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Behavioural factors in the notarial handling of consensual divorces: Evidence from a 22-country survey of European notaries

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Abstract

Consensual divorce has become the dominant route out of marriage across much of Europe and, in a growing number of EU Member States, notaries are central to it. This chapter asks which behavioural factors shape the client experience when notaries assist couples through such a divorce. Drawing on an online survey of 1,657 notaries and notary candidates in 22 EU Member States and using mixed-effects models, I examine how respondents rate the trustworthiness, reliability and punctuality of themselves, fellow notaries, solicitors and courts, and which predictors lie behind their belief that behavioural techniques can shape outcomes. Three findings stand out. First, notaries identify closely with their profession: ratings of oneself and of fellow notaries are almost indistinguishable, while solicitors and courts are rated markedly different. The courts rated substantially lower for punctuality in particular. Second, although most respondents supported an amicable divorce, far fewer report relevant training, a perceived capability gap. Third, expecting more from behavioural techniques is most strongly correlated with a willingness to learn them, and further with offering mediation, a trust-centred self-image and a welcoming office, but not with experience or gender. Given that these predictors are cultivable orientations rather than fixed traits, notarial chambers are well placed to close the gap through voluntary, chamber-led training. As the evidence is based on notaries' own perceptions, client-side and experimental validation continue to be the priority for further work.

1. Introduction

Consensual divorce, a divorce in which both spouses agree to dissolve the marriage and, in most jurisdictions, also reach a written settlement on its consequences, has become the dominant route out of marriage in many European legal systems. In Austria, for example, divorces by mutual consent have, for decades, made up the large majority of all dissolutions (Halla, 2007). The legal architecture of this route, the role of courts and notaries within it, and

the question of whether and how the procedure should be opened to notarial settlement are addressed in detail by the legal contribution to this volume (Lurger *et al.*, this volume); the economic baseline – caseloads, costs and time-to-resolution across EU Member States – is addressed by Berrer *et al.* (this volume). This chapter complements those analyses by asking a different question: taking the legal and economic framework as fixed, which behavioural factors need to be considered to create the best client experience when settling consensual divorces in a notarial setting?

The question matters for three reasons. First, even in the most procedurally streamlined consensual divorce, the parties are in a state of heightened emotional uncertainty. They face significant financial, parental and reputational issues and, in many cases, lack prior experience with legal procedures. A large body of work on procedural justice has shown that, under exactly such conditions, people's trust in legal authorities – and their willingness to accept and to comply with the resulting agreement – depends as much on how they are treated as on the substantive outcome (Grootelaar and Van den Bos, 2018; Gramatikov and Klaming, 2012). Second, notaries occupy an unusual position in this respect. They are public office holders acting impartially for both parties but they are also service providers operating in a competitive market with other legal professionals. Consequently, the behavioural design of that service has both a public interest and a market dimension. Third, an EU- and OECD-level policy agenda is moving the justice system towards a more 'people-centred' orientation that explicitly invites the use of behavioural evidence (OECD, 2023; Kaur, 2024).

My contribution is to provide cross-national, individual-level evidence on these factors from the perspective of the professionals who deliver the service. To my knowledge, this is the first large-scale European survey that combines (i) notaries' comparative perceptions of trustworthiness, reliability and punctuality across the notarial, judicial and solicitor-led routes, (ii) their current involvement in amicable divorce and mediation, and (iii) their expectations about the effectiveness of specific, behaviourally informed interventions during the divorce consultation. The implications of these findings for the design of digital services are noted briefly here and developed further in the digitalisation chapters of this volume (Dijk *et al.*, this volume; Waltl, this volume).

The remainder of the chapter is organised as follows. Section 2 reviews the relevant literature on client experience in emotionally charged legal settings. Section 3 describes the methodological set-up of the survey, including sampling, instrument and ethical safeguards. Section 4 presents the descriptive findings and the main inferential results. Section 5 derives a

set of policy recommendations directed in the first instance at notarial chambers in the EU and, in the second instance, at national and EU policy-makers. Section 6 concludes and outlines limitations and avenues for further research.

2. Literature Review

2.1 The behavioural turn in legal services

Over the course of the last four decades, behavioural economics has produced a robust body of evidence that human decision-making systematically departs from the predictions of the rational choice model. Decisions are sensitive to how options are framed, to anchoring on initial values, to the disutility of losses relative to equivalent gains and to the perceived ownership of an object (Kahneman & Tversky, 1979; Tversky & Kahneman, 1981). These regularities, originally established in laboratory settings, have been replicated across very different cultural contexts. In their cross-society study of bargaining in fifteen small-scale societies, Henrich *et al.* (2001) show that even the prediction of the canonical model that proposers offer the smallest possible amount in the ultimatum game fails systematically across cultures and that the patterns of deviation track features of everyday social interaction rather than universal preferences. Hoffman, McCabe and Smith (1998) demonstrate that small changes to instructions and procedures can substantially alter sharing behaviour, suggesting that any institutional setting in which decisions are made – including a notary's office – is, in effect, a piece of choice architecture (Thaler, Sunstein and Baltz, 2013).

A related strand examines whether group decisions differ from individual ones. Charness and Sutter (2012) survey the literature and conclude that groups tend to behave in a more self-interested and, by the standards of economic theory, more 'rational' manner than individuals making the same decision alone. For a notarial consultation in which two spouses negotiate jointly, often in the presence of the notary, this matters: a two-person setting may amplify some heuristics (loss aversion over the marital estate, for example) while attenuating others.

Reciprocity is a further building block. Fehr, Fischbacher and Gächter (2002) summarise the evidence for 'strong reciprocity': a willingness to reward cooperative behaviour and to punish uncooperative behaviour even at personal cost, and even in one-shot anonymous interactions. In a divorce setting, where the parties have a long-shared history and where each move is interpreted as a signal about the other's intentions, reciprocity dynamics are likely to play a central role. Small concessions by one spouse, or by the professional managing the conversation, may produce disproportionately large movements in the other's position.

2.2 Procedural justice and trust in legal authorities

Procedural justice research, developed initially in the work of Thibaut and Walker (1975) and Lind and Tyler (1988) and extended in court settings by, among others, Grootelaar and Van

den Bos (2018), provides the most directly relevant framework for this study. The core finding is robust: litigants' trust in judges and acceptance of court decisions depends strongly on perceived procedural fairness – the extent to which they feel that they were given a voice, treated with respect and dealt with consistently and impartially. Grootelaar and Van den Bos (2018) report that perceived procedural justice predicted about 40% of the variance in trust in judges, and that outcome favourability mattered more when procedural justice was low. Procedural justice is, in other words, a partial substitute for receiving the desired outcome – a finding of obvious importance for a consensual divorce, where each party necessarily makes concessions.

Gramatikov and Klaming (2012) extend the framework to online dispute resolution in divorce, distinguishing procedural, distributive, interpersonal and informational justice and noting that people perceive procedures as fairer when they have a voice, when the procedure is neutral and consistent, when they are treated with respect, and when the rationales of decisions are explained. Each of these dimensions has a direct counterpart in the design of a notarial consultation: how the parties are received, how they are given time to speak, how the notary frames the choices on the table and how the resulting settlement is explained back to them.

