



Notaries, Amicable Divorce & Mediation in Europe: Demand, Capability Gaps, and the Role of Behavioral Insights

Findings based on the JuWiLi II Behavioral Survey

18th of June 2026



Co-funded by the
European Union

Agenda

For the meeting of the
TF Behavioural

- 01** Welcome by the chair
- 02** Introductory note on the chosen methodology
- 03** Refresher on the survey results
- 04** Preview of recommendations
- 05** Review of book chapter & discussion of recommendations

1. Welcome by the chair

2. Introductory note on the chosen methodology

A note on method: survey instead of field experiment

- **What the grant foresaw:** a small field experiment of about 20 participants (court versus notarial setting), or analysis of existing dispute-settlement data.
- **What we implemented:** a standardised online survey of 1,657 notaries and notary candidates across 22 countries.
- **Why the change is principled:** it sharpened the research question and produced comparable, statistically analysable evidence across Member States.

Why the survey is the stronger design

- **Comparability across borders:** standardised data from 22 countries, not a single site – central to a project about cross-country practice.
- **Real professionals, not proxies:** practising notaries and candidates, rather than the student samples typical of lab and field experiments.
- **Random assignment is not viable in divorce:** parties self-select their path, so an experiment would confuse self-selection with the effect of the setting; the survey avoids unfounded causal claims.
- **Efficient and honest about limits:** high scientific value within the available budget and timeline; findings reflect professional, not client, perspectives.

3. Refresher on the survey results

Why this survey?

- **Build an evidence base across countries:** Quantify notaries' current roles, perceptions, and service provision in amicable divorce and mediation.
- **Identify actionable levers for scaling impact:** Pinpoint capability/training needs, perception gaps, and appetite for behavioral-insight interventions.
- **Translate evidence into policy recommendations:** Voluntary chamber-led training, light-touch consultation standards, and pilots with client-outcome evaluation.

2 Detailed survey results

Who responded?

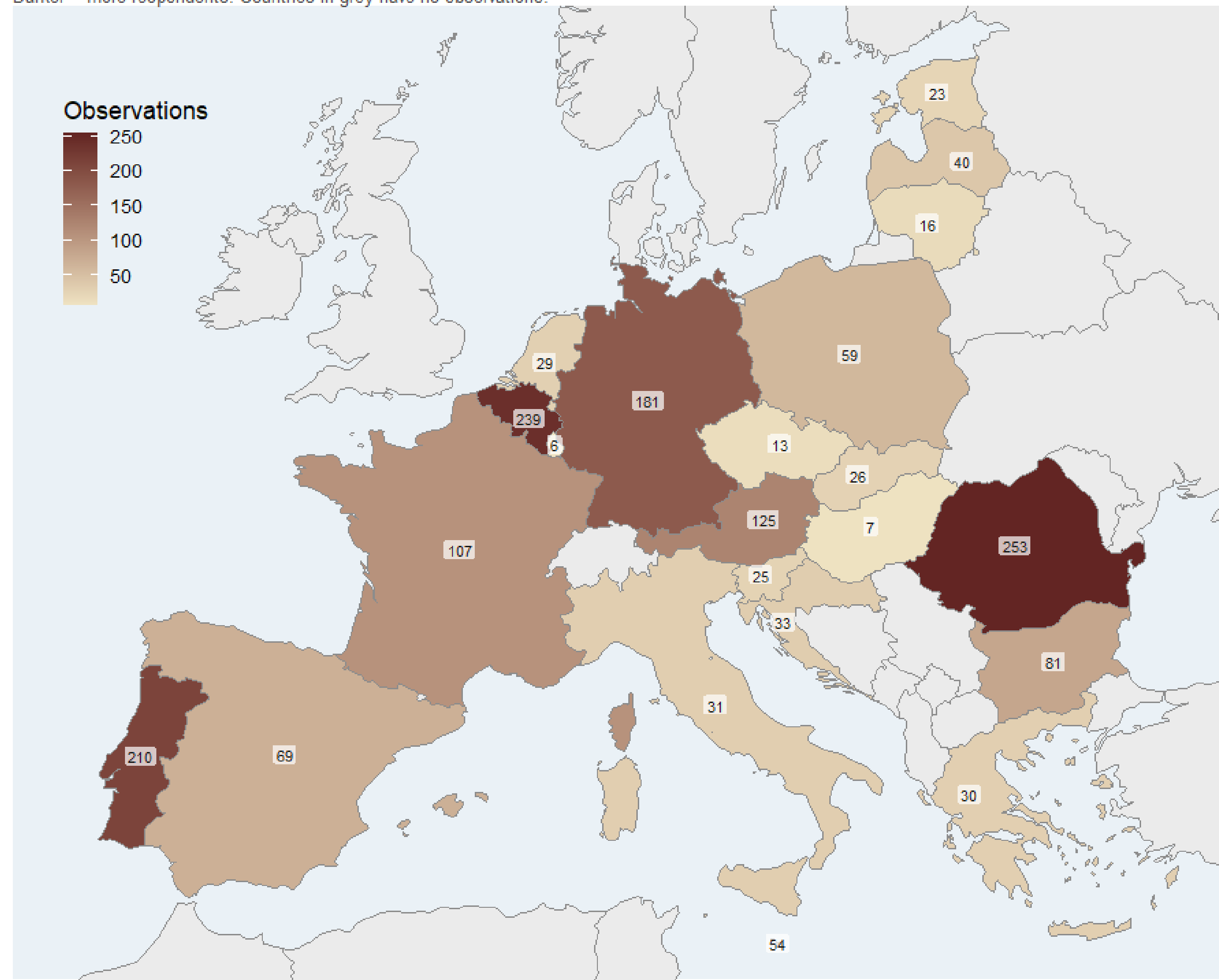
- **1,657** notaries / notary candidates responded across **22 countries**
- **Average age is 47**, with most respondents in the mid-30s to mid-50s
- Overall split is **~49% male / ~50% female**

