

# MEDIATION AS A WAY TO RESOLVE DISPUTES IN CIVIL CASES

*Fundacja TAURUS*



Mediation is a way to amicably resolve a dispute. The main goal of mediation is to reach an agreement. The basic principle of mediation is its voluntary nature, which means that the consent of all conflicting parties is required to use this method of resolving a dispute. Mediation is conducted on the basis of a mediation agreement or a court decision directing the parties to mediation. In the mediation agreement, the parties specify in particular the subject of mediation, the mediator or the method of selecting the mediator.

The mediation proceedings are conducted by a mediator who should remain impartial. The mediator uses various methods to amicably resolve the dispute.

The mediation proceedings are not public. The mediator, the parties and other persons participating in the mediation proceedings are obliged to keep secret the facts they learned in connection with the mediation.

The court may refer the court to mediation during the proceedings if the circumstances of a given case indicate that there is a chance of reaching an agreement. This may occur at any stage of the proceedings. When referring a case to mediation, the chairman shall immediately provide the mediator with the contact details of the parties and their representatives, in particular telephone numbers and e-mail addresses.

When referring the parties to mediation, the court sets its duration for a period of up to three months. At the joint request of the parties or for other important reasons, the deadline for mediation may be extended if this will facilitate the amicable settlement of the matter.

The mediator sets the date and place of the mediation meeting. A protocol is drawn up regarding the course of the mediation, specifying the place and time of the mediation, as well as the name, surname (name) and addresses of the parties, the name and surname and address of the mediator, and the result of the mediation. If the parties have concluded a settlement before a mediator, it shall be included in the minutes or attached to them. By signing the settlement, the parties agree to submit a request to the court for its approval, of which the mediator informs the parties. The mediator delivers a copy of the protocol to the parties.

Mediation shall not be conducted if the party has not consented to it within one week from the date of announcement or delivery of the decision directing the parties to mediation.

If a settlement has been concluded, the court will immediately conduct proceedings to approve it. If the settlement is subject to enforcement, the court approves it by giving it an enforceability clause. In other cases, the court approves the settlement in the form of a resolution.

The court refuses to issue an enforceability clause or to approve the settlement concluded before the mediator, in whole or in part, if it is contrary to the law or the principles of social coexistence or tends to circumvent the law, or if it is incomprehensible or contains contradictions.

A settlement concluded before a mediator, after its approval by the court, has the legal force of a settlement concluded before the court. The settlement concluded before the mediator, which has been approved by giving it an enforceability clause, is an enforceable title. If a settlement is reached, the court does not have to issue a ruling in the ongoing proceedings and discontinues them.

More information at: [www.poradyprawne-taurus.pl](http://www.poradyprawne-taurus.pl)

The guide was prepared as part of the TAURUS Foundation's public task of providing free legal assistance, free civic counseling, free mediation and legal education in Poznań in 2024.

The public task is financed from the budget of the City of Poznań.