2.3 Divorce-specific behavioural and institutional evidence

Empirical work specifically on divorce procedure adds two important nuances. First, the choice of professional intermediary has measurable distributive consequences. Using detailed Austrian court records, Halla (2007) estimates the causal effect of lawyer involvement on alimony and child support awards, applying a multiple-treatment matching design. He finds that engaging a lawyer increases the wife's alimony award substantially only in the configuration where only the wife is represented. In the symmetric 'arms race' configuration – both spouses represented – the award is statistically indistinguishable from the 'no lawyer' case, while the divorce process is meaningfully prolonged. The implication is that the choice of intermediary can generate a prisoner's-dilemma-like inefficiency, which a neutral, joint advisor could in principle mitigate.

Second, the literature on divorce mediation – reviewed thoroughly by Beck and Sales (2000) and by Braver *et al.* (2016) – cautions that not all facilitative interventions deliver psychological benefits. Differences between mediation and litigation on indicators such as depression or resolution of attachment to the former spouse are often small or absent at one-year follow-up (Beck and Sales, 2000). At the same time, this work documents the vulnerability

of the setting: power asymmetries between the spouses, the presence of children and the non-neutrality of any third party who must structure the conversation. The notarial setting differs from family-court mediation but the practical lessons are similar: behavioural interventions must be deployed with care, must be sensitive to the dyadic dynamics in the room and must not be confused with therapy.

2.4 The physical and relational environment

Less obvious, but equally well documented, is the influence of the physical setting in which legal or quasi-medical services are delivered. Arneill and Devlin (2002) show, in the context of physicians' waiting rooms, that environments perceived as well-lit, warm and tastefully furnished are systematically associated with higher ratings of perceived quality of care. The mechanism is plausibly one of inference: a setting that is evidently well-cared-for signals that the professional cares more generally. Although this evidence comes from healthcare, there is a direct implication for the design of a notarial reception area, the first physical impression that anchors the parties' expectations about how their case will be handled.

Taken together, the literature suggests three behavioural levers that a notary can in principle pull. The first is interactional: how the consultation is opened, how each party is given a voice and how the settlement is explained back to them. The second is informational: how options are framed, what starting point is anchored and how the future – rather than the past – is brought into the conversation. The third is environmental: the office setting and proactive communication of services before the first meeting. The empirical sections that follow operationalise the second of these – informational interventions – directly, and the first and third indirectly through measures of perceived professional competence, transparency and service offering.

3. Methodological set-up

3.1 Study design

The empirical evidence reported here was collected via an online survey of practising notaries and notary candidates in 22 EU Member States. The survey was developed iteratively in close cooperation with the project's legal and economic working groups and with the task force on behavioural research. An initial draft was discussed at a dedicated working session of the behavioural task force in mid-2025. The revised instrument was then piloted in a small number of countries before being rolled out across the full project consortium. The data collection

process was carried out during the second half of 2025 and was completed in time for preliminary results to be presented at the project's intermediate public event in early 2026.

The instrument was anchored to the project's central research question – which behavioural factors shape the client experience in a consensual divorce handled by a notary – and organised into four thematic blocks: (i) perceptions of the notarial profession in comparison with courts and solicitors (trustworthiness, reliability, punctuality); (ii) the notary's own set-up (transparency, timing of first contact, current service offering, including mediation); (iii) behavioural insights (perceived informedness, expected impact of concrete interventions and training); and (iv) further factors (office setting, proactive communication and demographics).

3.2 Sampling and response

Notarial chambers in each participating EU Member State distributed the invitation to their members and candidates. The resulting sample comprises 1,657 valid responses across the 22 participating countries. The mean age of respondents was 47 years, with the bulk of responses concentrated between their mid-30s and the mid-50s, and the gender split was approximately balanced (roughly 49% male, 50% female, with the remainder declining to state their gender). The number of responses per country varied substantially – from single-digit response counts in the smallest jurisdictions to several hundred in the largest – reflecting both the underlying size of the national notary profession and country-specific take-up. Table 1 summarises the sample. Unless otherwise stated, descriptive statistics in what follows treat the item 'non-response' as missing rather than imputing values.

Table 1. Sample composition (N = 1,657 valid responses across 22 EU Member States, 2025).

Characteristic	**Value**
Total valid responses (N)	1,657
Number of countries covered	22 EU Member States: AT, BE, BG, CZ, DE, EE, ES, FR, GR, HR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI, SK
Mean age (years)	47 (modal range mid-30s to mid-50s)
Gender (male / female / other or undeclared)	≈ 49% / ≈ 5% / remainder
Ever provided professional support in amicable divorce	≈ 82.6% yes
Personally offers mediation services	≈ 29% yes

Interested in further training on behavioural insights	≈ 80.7% yes

3.3 Instrument

Most items used 0-10 visual analogue scales, on the grounds that such scales are familiar across national administrative traditions and reduce the loss of information associated with coarse Likert categories. The five behavioural-intervention items asked respondents to indicate, on a scale from 0 to 10, the extent to which they believed the outcome of an amicable divorce can be influenced by, respectively: (a) psychological framing; (b) suggesting an objectively reasonable proposal for asset division as a starting point; (c) presenting examples of how other couples have successfully navigated their amicable divorces; (d) demonstrating empathy and active listening towards both parties; and (e) actively proposing a future-oriented approach to avoid dwelling on past conflicts. The wording was deliberately neutral, designed to capture respondents' professional beliefs about effectiveness rather than to elicit their personal preferences.

Perception items used a comparative design: for each of trustworthiness, reliability and punctuality, respondents rated the services of notaries, courts, solicitors and, as a sanity check, themselves, on the same 0-10 scale, from the perspective of potential clients. This allowed for within-respondent comparison and reduced the influence of country-level differences in the use of the scale.

3.4 Ethics and data protection

Participation was voluntary, anonymous and could be discontinued at any point without consequence. The survey did not collect any information that could directly identify the respondent. Demographic items were limited to age band, gender and country. Data were stored and processed in accordance with the EU's General Data Protection Regulation and the project's data management plan. The data was handled in accordance with the project's monitoring and evaluation strategy adopted by the Steering Committee.

3.5 Analytical strategy

After describing the sample (Section 4.1), I report two sets of mixed-effects (multilevel) regression models, estimated by restricted maximum likelihood. Mixed-effects models are appropriate here because the data have a nested structure – respondents within countries – and because, in the ratings analysis, each respondent rates four different targets. The models include

random intercepts that absorb this structure so that the fixed effects reported below describe within-structure regularities rather than artefacts of which countries or respondents happen to be over-represented.

The first set (Table 2) models the rated trustworthiness, reliability and punctuality of four targets – the respondent ('self'), fellow notaries, solicitors and courts – on the 0-10 scale. The data are arranged in long form so that each respondent contributes four rows, one per target. The models include random intercepts for respondents nested within a country, which capture both the dependence among a respondent's four ratings and systematic country-level differences in how the scale is used. For each of the three dimensions, I report a target-only model and a model that adds respondent-level covariates (behavioural-impact expectation, legal-system tradition, mediation practice, experience and gender). The reference target is 'self', so each target coefficient is the gap between that target and the respondent's own rating.