Disclaimer:

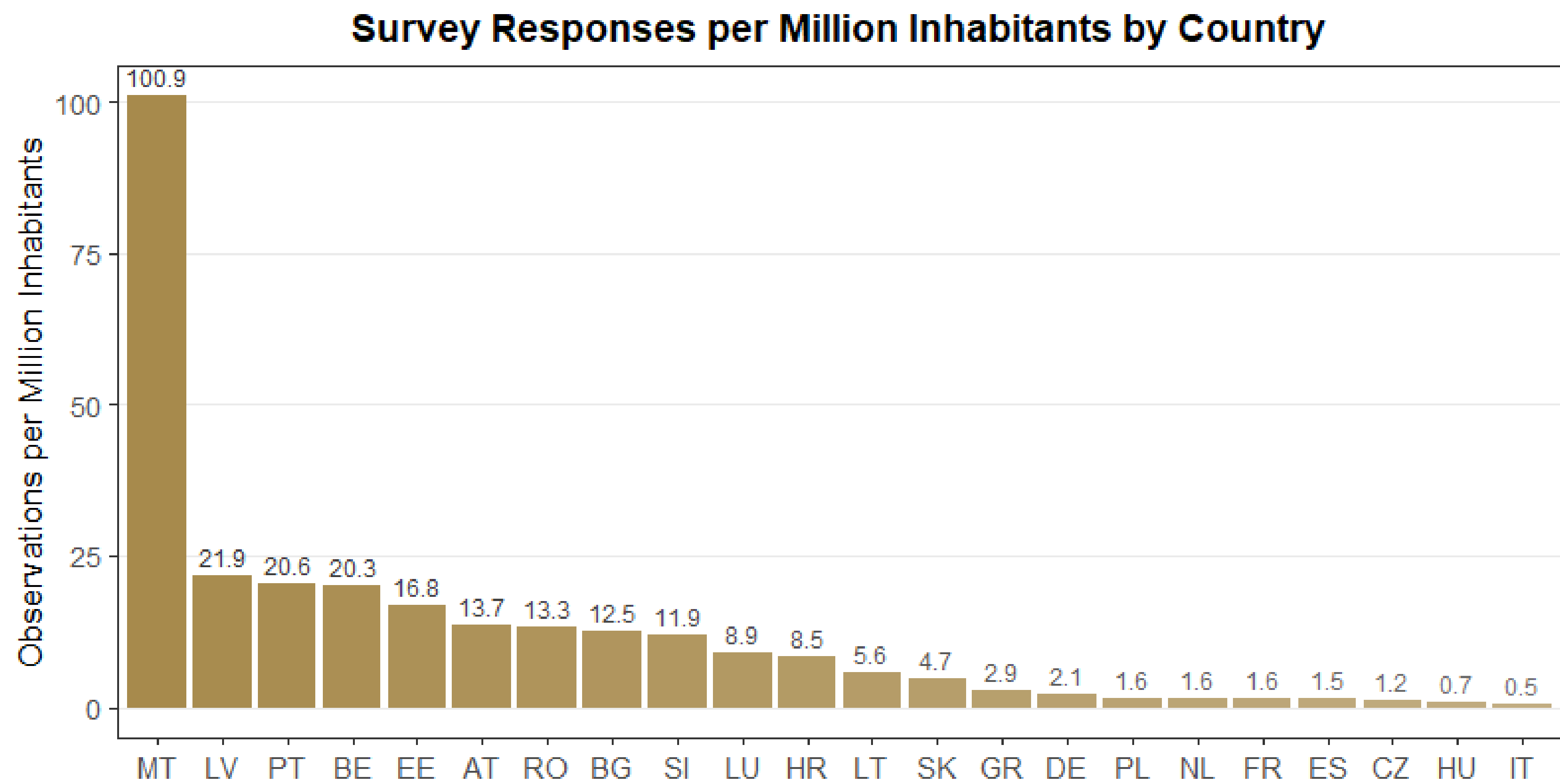
unless otherwise stated, missing values in the survey responses are not considered when computing descriptive statistics

In total 1657 notaries & notary candidates across 22 countries answered the survey, i.e., about 75 responses per country on average

