



Mediation meets judges — WS2 Fact sheet

Cyprus Chamber of Commerce and Industry

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*)
 - Name and contact person in the Court/Tribunal.
 - Mrs Despo Michaelidou, Supreme Court Judge, Cyprus
 - Number of mediators involved in the or on call
 - Please find attached relevant list of “Mediators on Call”
 - Name and contact details of concerned MmJ partner/Chamber
 - Cyprus Chamber of Commerce & Industry
 - Other (bar association, lawyer, mediation centres, mediators...).
 - n/a
- When did it start? Is there a date foreseen for review/evaluation?
 - It started 8th December 2015 (launch event)
 - Review foreseen date: after 6 months of operation, i.e. June 2016
- What is the process?
 - Where/when is info about mediation communicated
 - After consultations with the Supreme Court, we were informed that according to the Constitution of the Republic of Cyprus, if any procedure was to be agreed with our Mediation Service, this had to be agreed with the Supreme Court only (not with the individual District Court or Judges). However, when we forwarded to the responsible Judges at the Supreme Court the relevant Memorandum of Understanding (MoU) we had prepared and the matter was taken to the Board of Supreme Court Judges, it was decided that no formal agreement (MoU) can be signed between us. They responded that they prefer keeping it informal and continue our cooperation informally.
 - As a result, we forwarded our list of “Mediators on Call” to the Supreme Court, who in turn forwarded it to the District Court Judges, and it was agreed that upon the discretion of each individual Judge s/he will decide whether a case s/he deals with can be mediated and if yes s/he has in her/his disposal our “MoC” list as well as our Service 24-hour phone number.
 - Who receives the info (lawyers, parties)
 - How is the communication made (individual meeting, permanence, group meetings, written...)?
 - Is it an invitation or an order by the judge? (discretionary)
 - Is there a feedback given to the judge? (discretionary)
 - Not yet
 - Are there statistics collected and how? (discretionary)



- Not yet (although we don't foresee that Judges will be collecting or informing us)
- Were there any prerequisites? (such as trainings for the judges)
 - We organised workshops for Judges in September 2015, informing them on the availability of our "Mediators on Call" service (which was planned 2-3 months after the workshops)
 - We organised a launch event in December 2015, whereby potential Mediators would express their interest to join our "Mediators on Call" service
- Others

Evaluation of the scheme

Unfortunately, no formal evaluation could be undertaken until today. Informally, we are in touch with the Supreme Court but so far, no cases were referred to Mediation.

- What works well/what is positive?
- What are the difficulties
- How many cases were referred to mediation?
- How many mediation were positively concluded (even partially)
- Number of cases that were concluded through negotiation (other than mediation) with or without lawyers' assistance
- Number of summons before the court (to mediate)
- Average number of parties
- Number of informative sessions organized by the mediation service

Conclusion

- What is the future of this pilot scheme like?
 - Unfortunately, the future does not seem promising, mainly because Mediation is seen very reluctantly, not only by Judges but also by the public/business community. Although we have witnessed great enthusiasm among Judges to start using it, they nevertheless "fear" to suggest/refer cases to Mediation since they had no previous experience themselves. There is still lack of trust as to the quality of mediation proceedings and mediators.
- Suggestion for improvement?
 - Some kind of Certification of mediators, on a European level, would drive more trust into Mediation. This certification does not have to be an EC initiative, it could be a collaboration among Mediation Centres all over Europe. In addition to the standard, national training requirements and qualifications, if there is also a European training curriculum and certificate would help our efforts of adding the quality element in mediators, and as a result in mediation proceedings.
- What are you planning/able/ready to do to improve the service?



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- We would be interested in collaborating with other Mediation centres/Chambers of Commerce in Europe towards developing a common training curriculum and certification process – maybe through a future call for proposals of the EC?