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### « Mediation: in and out of court »

More often than ever some magistrates tend to (if not nearly impose) strongly advise the parties involved in a legal action to settle. It is not uncommon for the parties to meet "amicably" before him prior or following the hearings and in any case before the issuing of his ruling.

This occurrence is the work of magistrates, who are not professional mediators, but have the ability to intervene as judicial mediators, and is clearly showing a tendency to solve disputes in an amicable manner, even at a late stage, i.e in court.

Meanwhile, and for a few years now, institutions such as le Centre de Médiation et d'Arbitrage de Paris (CMAP), which recently celebrated its tenth anniversary, has been working admirably well towards the out of court negotiated settlements of disputes. Mediation has been hard to implement in France mainly because of the fear to waste time and the challenging behaviour of some lawyers. But recent examples of successful mediation are encouraging and it should become more wide-spread as time goes by.

Furthermore, new kinds of litigations, such as class actions that may very well reach us, cannot be brought successfully in our legal world without an efficient system of out of court settlements.

If you would like more guidance or details about the French regulations in this area, please contact us at [newdevelopment@kahnlaw.com](mailto:newdevelopment@kahnlaw.com), or contact directly one of our partners ([www.kahnlaw.com](http://www.kahnlaw.com)).

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