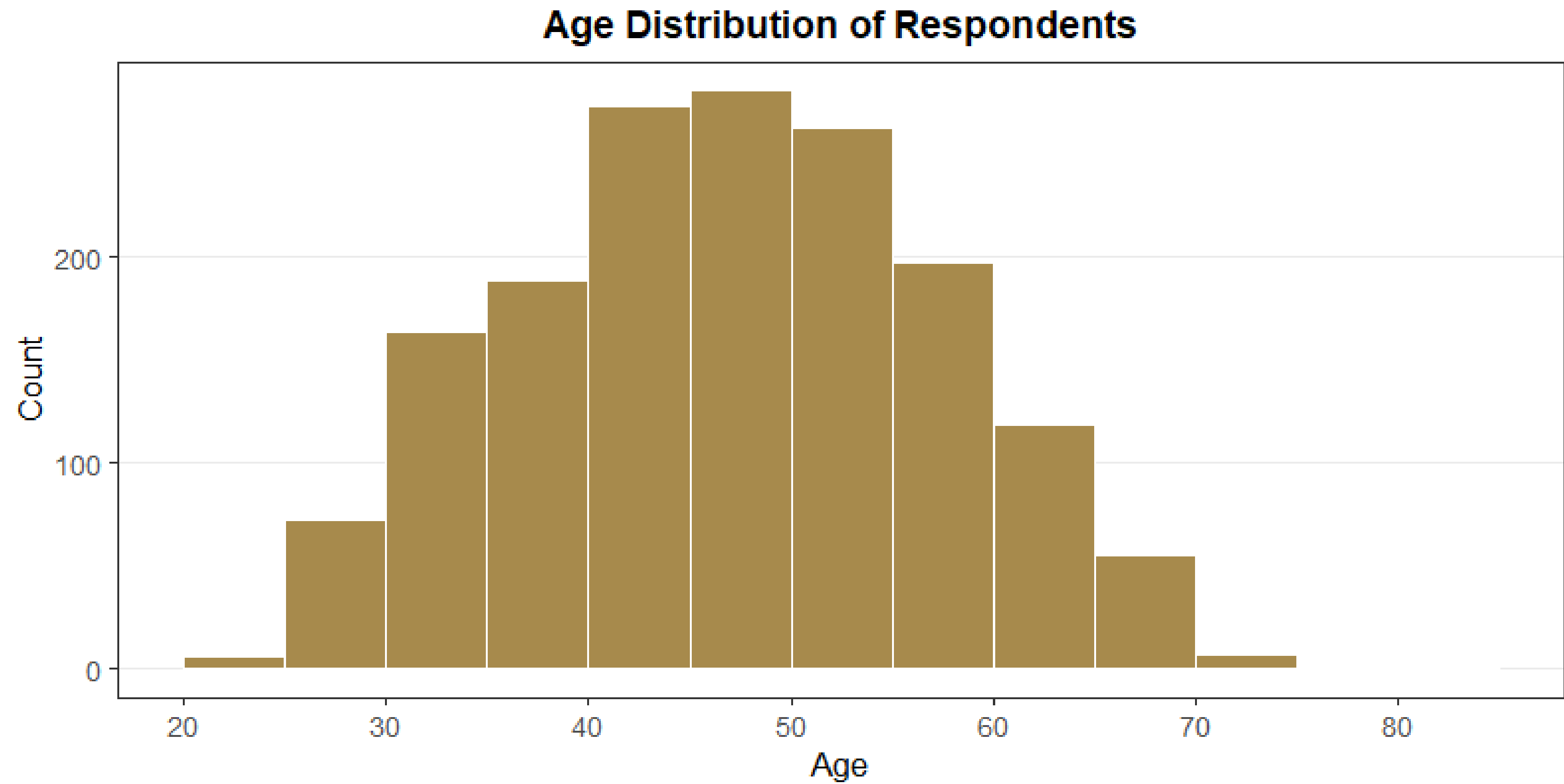
Darker = more respondents. Countries in grey have no observations.



