Question 1
What alternative means are used in your legal system for resolving civil law disputes outside normal court procedures?

- **Mediation** (a process in which the parties engage a mediator or conciliator to encourage and assist them towards agreeing a solution)
- **Arbitration** (a process in which the parties agree to submit their dispute to a binding decision by an arbiter)

Question 2
(a) Are any of the alternative means used in your country subject to special regulation by statutory provisions?

A: Yes, Law on Mediation (or Conciliation) and Law on Arbitration

(b) Does a mediator or an arbiter require to have a particular qualification or to have undergone professional training?
A:

Mediator or arbitrator does not require any particular qualification, but our intention especially in mediation, is to use mediators under particular certificate (who attended for a some training) for example – Mediator for commercial or labor disputes. Mediators are usually lawyers, but various experts can be mediators. Arbiters are usually well known and experienced lawyers.

(c) If a mediator requires to undergo training, who provides such training?

A:

For time being, there is no permanent trainings for the mediators and especially not for the arbitrators. Training was provided by some anginous supporting by Croatian Ministry of Justice.

(d) Is there a professional organisation of mediators which lays down rules of professional conduct?

A:

We have Association for the Mediation which has statute and own bodies, but so far there is not rules of professional conduct.

Question 3

(a) Insofar as alternative dispute resolution procedures are available and are in use in your country, what are the principal areas of law (for example family law, building or construction law, medical negligence claims, consumer cases, etc) in which disputes are settled by the alternative procedures?

A:

Arbitration in Croatia has a long history and tradition, but in spite of that, we have only around 40 arbitrations per year. In mediation we are in the really beginning of
the process except in collective labor disputes which are obligatory by law and in which we have a lot success.

Our intention is to apply mediation in all kind of civil disputes, especially in commercial (including all kind of damages, building and constructing law, intellectual property etc.) labor and family disputes.

We have an extraordinary success even in Penal Law cases – mediation among minors and third parties who suffered any damages by their criminal acts.

(b) Are there any types of civil law dispute which cannot be resolved by such alternative means but must be decided by a court?

There is no such disputes. Is some civil dispute suitable for the mediation mostly depends on parties who are willing to settle their dispute on piecefull way, not on type of dispute.

Question 4

(a) Is any publicly funded system of mediation available in your country? In particular, is there any mediation service annexed or attached to the courts?

A: Only mediation in minor criminals cases.

But we have prepared some project on mediation on courts. It will start next year. We expect a lot of it.

(b) If so, for what types of civil law dispute is publicly funded mediation available?

A: There is no public funding so far for any type of cases.
Question 5
(a) To what extent, and by what means, are the courts in your system able to encourage or to require parties to attempt mediation or some other form of alternative dispute resolution either as a preliminary to commencing any litigation or in the course of ordinary court proceedings?
A: We are planning to implay project about Mediation on Courts. Project will start on Pilot Courts.

(b) Is the court administration able to assist litigants, or potential litigants, in using alternative dispute resolution procedures by, for example, explaining the various possibilities of alternative dispute resolution or providing information about mediators or arbiters?
A: Our plan is to organize special mediation departemet in courts, in pilot courts for the start.

Question 6
(a) Has the use of alternative dispute resolution procedures in your country been increasing in recent years?
A: Yes, but very slow. We need much more political will and foundings to increase ADR in any way. It is painfull and slow process, but very promissing.

(b) If so:-
(i) are there any particular reasons for the increase in use of alternative dispute resolution procedures?
(ii) has the increase in use sufficiently reduced the burden of work on the courts to allow the courts to improve the delivery of justice?

(iii) has any alteration been made to the rules of procedure or the practices of the courts in response to the increase in the use of alternative dispute resolution?

Question 7
In your system does the court provide any procedures in which a judge acts as a mediator?

A:
Law on mediation – by that Law mediators are judges and lawyers if the party does not choose somebaody else. But it is not a strict rule. But we are in the early beginning of mediation process.

Question 8
Are there any proposals to change the law relating to alternative dispute resolution procedures?

A:
Yes, in Law on Civil Procedure – about aouthorities of judges to send parties to solve their dispute by mediation.

II
Which points would you wish to discuss in detail?

A:
Organisation of Mediation anexed to the Courts.

Founding of mediation process.

The best ways to reach idea and possibility of mediation to the public.

III
What subject do you suggest for the next meeting?

Answers for ACJ prepared by:

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