

# Mediation and Court

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# THE DIFFERENCE BETWEEN SDJ PROCEDURE AND MEDIATION

SDJ (settlement of dispute by a judge)	MEDIATION
The dispute is settled by the judge who is hearing/considering this case	The mediator is a neutral and independent mediator chosen by the parties
The purpose of the SDJ is communication of the parties with the judge in order to obtain clarifications and additional information to assess the parties' litigation prospects	Mediation involves structured negotiations between the parties to the conflict with the support of a mediator. The mediator does not make decisions, only directs the parties towards resolving the conflict!
If the parties do not reach agreement as a result of SDJ within 30 days from the date of appointment, the second time is not allowed	The parties may turn to the mediator again, even if the previous settlement was not successful

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<p>The judge clarifies the grounds and subject of the claim, the grounds for objections, explains to the parties the subject of proof in the category of the dispute under consideration.</p> <p>During closed meetings, the judge has the right to draw the attention of the parties to the case law for similar disputes.</p> <p>The judge may suggest to the parties a possible way to settle the dispute peacefully\amicably.</p>	<p>The mediator ensures compliance with the process, helps to establish communication between the parties and supports the parties in finding a mutually acceptable solution</p>
<p>Based on the results of the SDJ, the parties may enter into a peaceful agreement, file a statement to leave the claim without consideration or waive the claim.</p>	<p>The result of mediation is a mediation agreement, the implementation of which is ensured by the interests of the parties</p>

# WHAT ARE THE BENEFITS FOR JUDGES FROM INTRODUCING MEDIATION?

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- **DECREASING THE WORKLOAD ON THE COURT SYSTEM**
- ***It means that:*** certain categories of cases may be resolved outside of courts through concluding a mediation agreement by the parties.
- **MORE EFFECTIVE JUDICIAL PROTECTION**
- ***It means that :*** the parties may turn to the mediator during the trial in order to resolve the dispute in the most favourable way (for example: to agree on the provisions of the settlement agreement)

# INFORMATION ABOUT THE ESSENCE OF THE MEDIATION PROCEDURE

- Mandatory training of judges on determining whether the case\dispute may be mediated (determining the possibility of resolving the dispute through mediation at the stage of opening the proceedings);
- Training judges on ways to inform the parties about the possibility and procedure for applying to a mediator, the benefits of the mediation procedure
- Creating open registers of mediators and mediation rooms in courts
- Placement of information stands, printed and electronic information materials regarding the benefits of mediation and access to mediation