The second set (Table 3) models behavioural-impact expectation – the average of the five 0-10 items described above (framing, reasonable starting proposal, examples, empathy and active listening and a future-oriented approach). Given that each respondent contributes a single value here, these models include a random intercept for country only. I report a parsimonious model and a fuller model that adds the office environment, a held-out friendliness item, experience and gender. Both are estimated on the same complete-case sample so that their fit can be compared directly.

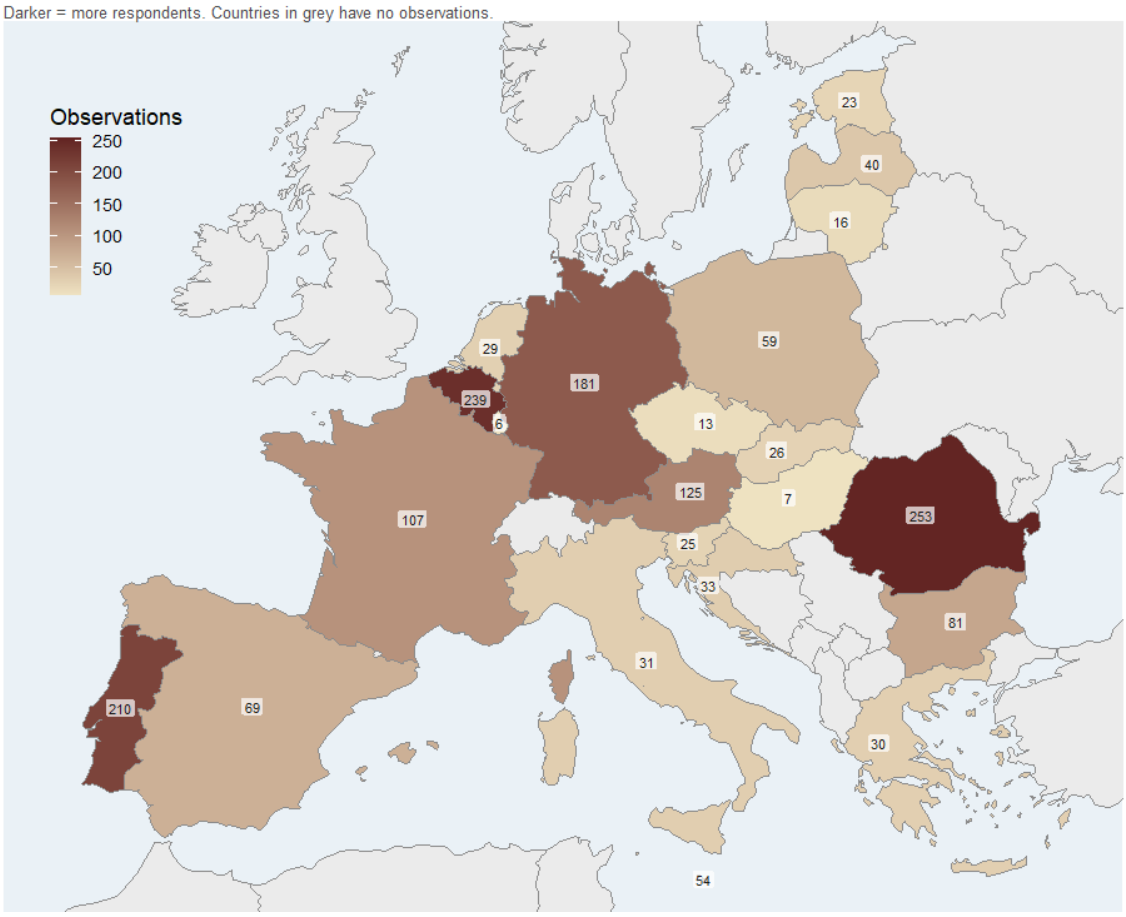
Two points of interpretation apply throughout. First, the survey is cross-sectional and the associations reported below are exactly that – associations, not causal effects. Second, all variables come from a single self-report instrument, so associations among self-perceptions and expectations may be partly inflated by common-method variance. I return to both points in Section 6.1.

4. Results

4.1 Descriptive findings

The sample is geographically broad but unevenly distributed. Romania, Belgium, Portugal and Germany each contributed more than 180 responses while several smaller jurisdictions – Luxembourg, Hungary and the Czech Republic – contributed fewer than 20. Figure 1 presents the country-level response count and would, in the published version of this chapter, be reproduced from the project's preliminary results deck.

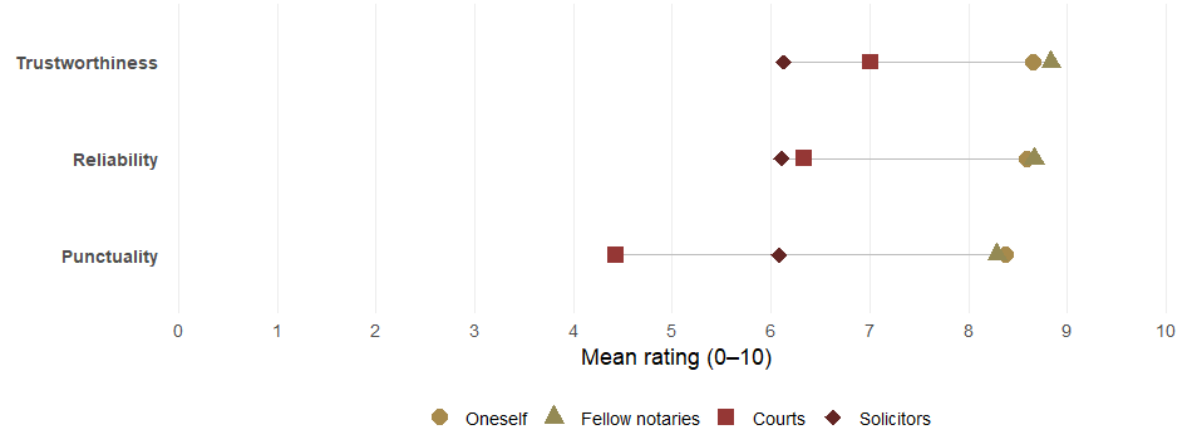
Figure 1: Number of valid survey responses by country, shown as a choropleth map of the participating EU Member States. Darker shading indicates more respondents and the figure inside each country is its respondent count; countries shown in grey did not participate and returned no observations.



Three descriptive findings stand out. First, notaries are, by their own profession's self-assessment, perceived as clearly more trustworthy, reliable and punctual than courts and solicitors when respondents rate each actor from the perspective of potential clients. Figure 2 plots the mean rating, on the 0-10 scale, that respondents gave to four actors – themselves, fellow notaries, courts and solicitors – on each of the three dimensions. The horizontal line in each row runs from the lowest-rated to the highest-rated actor, so that its length is a direct measure of how far apart the actors are seen to be. Two features are immediately visible. The notarial profession and the respondents themselves cluster tightly at the top of every dimension, at around 8.3 to 8.8 points, and are barely distinguishable from one another. This is an early sign of the strong professional in-group identification that Section 4.2 documents formally. Solicitors and courts, by contrast, sit well below. The most telling pattern concerns courts: they are rated above solicitors on trustworthiness and reliability (around 7 and 6.4 respectively, against about 6.1 for solicitors) yet fall to the lowest position of all on punctuality, at roughly

4.4 points – almost four points below the notarial rating. Courts are, in other words, seen as broadly credible but markedly slow to deliver, and it is on timeliness that the gap between the notarial route and the alternatives opens up widest. Section 4.2 quantifies these gaps using mixed-effects models. This professional self-perception is, of course, not an independent measure of how clients themselves see notaries, but it does provide a useful upper boundary on the 'competitive' space that the profession sees itself occupying.