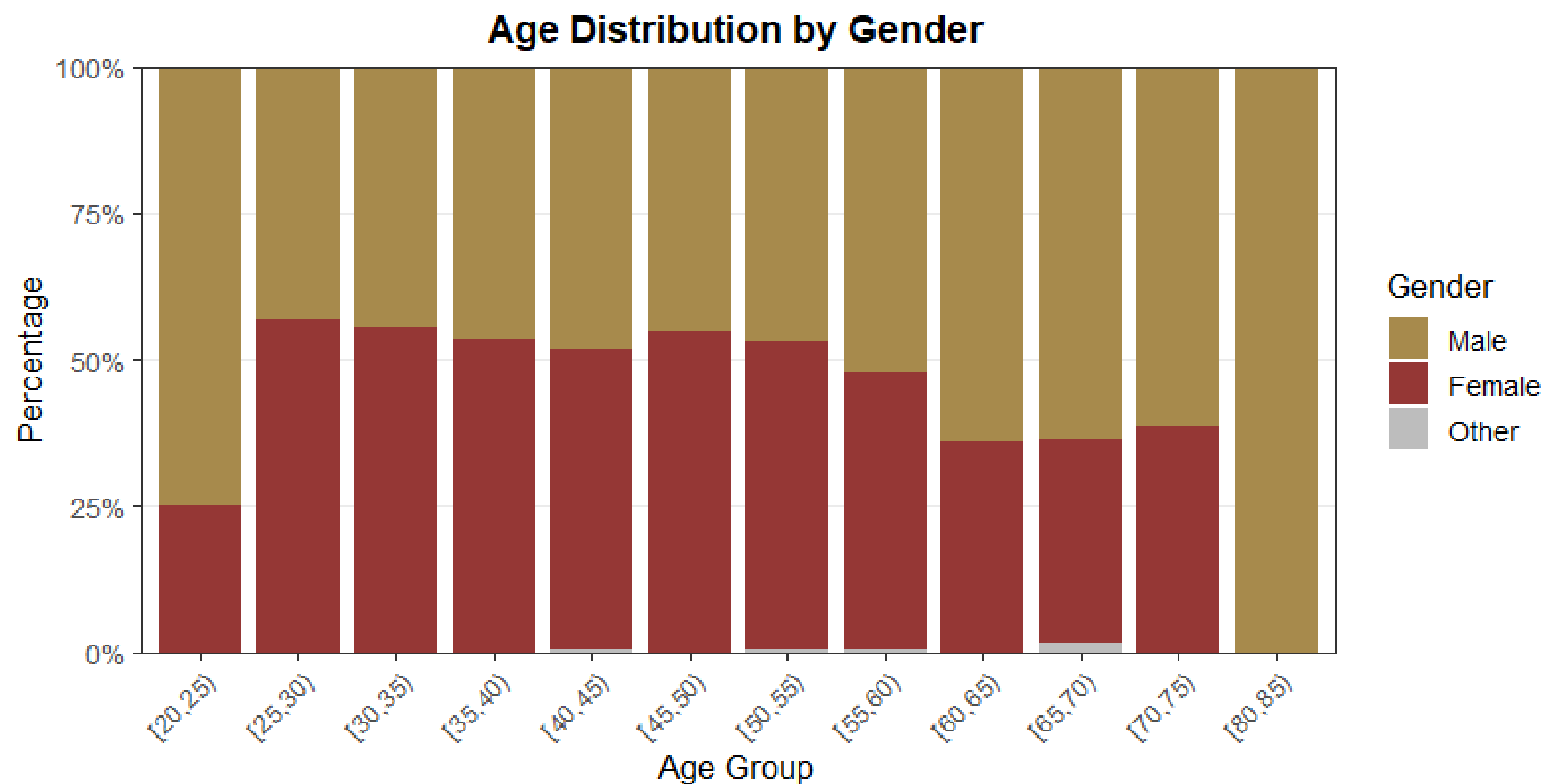
... normalized by number of countries' inhabitants



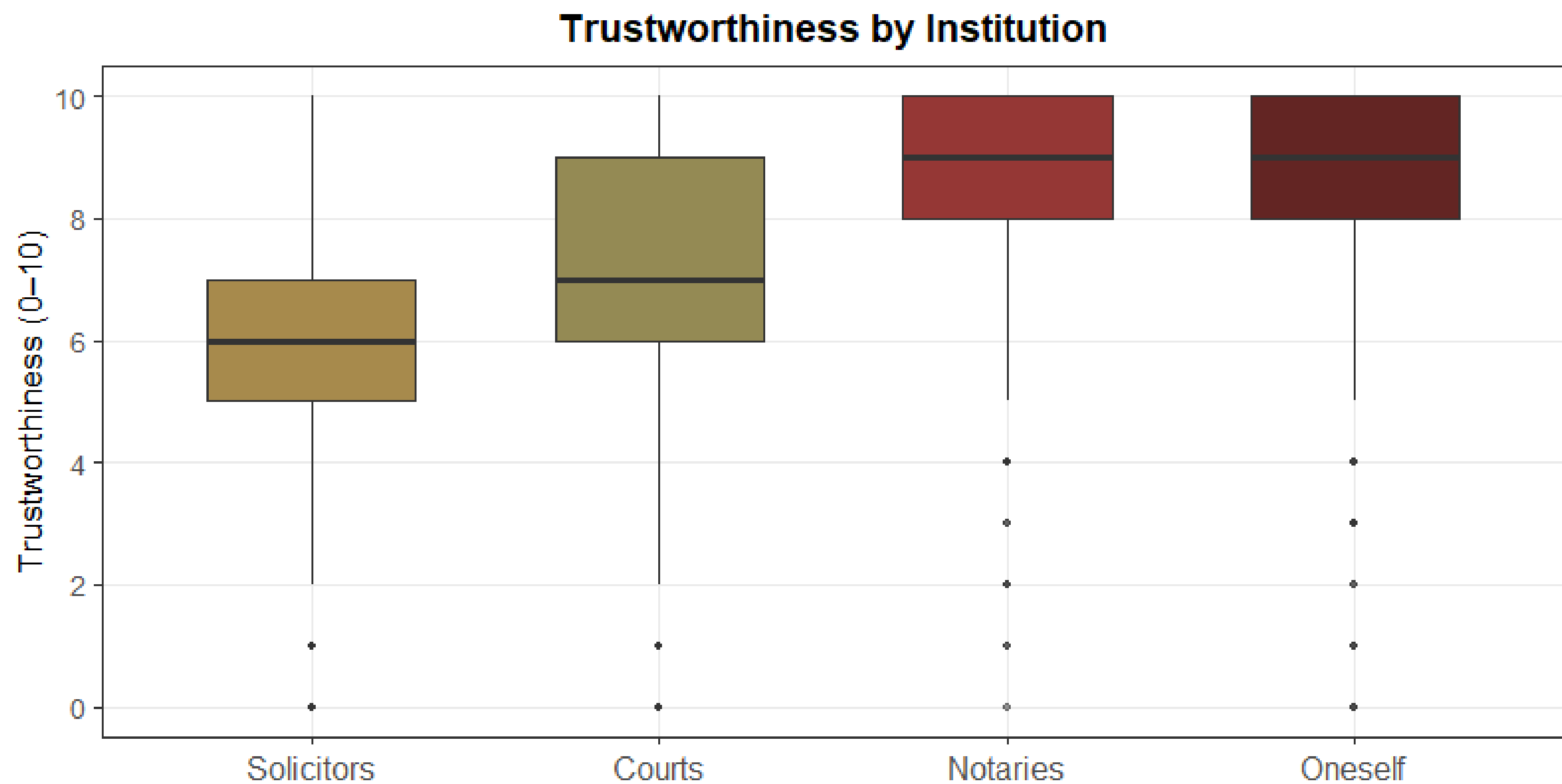
The average respondent was 47 years of age



