

Chapter 27 of the Danish Administration of Justice Act

*Judiciary mediation*

**Section 271.** The provisions of this chapter shall apply to proceedings pending at the District Court, the High Court or the Maritime and Commercial Court.

**Section 272.** The Court may, at the request of the parties, appoint a mediator to assist the parties to reach an agreed solution to a dispute, which the Parties shall have free disposal over (mediation).

**Section 273.** § 1. As mediator, may be designated:

- 1) A judge or clerk of that jurisdiction which is appointed to act as mediator by the corresponding Court President, or
- 2) A lawyer who has been accepted by the courts services to function as mediator in the relevant jurisdiction.

§ 2. Judges or clerks whom are appointed to act as mediator, cf. paragraph 1, no. 1, may, if agreed between the Court presidents, function as mediator in other jurisdictions than their own.

§ 3. The Danish Court Administration shall lay down detailed rules on the nomination of lawyers as mediators.

**Section 274.** Sections 60 and 61 shall apply *mutatis mutandis* to mediators.<sup>1</sup>

**Section 275.** The mediator defines the progress of the mediation in consultation with the parties. With the consent of the parties, the mediator can hold meetings with the parties separately.

**Section 276.** § 1. The mediation shall be deemed to be terminated when

- 1) The parties reach an agreed solution to the dispute,
- 2) The mediator decides it or
- 3) One of the Parties requests it.

§ 2. The mediator terminates the mediation if it is necessary in order to prevent the Parties to conclude a mediation agreement which concerns penal offences or is otherwise contrary to mandatory law.

**Section 277.** § 1. Information obtained during the mediation is confidential, unless the parties agree otherwise, or the information is otherwise publicly available.

§ 2. Notwithstanding paragraph 1, a party may disclose information from a mediation, if

- 1) The information obtained is from the party itself, or
- 2) It follows from the law or provisions laid down by law, that the information must be disclosed.

§ 3. Paragraph 2 shall apply *mutatis mutandis* to other participants in the mediation than the Parties and the mediator.

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<sup>1</sup> Sections 60 and 61 deal with conflicts of interest

§ 4. If the case continues in court after completing the mediation, notwithstanding paragraph 1, a party may, if necessary, use the information received during the mediation to justify a request to the Courts to impose on the other party or third parties to hand over documents, see Chapter 28.

**Section 278.** Each Party shall bear its own costs in connection with the mediation, unless the Parties agree otherwise.

**Section 279.** § 1. After the termination of the mediation, the mediator must not act as judge or lawyer in the course of future case handling.

§ 2. Notwithstanding paragraph 1, a judge who has served as mediator may, by request of the Parties, introduce the agreed solution as court settlement in the transcript of the proceedings and decide to withdraw the case from Court.

**Sections 280-296.** (Repealed)