

# FBE GENERAL CONGRESS 2024 MALAGA



## **“Litigate or Mediate? This is the question” Moderated by Carles GARCÍA ROQUETA, President FBE Mediation Commission**

### **SESSION CONCLUSIONS**

I had the opportunity to moderate a panel discussion titled "Litigate or Mediate? This is the question." I have compiled some key conclusions that were shared by the speakers:

- Mediation is advancing in great steps, but it is still not enough.
- Mediation still requires idealism.
- We must build an ecosystem, an environment, a spirit and a will to develop mediation, as well as a skill.
- With mediation, we gain in quality and mental health while saving money and time, which is ideal in an immediate and noisy society.
- Mediation has helped reduce litigation rates.
- Mediation is no longer just a legal issue, but of culture and tradition too.
- We must carry mediation and settlement culture in our DNA.
- At the European level, mediation is increasingly gaining more recognition and application.
- Conciliation can be more superficial than mediation if we analyze emotional components, as it occurs in family matters.
- Mediation must be equally compatible between lawyers and judges.
- It is fundamental to work through mediation as a preventive element.
- We must introduce tiered clauses that recognize other methods, such as conciliation or arbitration.
- A mediator is fortunate because they work for all parts of the process without distinction.
- The legal profession plays a predominant role in mediation, hence its ethical and deontological relevance.
- Training in mediation is primordial and it seems that we are already moving towards the specialization.
- To mediate is to communicate, and what better communicator than a lawyer/mediator?