Figure 2: Mean perceived rating of four actors – oneself, fellow notaries, courts and solicitors – on trustworthiness, reliability and punctuality, on a 0-10 scale, from the perspective of potential clients. The line in each row connects the lowest-rated and highest-rated actor.

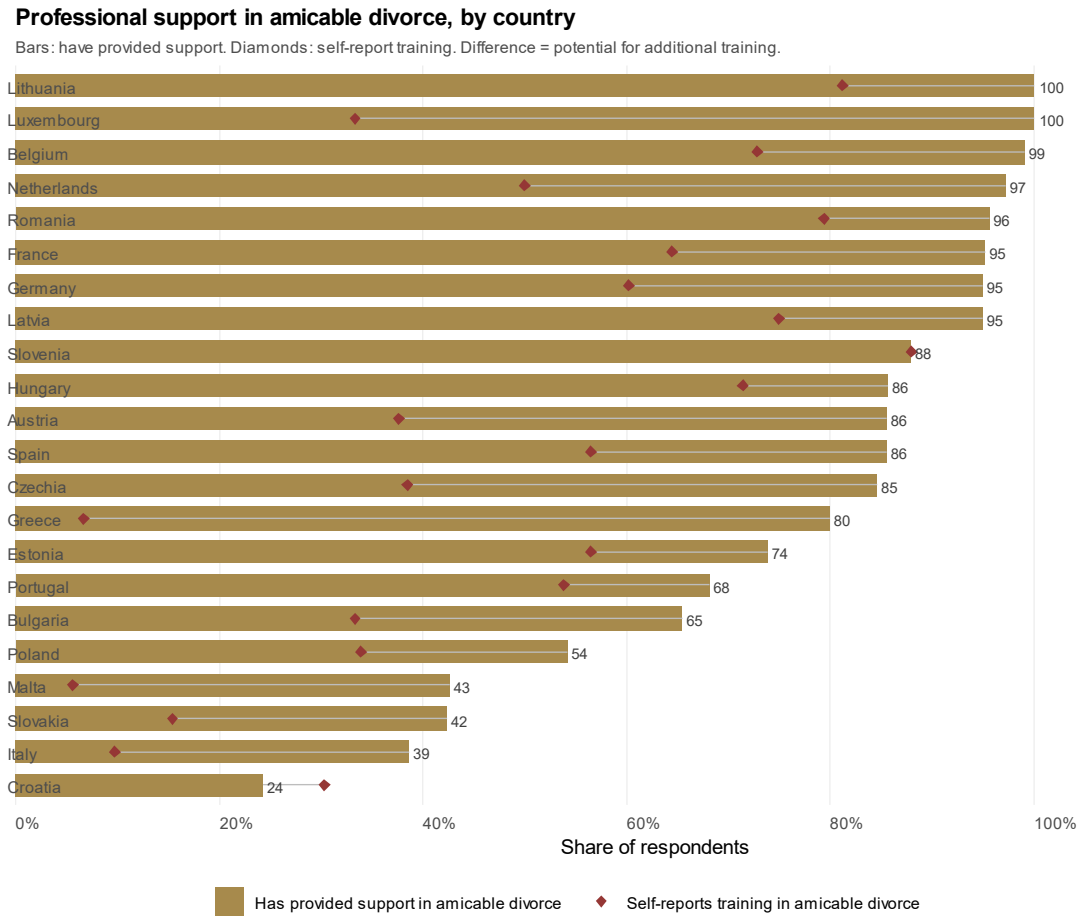


Second, professional support for amicable divorce in the notarial profession is widespread, but highly uneven across countries. Using the country-level figures shown in Figure 3, the weighted share of respondents who report having provided professional legal support in matters of amicable divorce is about 82.6% overall. The gold bars show the share of respondents in each country who have provided such support, with countries sorted from the highest share to the lowest. Provision is universal in Lithuania and Luxembourg (100% each), almost universal in Belgium (99.1%) and the Netherlands (97.2%), and very high in Romania (95.7%), France (95.3%), Germany (95%) and Latvia (95%). A second high-support group follows: Slovenia (88%), Hungary (85.7%), Austria (85.6%), Spain (85.5%) and Czechia (84.6%). Support then drops in Greece (80%), Estonia (73.9%), Portugal (68.1%), Bulgaria (65.4%) and Poland (54.2%), before reaching a lower group in which fewer than half of respondents report having handled an amicable divorce: Malta (42.6%), Slovakia (42.3%), Italy (38.7%) and, at the bottom, Croatia (24.2%). The country ranking tracks, not perfectly but visibly, the legal framework analysed by Lurger *et al.* (this volume): where the law allows or encourages notarial involvement in consensual divorce, the practice is generally more widespread, while countries

with more limited or less embedded notarial roles tend to appear lower in the distribution. In several of these countries, e.g. in Italy, the low figures reflect a legal architecture that routes consensual divorce mainly through lawyer-led assisted negotiation or the civil registrar rather than the notary, rather than any lesser willingness or capability. Ongoing reforms are in some cases widening the notarial role.

The red diamonds add a second layer: the share of respondents in each country who report having received training in handling amicable divorces. In most countries, the diamond lies to the left of the end of the bar, meaning that training levels are lower than actual provision. Across the country-level data, the weighted training share is about 55.8%, well below the weighted provision share of 82.6%. The difference is especially large in Greece, where 80% report having provided support but only 6.7% report training, a shortfall of 73.3 percentage points. Large differences also appear in Luxembourg (100% provision versus 33.3% trained), Austria (85.6% versus 37.6%), the Netherlands (97.2% versus 50%) and Czechia (84.6% versus 38.5%). Other sizeable differences appear in Malta (42.6% versus 5.6%), Germany (95% versus 60.2%), Bulgaria (65.4% versus 33.3%), France (95.3% versus 64.5%), Italy (38.7% versus 9.7%) and Spain (85.5% versus 56.5%). By contrast, the difference is much smaller in Portugal and Hungary (14.3 points each), Romania (16.2 points), Estonia (17.4 points), Lithuania (18.8 points) and Latvia (20 points). Slovenia is the only country where the two measures are exactly aligned, with both provision and training at 88%. Croatia is the one exception where the reverse is true: training, at 30.3%, slightly exceeds reported provision, at 24.2%. Taken together, the bars and diamonds point to a perceived capability gap in most countries: notaries report that they often provide support in amicable divorce despite reporting that the perceived training levels lag behind. In light of these results, it is worth pointing out that a caveat of the survey methodology is that one can never be sure how the questions are interpreted by the respondents. For example, in some jurisdictions, respondents may have interpreted ‘training in amicable divorce’ narrowly as referring to divorce procedure training rather than broader training in matrimonial property and related notarial competences. The perceived training gap should therefore be interpreted with appropriate caution.