About 49% of respondents identified as male and 50% as female



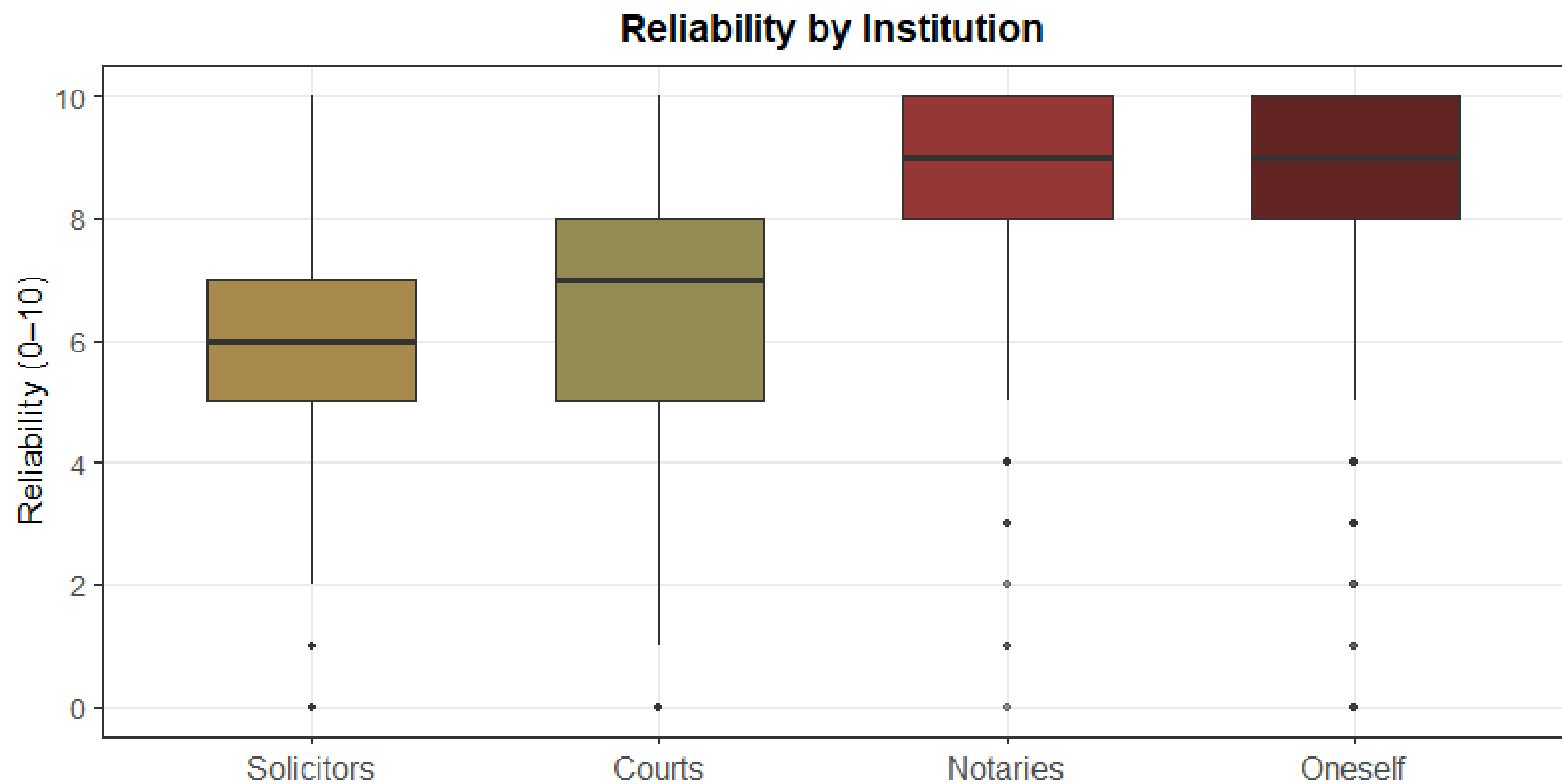
Notaries are perceived more trustworthy than courts and solicitors



Survey implementation:

“By trustworthiness, we mean earning the trust of others to act honestly, ethically, and reliably, so that others feel secure in relying on you. How trustworthy do you perceive the services of ... in your country from the perspective of potential clients?”

