

Rules on mediation

Chapter 1. Request for mediation and appointment of mediator

§1 A request for mediation shall be submitted to Mediationsinstituttet (the Danish Mediation Institute – in the following called “MI”) by the parties jointly or by one of the parties.

(2) The request shall be written and contain

- a) Information on the parties’, their contacts’ and any lawyers’ names, addresses, telephone and fax numbers as well as email addresses
- b) Information on the nature of the conflict
- c) Information on any agreement made between the parties concerning mediation.

§2 MI shall appoint a mediator from its mediator list. Before the appointment, the parties shall be allowed to express an opinion on who should be appointed. If the parties jointly propose a certain mediator from the mediator list, MI shall appoint such mediator. More than one mediator may be appointed.

(2) When appointing mediators, MI shall consider information on the nature of the conflict, the background of the mediator, any request for a fast-track process and geography.

Chapter 2. The mediation

§3 After having appointed a mediator, MI shall refer the case to such mediator.

§4 Having consulted the parties, the mediator shall set a time and place for the mediation. The mediator shall conclude the mediation within two months of the submission of the case to the mediator unless otherwise agreed by the parties.

(2) If the case, in the opinion of all parties, is particularly urgent, the mediation meeting may be held within 48 hours of the parties’ approval of the request to MI, cf. Clause 1, and payment of the deposit, cf. Clause 10. Extra costs shall be charged for fast-track processes, cf. Clause 11(5).



(3) The mediation shall be regarded as having been concluded when:

- a) a settlement agreement is concluded between the parties
- b) further attempts at mediation are deemed to be futile, or
- c) one or both parties wish to interrupt the mediation.

(4) The mediator shall notify MI when the mediation is concluded and state the reason therefor, as stipulated in Clause 3, Item, a), b) or c).

§5 In connection with the mediation, the mediator shall comply with the code of conduct for Danish Mediation Lawyers applicable from time to time.

§6 If the mediator is prevented from completing the mediation or fails to take measures to complete the mediation, MI shall appoint a new mediator.

(2) Before making the decision to appoint a new mediator, the parties and, depending on the circumstances, the mediator shall be allowed to make a statement.

Chapter 3. The mediator

§7 The mediators on MI's mediator list shall all be lawyers and shall have completed the mediation training course provided by the Danish Bar and Law Society or a similar course. The mediators shall be obliged to participate in continuing education within mediation. In order to be appointed through the Mediation Institute, the mediator should additionally have recent experience as mediator in legal disputes.

(2) The mediator shall be neutral, impartial and independent of the parties and third-party interests.

(3) Prior to the mediation – and during the mediation, if required – the mediator shall inform the parties of any circumstances that could be regarded as affecting the mediator's neutrality, impartiality or independence.

(4) The mediator shall be obliged to take out and maintain legal mal-practice insurance. The detailed requirements concerning the insurance amount and terms shall be laid down by the Board.



§8 The mediator shall have a duty of secrecy in respect of all matters relating to the mediation, including that the mediation is to take place or have taken place.

(2) Such duty of secrecy shall not be limited in time.

Chapter 4. MI

§9 MI shall process all cases received forthwith.

(2) The employees of MI shall not be affected by extraneous considerations in connection with the appointment of mediators or otherwise.

(3) The employees of MI shall be subject to the same duty of secrecy as the mediator, cf. Clause 8.

Chapter 5. Deposit and costs

§10 The parties shall pay a deposit to MI. Such deposit shall be fixed by MI based on an estimate of the expected costs of the mediation. The deposit covers up to 6 hours of mediation, inclusive the mediators usual preparation. The mediation shall not be initiated before the deposit has been paid.

(2) The parties shall each pay 50% of the deposit, unless otherwise agreed by them.

(3) During the mediation, MI may decide that the parties shall pay an additional deposit.

(4) If the mediation is not completed, the deposit shall be repaid less a fee of DKK 3,000, exclusive of VAT.

(5) If mediation continues beyond six hours, equivalent to the basic sum, an additional hourly fee is paid to the mediator. Time fee is applicable at any time by MI. Additional fees are billed by MI, when mediation is finally completed.

(6) Other necessary, or agreed by the parties, expenses incurred in connection with the mediation (catered, room rental etc.) are paid, when the mediation is finally completed.

(7) In case of urgent processing, cf. Clause 4(2), increases the basic sum with 50%.



(8) The partners are jointly and severally responsible for the costs in connection with the mediation.

§11 MI shall offer pro bono mediation (free of charge) if one of the parties is deemed by MI to fulfil the financial conditions for pro bono mediation, and if MI assesses that the case is suitable for pro bono mediation.

(2) Applications for pro bono mediation should be sent to MI jointly by the parties or by one of the parties.

Chapter 6. After the mediation

§12 When the mediation has been concluded and all expenses have been paid, MI and the mediator shall return all original documents and the like to the parties.

Chapter 7. Various provisions

§13 There can not be held responsibility for mediators, MI, its Board of Directors or employees for acts or omissions in connection with the processing of a request for mediation or implementation of the mediation.