Figure 3: Professional support in amicable divorce, by country. Bars show the share of respondents who report having provided professional support in an amicable divorce; diamonds show the share reporting training in amicable divorce. The gap between bar and diamond indicates potential for additional training



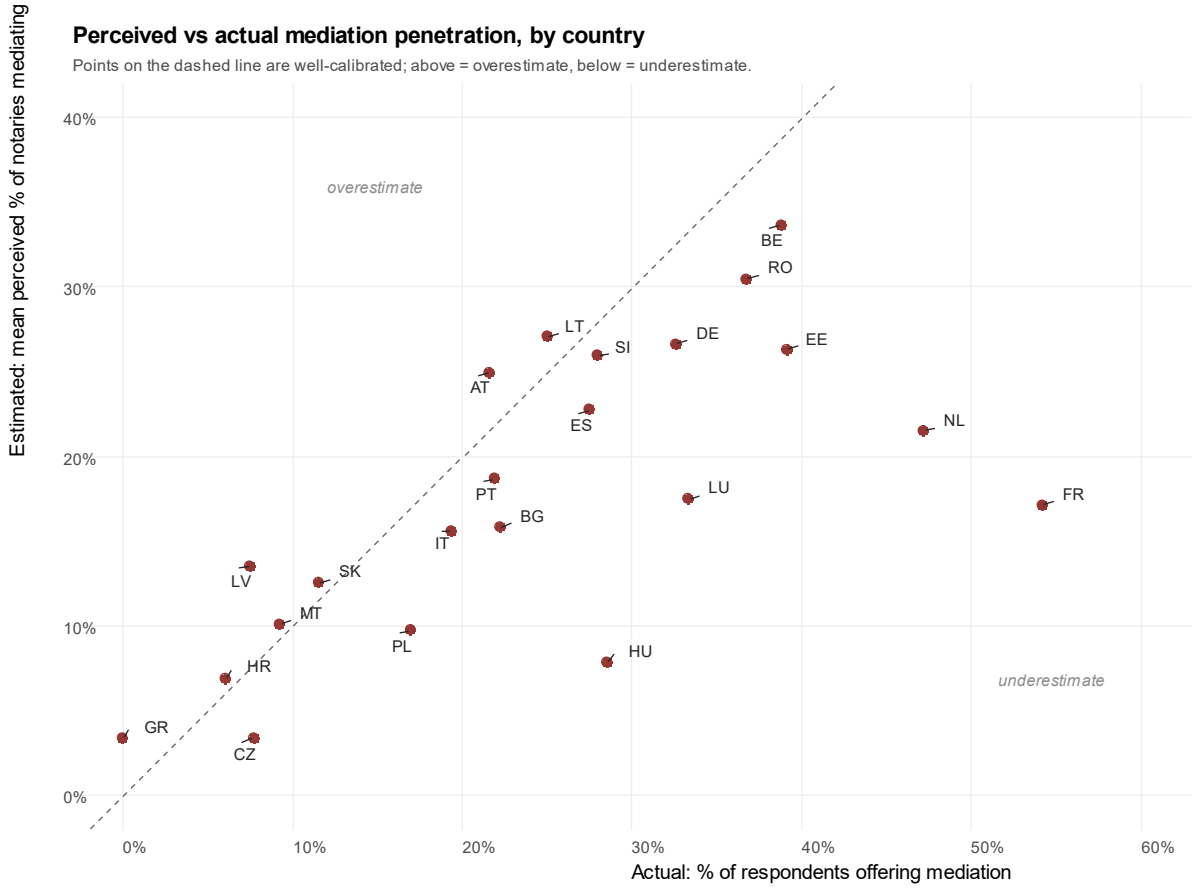
Third, mediation remains a minority offering: 29% of respondents personally offer mediation services, while respondents' average estimate of the share of notaries offering mediation in their own country is lower, at 22.6%. Figure 4 shows that this aggregate difference masks substantial country-level variation. Each point is a country, plotted by the actual share of respondents who personally offer mediation services on the horizontal axis and the average perceived share of notaries offering mediation in that country on the vertical axis. The dashed diagonal is the line of perfect calibration: points above it indicate overestimation, while points below it indicate underestimation.

Two features stand out. First, actual mediation provision never approaches universality. The highest reported levels are in France (54.2%), the Netherlands (47.2%), Estonia (39.1%), Belgium (38.8%) and Romania (36.8%). A middle group includes Luxembourg (33.3%), Germany (32.6%), Hungary (28.6%), Slovenia (28%), Spain (27.5%), Lithuania (25%), Bulgaria (22.2%), Portugal (21.9%) and Austria (21.6%). Lower levels are found in Italy

(19.4%), Poland (16.9%), Slovakia (11.5%), Malta (9.3%), Czechia (7.7%), Latvia (7.5%), Croatia (6.1%) and Greece, where no respondent reports personally offering mediation.

Second, perceptions are compressed into a relatively narrow range. The perceived share exceeds 30% only in Belgium (33.6%) and Romania (30.4%) and otherwise remains below 30%, even in countries where actual provision is comparatively high. This produces the largest underestimates in the highest-penetration countries: France reports 54.2% actual provision against only 17.1% perceived provision, a gap of 37.1 percentage points. The Netherlands reports 47.2% actual against 21.5% perceived, a gap of 25.7 points. Other notable underestimates appear in Hungary (28.6% actual versus 7.9% perceived), Luxembourg (33.3% versus 17.5%) and Estonia (39.1% versus 26.3%). By contrast, overestimation occurs mainly where actual provision is low or moderate: Latvia records 7.5% actual provision against 13.6% perceived, Greece 0% against 3.4%, Austria 21.6% against 24.9%, Lithuania 25% against 27.1%, Slovakia 11.5% against 12.5%, Malta 9.3% against 10.1% and Croatia 6.1% against 6.9%. A handful of countries sit close to the line, especially Croatia, Malta, Slovakia, Slovenia and Lithuania. Overall, the pattern points to limited visibility of mediation where it is most common: notaries in high-penetration markets tend to under-appreciate how widespread the service is, while overestimation is smaller and concentrated in countries where mediation remains relatively uncommon.