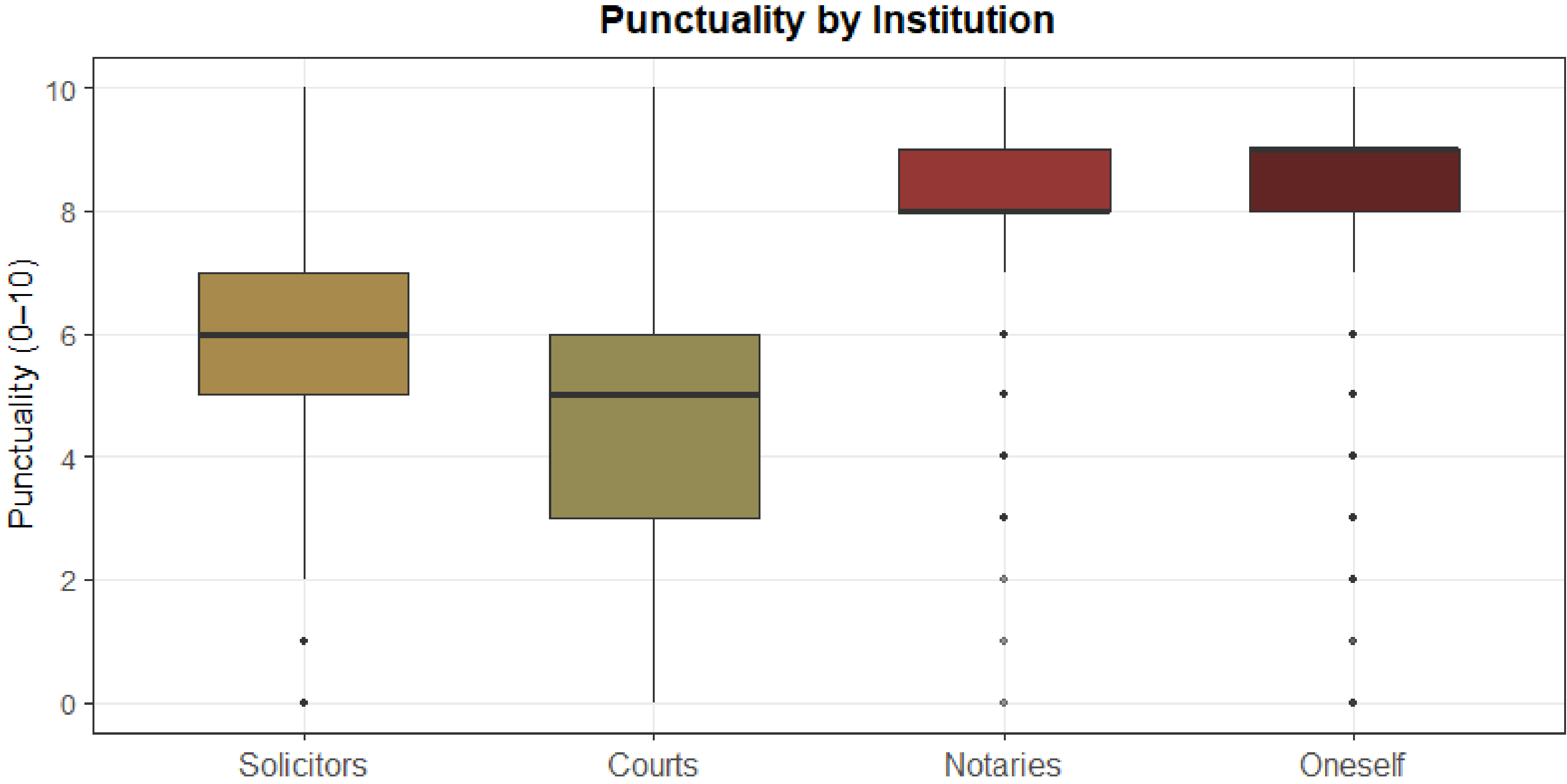
Notaries are perceived as more reliable than courts and solicitors



Survey implementation:

