



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



Mediation meets judges – FINAL fact sheet – WS2

Versailles 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*):** the Social section of the Versailles Court of appeal
 - **Name and contact person in the Court/Tribunal:** Ms Dominique LOTTIN, First President of the Court of appeal
 - **Number of mediators involved in the or on call:** 6, 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 on September 2015 (evaluation on February 2016 and then every 6 months)
- **What is the process?**
 - **Where/when is info about mediation communicated:** when the request is received by the Court, a judge is in charge of the selection of the cases to refer to mediation. A letter is sent to the parties and to the lawyers, invited them to a individual informative session.
 - **Who receives the info (lawyers, parties):** both lawyers and parties
 - **How is the communication made (individual meeting, permanence, group meetings, written...)?** First a letter and then an individual informative meeting. All the mediation associations involved have to be at the Court 3 to 4 days per month to deliver information about mediation for the selected cases
 - **Is it an invitation or an order by the judge? (discretional)** written invitation. If the applicant doesn't show up, the case is cancelled and he will have to start over the proceedings
 - **Is there a feedback given to the judge? (discretional)** the parties have 8 days after the informative meeting to inform us about their decision to proceed with mediation or not
 - **Are there statistics collected and how? (discretional)** All mediation associations have to collect datas
- **Where there any prerequisite? (such as trainings for the judges)** Before the beginning of the project, the First President of the Court met with the bar associations to explain the system and expose the advantages of mediation
- **Others**

Evaluation of the scheme

- **What works well/what is positive?**



-Even if the percentage of acceptance is quite low, we saw a real evolution in the lawyers' attitude. After a few months, the lawyers were more and more interested by the process. So even if the statistics weren't so good, the culture of mediation definitely increased.

-The personal implication of the First President of the Court is very important.

-regular meetings between the Court representatives, the clerk and the mediation associations are very useful to improve the system quite quickly (based on the parties/lawyers feedback)

- **What are the difficulties**

- how to convince the parties to come to the information session?

- quite often, only one party is present for the informative session, so it's difficult to collect both parties agreement to mediate. It's very difficult to convince both parties to come to the informative session.

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

- from October 2015 to January 2016, 86 cases were received in the informative sessions by CMAP, 5 cases were referred to mediation

- **How many mediation were positively concluded (even partially):** only 1 case came to an end from now, and it wasn't successful

- **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:** 7 full days, with one case every half hour (86 cases from October 2015 to January 2016)

Conclusion

- **What is the future of this pilot scheme like?** The system will proceed in the future (We signed a new agreement for the whole 2016)
- **Suggestion for improvement?** The letter sent to the parties and to the lawyers has to be improved; we could work on the sanctions in case of absence during the informative sessions; we could improve the approach with the lawyers (train them?)
- **What are you planning/able/ready to do to improve the service?** The letter sent to the parties and to the lawyers has to be improved; we could work on the sanctions in case of absence during the informative sessions; we could improve the approach with the lawyers (train them?)