



General Introduction to the ELI- Unidroit Model Rules of European Civil Procedure: Main Idea, Scope and History of Creation

The Model Rules and Alternative Dispute Resolution

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Rule 3. Role of the parties and their lawyers

Parties and their lawyers must:

- (a) take reasonable and appropriate steps to settle disputes amicably;
- (b) – (e) [*omissis*]

Rule 9. Role of the parties and their lawyers

- (1) Parties must co-operate in seeking to resolve their dispute consensually, both before and after proceedings begin.
- (2) Lawyers must inform the parties about the availability of consensual dispute resolution methods, assist them in selecting the most suitable method, and, where appropriate, encourage its use. They must ensure that they use any mandatory method.
- (3) Parties may ask the court to render a settlement agreement enforceable.
- (4) When a consensual settlement as a whole cannot be reached, parties must take all reasonable opportunities to reduce the number of contested issues prior to adjudication.

Rule 10. Role of the Court

- (1) The court must facilitate settlement at any stage of the proceedings. Particularly, it must ensure that the parties consider settlement in the preparatory stage of proceedings and at case management conferences. If necessary for furthering the settlement process, it may order the parties to appear before it in person.
- (2) The court must inform the parties about the availability of different types of settlement methods. It may suggest or recommend the use of specific consensual dispute resolution methods.
- (3) The court may participate in settlement attempts and assist the parties in reaching a consensual resolution. It may also assist in drafting settlement agreements.
- (4) [*omissis*]

Rule 49. Means of Case Management

Where necessary for the proper management of proceedings, the court shall, in particular:

- (1) encourage parties to take active steps to settle their dispute or parts of their dispute and, where appropriate, to use alternative dispute resolution methods;
- (2) – (11) [*omissis*]



Thank you for
your attention