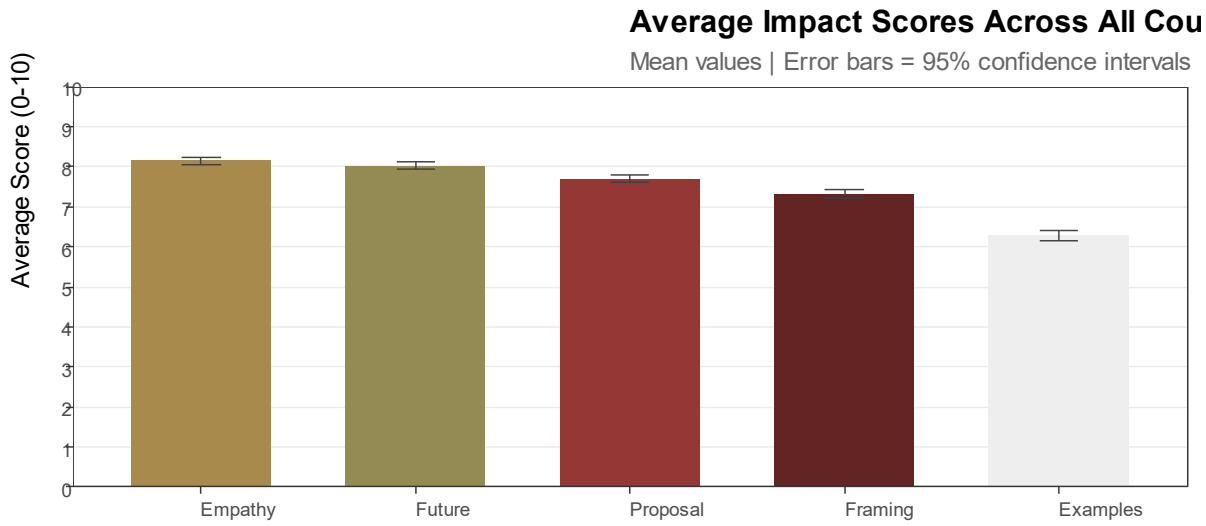
Figure 4: Perceived versus actual mediation penetration, by country. Each point is a country, positioned by the actual share of respondents offering mediation (horizontal axis) and the average perceived share offering it (vertical axis). The dashed diagonal is the line of perfect calibration: points above overestimate penetration, points below underestimate it.



On the behavioural interventions, the picture is broadly positive. Figure 5 shows the mean expected-impact rating that respondents assigned to each of the five levers on the 0-10 scale, together with 95% confidence intervals. The intervals are narrow throughout – a consequence of the large sample – so the ranking is precisely estimated. The means run from approximately 6.3 for 'presenting examples of other couples' to approximately 8.1 for 'demonstrating empathy and active listening'. Empathy and the 'future-oriented approach' (around 8) sit together at the top; the 'reasonable starting proposal' (around 7.7) and 'psychological framing' (around 7.3) follow closely; and presenting examples of other couples is the clear laggard, falling almost two points below empathy and well clear of the next-lowest lever. Two features stand out. First, every lever is rated, on average, above the midpoint of the scale – even the lowest sits at about 6.3 – so respondents expect all five interventions to have a meaningful effect. Second, they nonetheless distinguish clearly between them, reserving their highest expectations for the two interactional levers – empathy and a future-oriented focus – which

procedural justice research identifies as central to trust. Respondents thus see every intervention as potentially useful, but it is the interactional dimension that they expect to make the greatest difference.

Figure 5. Mean expected-impact rating for each of five behavioural interventions, on a 0-10 scale, pooled across all countries. Bars show means; error bars show 95% confidence intervals.



Finally, demand for upskilling is substantial. Asked whether they would like to learn more about how to apply behavioural insights in their professional environment, 80.7% of respondents say yes, against only 19.3 % who say no. Even on the most cautious reading – treating every non-response as a non-endorsement – a clear majority want to learn more and, among those who express a view, the balance is roughly five to one in favour. Preferences on the format of that training are equally clear and they point unambiguously towards a voluntary, chamber-led route. A majority (54%) would opt for voluntary training organised by the relevant notary chamber and a further 22% would welcome voluntary training carrying a professional certificate from the chamber. Therefore, close to three-quarters of respondents favour some form of voluntary, chamber-delivered training. Self-study materials recommended by the national chamber attract 12%, mandatory training (even with a certificate) is chosen by only around 9% and a negligible 2% reject all of the listed options. The implication for the design of any upskilling programme (Section 5.1) is twofold: the appetite is real and broad, but it is conditional on the training being voluntary and chamber-organised, with certification valued as an option rather than imposed as a requirement.

4.2 Inferential analyses

I now turn from description to the two sets of mixed-effects models introduced in Section 3.5. The first set (Table 2) examines the structure of professional ratings. The second (Table 3) examines what predicts a notary's expectation that behavioural techniques can shape outcomes.

Table 2. Mixed-effects models of professional ratings (0-10 scale). Reference target = self; reference country group = established legal systems. Estimates with standard errors in parentheses.

	Trustworthiness		**Reliability**		**Punctuality**	
Predictor	**Model 1**	**Model 2**	**Model 3**	**Model 4**	**Model 5**	**Model 6**
Intercept (self, established)	8.643*** *(0.113)*	7.687*** *(0.213)*	8.626*** *(0.116)*	7.494*** *(0.225)*	8.476*** *(0.131)*	7.194*** *(0.226)*
Notaries (vs self)	0.184*** *(0.049)*	0.235*** *(0.050)*	0.078 *(0.049)*	0.111* *(0.049)*	−0.087 *(0.054)*	−0.068 *(0.055)*
Solicitors (vs self)	−2.526*** *(0.049)*	−2.489*** *(0.050)*	−2.479*** *(0.049)*	−2.456*** *(0.049)*	−2.293*** *(0.054)*	−2.272*** *(0.055)*
Courts (vs self)	−1.649*** *(0.049)*	−1.529*** *(0.050)*	−2.246*** *(0.049)*	−2.161*** *(0.049)*	−3.949*** *(0.054)*	−3.873*** *(0.055)*
Impact composite (mean)	—	0.139*** *(0.019)*	—	0.128*** *(0.019)*	—	0.116*** *(0.021)*
Transformation country (0/1)	—	−0.180 *(0.216)*	—	0.127 *(0.233)*	—	0.609** *(0.219)*
Mediation (0/1)	—	−0.150* *(0.063)*	—	−0.094 *(0.065)*	—	−0.169* *(0.070)*
Years as notary	—	0.000 *(0.003)*	—	0.006* *(0.003)*	—	0.007* *(0.003)*
Female (0/1)	—	0.005 *(0.062)*	—	0.021 *(0.064)*	—	0.093 *(0.068)*
Observations	**6,628**	**6,204**	**6,628**	**6,204**	**6,628**	**6,204**
AIC	**25,101.1**	**23,105.5**	**25,013.2**	**23,134.1**	**26,286.1**	**24,397.2**
BIC	**25,148.7**	**23,186.3**	**25,060.8**	**23,214.9**	**26,333.7**	**24,478.0**

*Notes: linear mixed-effects models (REML), random intercepts for respondent nested within country. * p<0.05, ** p<0.01, *** p<0.001. The number of observations varies between models as only observations with complete covariate sets are used for regression analysis. M2/M4/M6 are estimated on a smaller, complete-case sample than M1/M3/M5, so their AIC/BIC are not directly comparable across that boundary.*

The structure of ratings across targets. The central and most robust finding is a steep gradient across rating targets that holds true across all three dimensions. Taking the respondent's own rating ('self') as the reference point, solicitors are rated far lower – by about 2.5 points for trustworthiness (−2.526, p<0.001), 2.5 points for reliability (−2.479, p<0.001) and 2.3 points for punctuality (−2.293, p<0.001) – and these gaps are stable in the covariate-adjusted models. Courts are also rated well below self, but the size of the deficit grows across dimensions. It is moderate for trustworthiness (about −1.6), larger for reliability (about −2.2)

and largest for punctuality (about −3.9, $p<0.001$). In plain terms, respondents perceive the court route as slower to deliver, a perception consistent with the well-documented caseload and backlog pressures on civil courts across the EU (see Berrer *et al.*, this volume) and one that reflects systemic constraints rather than any judgment on individual courts or judges.

