



SEMINAR- CRUISE, 7-12 May 2020

TRAINING certified by the CNPM training organization (20 Hours)

Right to mediation in Europe

**Facilitations and difficulties in implementing the 2008 European Directive
on access to mediation in Europe**



May 7, 2020: Strasbourg
Meeting with the European institutions: 5h



11h-13h Council of Europe

Film on the Council of Europe,
Interviews with Council of Europe officials and mediators

13.00 Lunch at the Council of Europe's Salon Bleu



15.00 Visit to the European Parliament

Film on Parliament,
Interviews with members of the Venice Commission.

8 pm Dinner in Strasbourg

From 8 to 11 May

How can a real right to mediation be implemented? 15 h

Friday, May 9 (on board 3 hours of training)

1:00 pm: Boarding on the Lafayette boat of CroisiEurope

1:30 Lunch on board

Afternoon: 3 :30-6 :30

3:30 - 4:00 p.m.

Welcome Words :

Guy Canivet, *First Honorary President of the Court of Cassation, former member of the Constitutional Council, Honorary President of GEMME*

Béatrice Blohorn-Brenneur, *Honorary President of Chamber, President of GEMME-France and President of CIMJ, former mediator of the Council of Europe.*

Gilles Lopez, *former Dean, lawyer at the St Etienne Bar, President of the CNPM*

4h-4h30: Answers to the questions.

Presentation of the participants from the different countries and from France,

4 :30-6 :30 Two groups: initiation and improvement

1° Initiation group

General overview of ADR, Mediation and Conciliation

François Staechele, *Honorary Magistrate, mediator, webmaster of GEMME and CIM*

Film on mediation and comments, **Bertrand Delcourt**, *Lawyer and mediator, mediation trainer*

2° Improvement group

The different European applications

- **French judicial experience:**

- **Mandatory Prior Family Mediation**, **Anne Gongora**, *President of Chamber at the Paris Court of Appeal*

- **Administrative mediation**. **Philippe Gazagnes**, *President of the Administrative Court of Clermont-Ferrand and national referent mediator for the administrative courts,*

- **Italian practice: The first mandatory preliminary mediation session, case law and statistics**, **Chiara Giovanucci-Orlandi**, *Professor at the University of Bologna*

Saturday, May 9: 9 am to 1 pm (4 hours of training)

- **9:00 - 11:00 2 separate groups: initiation and improvement**

1° Initiation group 9:00-11:00 am

Suffering in Justice and the Role of the Judge. From positions to needs and interests

Suffering in court, the role of the judge. Managing emotions in mediation

Béatrice Brenneur, Honorary Magistrate, former mediator of the Council of Europe, President of GEMME and CIMJ, author of several books on mediation, mediator

2° Improvement group 9:00-11:00

The right to quality mediation :

1. 9:00- 9:45 **The mediator's know-how: Eric Battistoni**
How do I know? The different approaches
How do you do it? The questioning.
2. 9:45-10:15 **The choice of the mediator**
The list of European mediators,
The ethics of the mediator, Gilles Robert Lopez, former President of the Saint-Etienne Bar Association, President of the CNPM
3. 10:15-11:00 **How to evaluate a mediation? Questionnaire of satisfaction of the mediated parties, Jean-Luc Truelle**, Honorary Professor of Neurology, Honorary Judicial Expert and Mediator

- **11:00-13:00 - Meeting of the two groups initiation and improvement**

1- 11:00-13:00 Right of access to mediation

11:00- 11:45 **From access to mediation to the right to mediation: as gateways, the tools of the CEPEJ, Jean Mirimanoff**, honorary magistrate, sworn mediator, author of numerous books

11:45-12:30 - **Right to mediation in the courts: the case of the Tribunal de Grande Instance of Créteil and the Court of Appeal of Paris, Fabrice Vert**, First Vice-President of the Créteil Regional Court and **Anne Gongora**,

12:30-13:00 - **Role of the lawyer, Bertrand Delcourt**
Accompanying the lawyer to mediation

2- 11:00-13:00 **The mediator's ethics: Workshop on the mediator's ethics** (15 participants maximum), **Michèle Weil-Guthmann**, honorary magistrate, mediator:

Making the most of mediation: freedom, public order, confidentiality, neutrality and other delicate issues..., through practical situations chosen by the participants or the facilitator.

May 10: 9:00 am to 1:00 pm: (4 hours of training)

The two groups together: from 9:00am to 1:00pm

- From 9:00 to 10:00 a.m. Before mediation

9:00 to 9:30 - Working on the preparation and the strategy to be implemented, *Gabrielle Planès, former president of the ANM, mediator and mediation trainer*

9 :30 to 10 :00 Workshop led by *Myriam Bacqué* :
The usefulness of the preparatory documents for the plenary mediation meeting: How to help the mediated parties and their counsels to prepare their mediation beforehand in order to succeed on D-Day?

- 10:00am to 00:15pm: 3 workshops to choose from:

1° - Analysis of practices and supervision (for confirmed mediators 12 participants maximum), *Dominique Retourné, lawyer and mediator*

2° - Discussion around a practical case, *Jean-Luc Truelle,*

3° - Difficult personalities, *Sylvie Mischo-Fleury, Mediator, Doctor in Psychology, University of Luxembourg (Maximum 15 participants)*

- 00:15pm to 1:00

Emotion and cognition in conflicts. Empathy in mediation, under the light of neuroscience., *Jean-Luc Truelle*

May 11th : From 18:00 to 21:00 (3 hours of training)

18:00-19:15

Inventory of good mediation practices around the world

- Africa, *Alain Ducass, Myriam Bacqué*
- America, *Suzanne Handman*, Judge of the Court of Quebec, Mediator

The confidentiality of judicial mediation at the risk of the cameras? : Crossed views of the risks and the influence of the image on the mediation process, *Myriam Bacqué*

- **Film on the Forbidden Zone Estate Conflict** (44 minutes)
- **Debate**

**20:15-21:00 Closing Speech, *Guy Canivet*,
Summary of the seminar**