned MmJ partner/Chamber:** CMAP
  - **Other (bar association, lawyer, mediation centres, mediators…):** mediation unit composed by the presidents of each section of the Court, the president of all tribunals on the Court territory, the bar associations and the clerks
- **When did it start? Is there a date foreseen for review/evaluation?** It starts in April 2015 (first meeting of the mediation unit)
- **What is the process?**
  - **Where/when is info about mediation communicated:** during the hearings.
  - **Who receives the info (lawyers, parties):** lawyers
  - **How is the communication made (individual meeting, permanence, group meetings, written…)?** During the pre-trial hearings, the judge can select the cases to refer to mediation. He send a letter to the lawyers, who have a month to decide if they want to go to mediation or not.
  - **Is it an invitation or an order by the judge? (discretional)** it's only an invitation, the judge can't force them
  - **Is there a feedback given to the judge? (discretional)** yes (only if the parties accepted or refused the mediation)
  - **Are there statistics collected and how? (discretional)** yes, statistics will be made 1 year after the beginning of the project. In the first phase of the project, 30 cases have been selected and only one has accepted
- **Where there any prerequisite? (such as trainings for the judges)** selection of the mediators able to manage the cases referred to mediation (elaboration of a list of mediators, distributed to the judges and the clerks)
- **Others**

## Evaluation of the scheme

- **What works well/what is positive?**
  It's too soon to know

- **What are the difficulties**
  -how to propose mediation (it's difficult to know if a written invitation is more efficient than a physical meeting)
  -if informative sessions are organized, it's difficult to know if it's a judge who has to animate the meeting or mediators
  -it's difficult to know the right timing to propose mediation
  -it's difficult to choose the right mediator (specialist or not)
  -the Court also told us that they don't know how to secure the mediation process if there are no lawyers involved
- **How many cases were referred to mediation?**
  data non available yet; In the first phase of the project, 30 cases have been selected and only one has accepted
- **How many mediation were positively concluded (even partially):** data 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:**

## Conclusion

- **What is the future of this pilot scheme like?** The system will proceed at least for 1 year
- **Suggestion for improvement?**
  -The judges need to be trained;
  -The judges have to work on the selection of the cases to refer to mediation
  -more communication about the lack of impact on the procedure calendar (the date of the hearings won't change, even if a mediation is ordered)
- **What are you planning/able/ready to do to improve the service?**
  We will stay in touch with the mediation coordinator, in order to help the Court to improve the system