By contrast, fellow notaries are rated almost identically to self. For trustworthiness, they are rated marginally above self in the target-only model (+0.184, $p<0.001$), an effect that persists once covariates are added (+0.235, $p<0.001$); for reliability, the gap is small but positive in the adjusted model (+0.111, $p<0.05$); and, for punctuality, the small negative gap is not statistically significant (−0.068, n.s., in the adjusted model). The substantive reading is that notaries identify their own professional standing closely with that of the profession as a whole, while drawing a sharp line between the profession and the other actors in the system. This corroborates and sharpens the descriptive picture reported in Figure 2 above, where notaries were shown to lead courts and solicitors on all three dimensions and courts were weakest on timeliness. The punctuality plots place notaries and the respondents themselves together at the top, with courts well below.

Correlates of rating level. Three respondent-level patterns emerge from the covariate-adjusted models (Models 2, 4 and 6). First, behavioural impact expectation is positively and significantly associated with all three ratings (trustworthiness +0.139; reliability +0.128; punctuality +0.116; all $p<0.001$). Notaries who expect more from behavioural techniques tend to give higher ratings across the board, a general positivity association to which I return below. Second, the broad contrast between post-socialist 'transformation' systems and established legal systems is not statistically significant for trustworthiness or reliability (−0.180 and +0.127, both non-significant), but transformation-system notaries rate punctuality significantly higher (+0.609, $p<0.01$). Once country-level differences are absorbed by the random intercepts, there is no robust East–West difference in trustworthiness or reliability ratings. Punctuality is the one exception.

Third, more experienced notaries give somewhat higher reliability and punctuality ratings (+0.006 per year for reliability and +0.007 for punctuality, both $p<0.05$), though not higher trustworthiness ratings. Across a decade of practice, this amounts to less than a tenth of a scale point. Gender is not significantly associated with any of the three ratings. Mediation practitioners give slightly lower trustworthiness (−0.150, $p<0.05$) and punctuality (−0.169, $p<0.05$) ratings. I read this as a more critical, perhaps better calibrated, stance among mediators

rather than as a substantive demerit – and note that it sits alongside their greater behavioural optimism in Table 3.

Table 3. Mixed-effects models of behavioural-impact expectation (mean of five 0-10 items). Estimates with standard errors in parentheses.

Predictor	Model 1	Model 2
Intercept	4.870*** *(0.348)*	3.495*** *(0.386)*
Mediation offered (0/1)	0.242** *(0.084)*	0.187* *(0.083)*
Supports amicable divorce (0/1)	0.171 *(0.115)*	0.185 *(0.112)*
Trustworthiness – self-rating	0.128* *(0.050)*	0.102* *(0.049)*
Reliability – self-rating	0.037 *(0.052)*	0.015 *(0.051)*
Punctuality – self-rating	0.045 *(0.037)*	0.025 *(0.036)*
Willingness to learn behavioural approaches	0.581*** *(0.093)*	0.494*** *(0.093)*
Office welcomingness	—	0.216*** *(0.030)*
Impact: being more friendly (held-out item)	—	0.096*** *(0.022)*
Years as notary	—	−0.007 *(0.004)*
Female (0/1)	—	0.054 *(0.082)*
Observations	**1,541**	**1,541**
AIC	**5,559.9**	**5,516.2**
BIC	**5,607.9**	**5,585.6**

*Notes: linear mixed-effects models (REML), random intercept for country. Both models estimated on the same complete-case sample (n = 1,541). * p<0.05, ** p<0.01, *** p<0.001.*

Determinants of behavioural impact expectation. Table 3 turns the behavioural impact composite into the dependent variable. The composite is the average of the five intervention items discussed above. A sixth, conceptually adjacent item – the expected impact of being more friendly – is deliberately held out of the composite so that it can serve as an independent predictor without mechanical circularity. Model 1 is parsimonious; Model 2 adds the office environment, the held-out friendliness item, experience and gender. Both are estimated on the same complete case sample of 1,541 respondents and Model 2 fits the data slightly better (AIC 5,559.9 → 5,516.2; BIC 5,607.9 → 5,585.6), with the Model 1 coefficients remaining stable in

sign and significance – so the associations below are not artefacts of the variables added in the second block.

By a clear margin, the strongest predictor is a willingness to learn behavioural approaches (+0.581 in Model 1, +0.494 in Model 2, both $p<0.001$), more than twice any other substantive predictor. Notaries who are open to learning these techniques already expect more from them: receptivity and optimism form a single, coherent attitudinal cluster. Offering mediation is the next clearest predictor: practising mediators score about a quarter of a point higher on the 0-10 impact scale (+0.242, $p<0.01$ in Model 1; attenuated to +0.187, $p<0.05$ in Model 2). Professional self-image matters, but selectively: a higher trustworthiness self-rating predicts higher impact expectation (+0.128 and +0.102, both $p<0.05$, in the two models), whereas the reliability and punctuality self-ratings do not. It is specifically the trust facet of self-image, not general self-regard, that tracks behavioural optimism.

In Model 2, a more welcoming office is a further significant predictor (+0.216, $p<0.001$), consistent with a broadly client-centred orientation among the more behaviourally optimistic respondents and the held-out friendliness item is – as expected from its conceptual closeness – a significant predictor (+0.096, $p<0.001$). The latter is best read as convergent validity evidence rather than as a distinct causal driver, particularly given the common method considerations discussed in Section 6.1. Finally, two common explanations can be ruled out: neither professional experience (−0.007, not significant) nor gender (+0.054, not significant) predicts behavioural impact expectation and support for amicable divorce, while positively signed, is not significant either (+0.171 and +0.185).

Read together, Tables 2 and 3 tell a consistent story. Notaries hold a strong, in-group professional self-image and see themselves and their peers as clearly more trustworthy, reliable and punctual than courts or solicitors. Their openness to behavioural techniques is best understood not as a demographic accident – it is unrelated to experience or gender – but as a coherent professional orientation that travels together with a willingness to learn, the practice of mediation, a trust-centred self-image and a more welcoming office. For the design of training and service standards (Section 5) this is encouraging: the things that predict behavioural openness are orientations and practices that chambers can cultivate, not fixed characteristics. I discuss the limits of these associations – in particular their cross-sectional, self-report nature – in Section 6.1.

5. Policy recommendations

Five recommendations follow from the findings. They are addressed in the first instance to notarial chambers across the EU and in the second instance to national and EU policy-makers. They are framed at the level of behavioural insight. Their digital implementation is discussed in the digitalisation chapters of this volume (Dijk *et al.*, this volume; Waltl, this volume).

A preliminary clarification frames all five recommendations. The recommendations below are techniques of communication, transparency and procedural fairness. They operate strictly within, and are subordinate to, the notary's statutory duties of impartiality towards both parties, checking legality and ensuring the free and informed consent of each spouse. None is intended to influence the substantive outcome to the advantage of one party and any practice that could not be disclosed openly to both parties should not be used. Read in this light, the recommendations strengthen, rather than qualify, the notary's role as an impartial public officer.