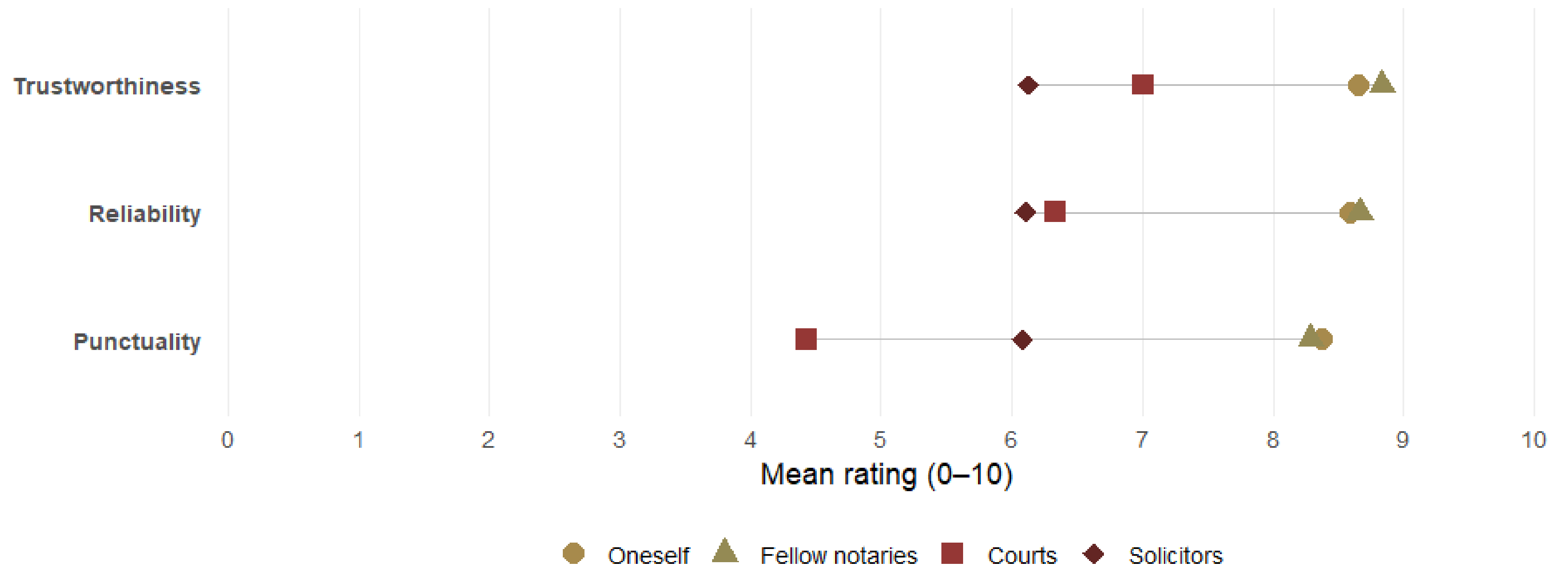
“By reliability, we mean consistently delivering good results and meeting expectations over an extended period. How reliable do you perceive the services of ... in your country from the perspective of potential clients?”

Notaries are perceived as more punctual than solicitors and courts



Survey implementation:
“By punctuality, we mean the ability to deliver expected results in a timely manner.
How punctual do you perceive the services of ... in your country from the perspective of potential clients?”

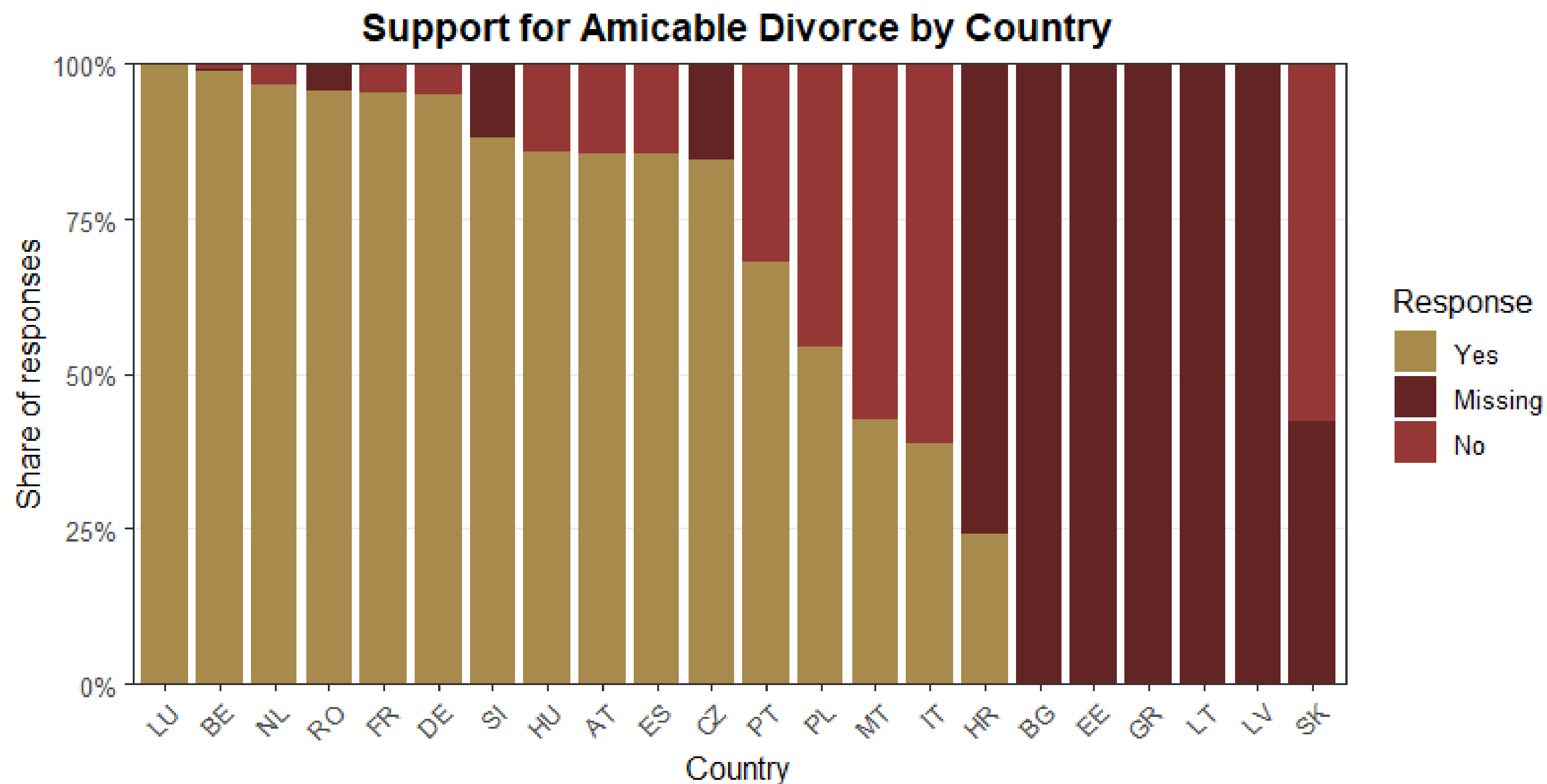
In Summary, notaries are viewed as much more trustworthy, reliable and punctual



