

Civil Justice: Video

 Civil Justice 2007 ? 2013]

Making information sessions on the use of mediation easily available throughout the EU: A video guide to facilitate settlement

Background:

The Directive establishes the policy of the European Union to encourage the expanded use of mediation to resolve cross-border civil and commercial disputes. (¶ 5, 8, 10) It recognizes that mediation must be voluntarily selected by litigants?that ?the parties themselves are in charge of the process.? In many jurisdictions, however, lawyers, jurists and litigants are not yet familiar with mediation, making it impossible for advocates to counsel clients or for parties to make informed decisions. To address this problem, Article 5 authorizes courts to ?invite the parties to attend an information session on the use of mediation?? However, courts can issue such an invitation only if ?such sessions are held and are easily available.?

This project will educate lawyers and litigants about the nature and usefulness of mediation in cross-border disputes. It will do so by creating a series of specialized videos about cross-border commercial and civil mediation in the 23 EU languages. It will then be distributed (for free) through the Internet to the legal community. The series of videos will, for example, include:

- ? Introductory comments by leading European jurists and advocates about the Mediation Directive (formally approved by the European Parliament on 23 April 2008).
- ? Simulations of the mediation of a cross-border commercial dispute that demonstrate how mediation helps litigants talk with each other and negotiate successfully.
- ? Mediation referral for judges: best practice of court annex mediation programs.
- ? Mediation advocacy for lawyers: how to represent clients in mediations
- ? The use of mediation for companies and for consumers.

The videos will come with a Teacher?s Guide that will describe how to use the videos in a program or presentation. The guide will include teaching ideas about how to use the videos as a platform for comments by a live presenter.

Key Activities:

In order to build up support among local lawyers and to adapt the project to cultural differences, the project will move forward in different stages.

1. It will first produce a script and a ?beta? version of the videos.
2. The scripts and beta version will then be sent (already translated) to lawyers? associations in several EU countries for comments.
3. Based on the feedback, the scripts will be adapted to the local culture in order to take into account the key differences regarding litigation and settlement in various countries.
4. The videos will be shot and edited while the audio will be dubbed in the 23 EU languages (Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, English, French, Greek, Hungarian, Italian, Irish, Latvian, Lithuanian, Maltese, Polish, Portugal, Romanian, Slovak, Slovene, Spanish, Swedish, German).
5. The videos will then be freely distributed via Web TV and given to the local stakeholders to be upload and viewed in their own webpage (e.g. Webpage of the local Bar associations).