5.1 Make voluntary, chamber-led behavioural training available

Demand is clear and the appetite for further upskilling is broadly distributed. Around 80% of respondents want to learn more about how to apply behavioural insights and the preferred format is voluntary and chamber-led. This conclusion is reinforced by the regression evidence: a willingness to learn behavioural approaches is by some distance the strongest predictor of expecting these techniques to work (Table 3, +0.581, $p<0.001$), and – importantly – behavioural openness is unrelated to experience or gender, which suggests that it is an orientation that training can cultivate rather than a fixed trait. The most cost-effective response is therefore a short, modular ongoing education offering – delivered through the existing chamber infrastructure rather than imposed from above – that covers the five interventions covered in this study and locates them within the broader framework of procedural justice. Certification can be offered as a secondary option for those who want it.

5.2 Raise awareness of the importance of the opening of the consultation

The procedural justice evidence strongly suggests that the opening minutes of the first consultation carry disproportionate weight in shaping the parties' subsequent trust (Grootelaar and Van den Bos, 2018). A light-touch chamber-recommended template – not a mandatory script – that ensures that each party is greeted, given an explicit invitation to speak and walked through the procedure before any substantive negotiation begins would translate this evidence into practice without infringing on the individual notary's professional discretion.

5.3 Offer reference points – deliberately and transparently

Notaries believe – and the underlying literature on anchoring supports this belief – that proposing an objectively reasonable, openly explained starting point for asset division can help the parties avoid arbitrary first offers and converge on a fair settlement. The aim is to support the parties' own informed decision, consistent with the notary's duty of impartiality, not to steer them towards a predetermined result. Any such practice must, of course, remain fully consistent with the applicable notarial professional rules and ethical obligations, including in contexts involving mediation. However, notaries should not open every client situation by setting a reference point. Rather, the concept is one to understand and then apply wisely and adaptively, reserving it for cases where a well-judged starting point is likely to improve the fairness and quality of the outcome, or to reduce the risk of the parties resorting to contested litigation at a later stage, and setting it aside where it would add little or might even prove counterproductive. When anchoring is used, the manner matters. Presented transparently, with a reference point anchored in the law and in the parties' own circumstances, it is an entirely legitimate technique that helps avoid arbitrary first offers and reduces the bargaining range. Used opaquely, it risks being read as bias. The recommendation is therefore both behavioural and ethical. Where notaries propose a starting point, they should do so selectively, and its basis should be made explicit to both parties.

5.4 Build a future-oriented frame into the conversation

Among the five interventions surveyed, 'actively proposing a future-oriented approach to avoid dwelling on past conflicts' received the second highest expected impact rating after empathy. This is consistent with the broader observation that prospective framings reduce the emotional cost of concession-making. A short structural prompt – 'before we discuss the past, let us agree on what each of you wants the situation to look like in two years' time' – is straightforward to incorporate into the existing consultation flow.

5.5 Treat the physical and digital environment as part of the service

Evidence from the design of healthcare environments (Arneill and Devlin, 2002) shows that the physical setting in which a sensitive service is delivered shapes perceptions about the quality of the service. In the current survey, notaries with more welcoming offices also expressed greater confidence in behavioural techniques (Table 3, +0.216, $p<0.001$). This is an association among professional orientations rather than direct evidence about clients, but it is consistent with a broader client-centred outlook. The notarial reception area is the first point of

contact and therefore the first anchor: investments in light, comfort, privacy and quiet plausibly pay off in terms of client experience. The digital counterpart – discussed in detail by Waltl (this volume) – is the online entry point through which an increasing share of consensual divorces will arrive. The same logic applies here.

In summary, an evaluation strategy should be built-in from the start. A staggered rollout based on specific regions to test it – or, better, a small randomised pilot in one or two chambers – would generate the kind of evidence on actual client outcomes that this survey, by design, cannot produce.

6. Conclusion

Consensual divorce is a setting in which behavioural design matters. The parties enter the procedure uncertain, emotionally charged and often inexperienced, and the way in which the conversation is structured shapes both the substantive outcome and the parties' acceptance of it. This chapter has presented evidence from a cross-national survey, of notaries in 22 EU Member States, about which behavioural factors notaries themselves see as most relevant. The picture that emerges is one of a strong professional mandate – notaries are seen as more trustworthy, reliable and punctual than the alternatives by their own profession and they identify their own standing closely with that of the profession as a whole – combined with substantial heterogeneity in current capability and a clear, broadly distributed appetite for further upskilling. Behavioural interventions are expected to have substantial effects. The highest-rated interventions cluster around the interactional dimension that procedural justice research identifies as central to trust. And openness to these interventions is a cultivable professional orientation rather than a function of experience or gender.

6.1 Limitations

Several limitations qualify these findings. First, the survey measures notaries' beliefs and self-reports, not client outcomes. The five behavioural interventions are evaluated in terms of expected effectiveness and whether they actually shift settlement quality, time-to-resolution or post-divorce satisfaction is a question for a field experiment rather than a survey. Relatedly, given that every variable comes from a single self-report instrument, the associations among self-perceptions and expectations may be partly inflated by common-method variance. This caution applies with particular force to the association between the held-out friendliness item

and the impact composite in Table 3, which is best read as convergent validity rather than as an independent effect.

Second, the design is cross-sectional. The regression coefficients reported in Section 4.2 are associations, not causal effects, and the direction of some relationships is genuinely ambiguous. For example, whether offering mediation makes notaries more behaviourally optimistic, or whether more behaviourally optimistic notaries are more likely to take up mediation, cannot be settled with these data.

Third, the covariate models rely on complete cases. The impact models in Table 3 are estimated on 1,541 of the 1,657 respondents, and the covariate-adjusted rating models in Table 2 on 6,204 of 6,628 target-level observations. The remainder are dropped because of missing values on one or more covariates. The analyses therefore assume that data are missing at random, an assumption that a future sensitivity analysis should probe.

Fourth, the countries differ markedly in the number of respondents they contributed, roughly 1,081 from established systems and 576 from transformation systems, with wide variation among individual countries. The random intercepts therefore pull estimates for smaller countries towards the overall mean. This is appropriate but it means that the country-level picture is deliberately conservative. Complementary exploratory analyses, moreover, did not find well-separated ‘types’ of notaries. The profession appears to vary along continuous gradients rather than falling into discrete clusters, which is why this chapter speaks of orientations and tendencies rather than using typological language.

Fifth, participation in the survey itself was voluntary and the invitation was distributed by the national chambers. For that reason, the sample might be self-selected towards notaries who are already interested in amicable divorce and behavioural approaches. In that sense, the results need to be put in perspective and interpreted accordingly. For example, the appetite for further behavioural training and the expected impact ratings may not necessarily be read as representative point estimates.

A final caveat concerns perspective. The comparisons between notaries, courts and solicitors are anchored in notaries’ own perceptions. A parallel survey of clients, or of judges and solicitors, would be needed to triangulate the striking in-group pattern documented in Table 2.

6.2 Future research

The natural next step is a small, well-designed field experiment, ideally conducted in cooperation with one or two participating chambers and integrating the digital tools discussed by Waltl (this volume). The five interventions identified in this chapter – framing, reasonable starting proposal, examples, empathy and active listening and future-orientation – are concrete enough to be operationalised in a training-and-pilot design, and the cross-country variation documented here offers a natural set of comparison sites.

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