Trust & Service Quality

- **Strong in-group profile:** Self-ratings and ratings of fellow notaries are almost identical and sit at the top on trustworthiness, reliability, and punctuality.
- **Court deficit is mainly timeliness:** Courts are seen as broadly credible, but almost four points below the notarial route on punctuality.
- **Model results confirm the target gaps:** The pattern remains after accounting for country/respondent structure; no robust East-West rating difference emerges.

72% have provided support in amicable divorce, but country variation is large



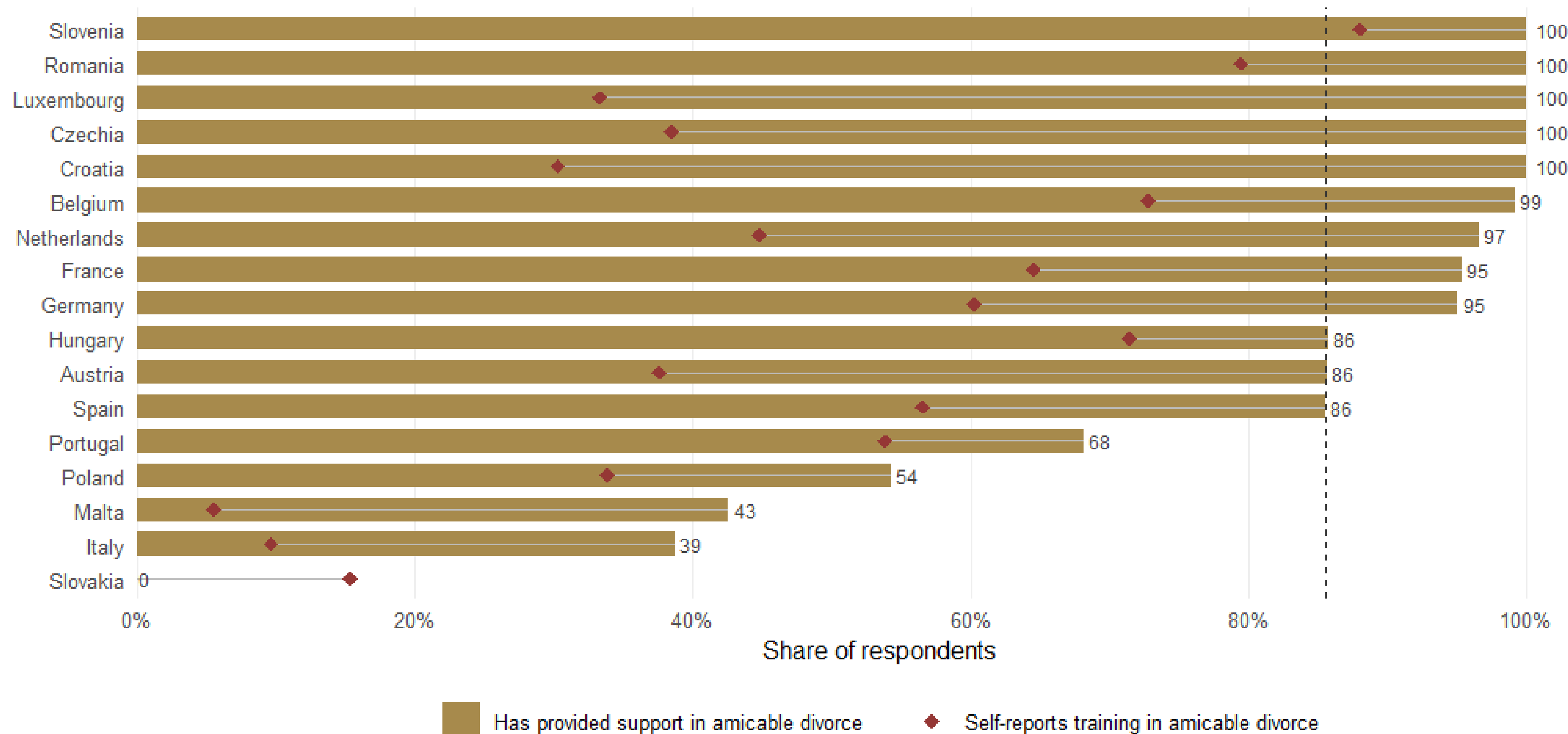
Survey implementation:

"In your career as a notary, have you ever provided professional legal support in matters of amicable divorce?"

Formal training lags behind amicable-divorce practice

Professional support in amicable divorce, by country

Bars: have provided support. Diamonds: self-report training. Gap = capability shortfall.



Survey implementation:

“Do you consider yourself well-trained to handle couples seeking an amicable divorce?”

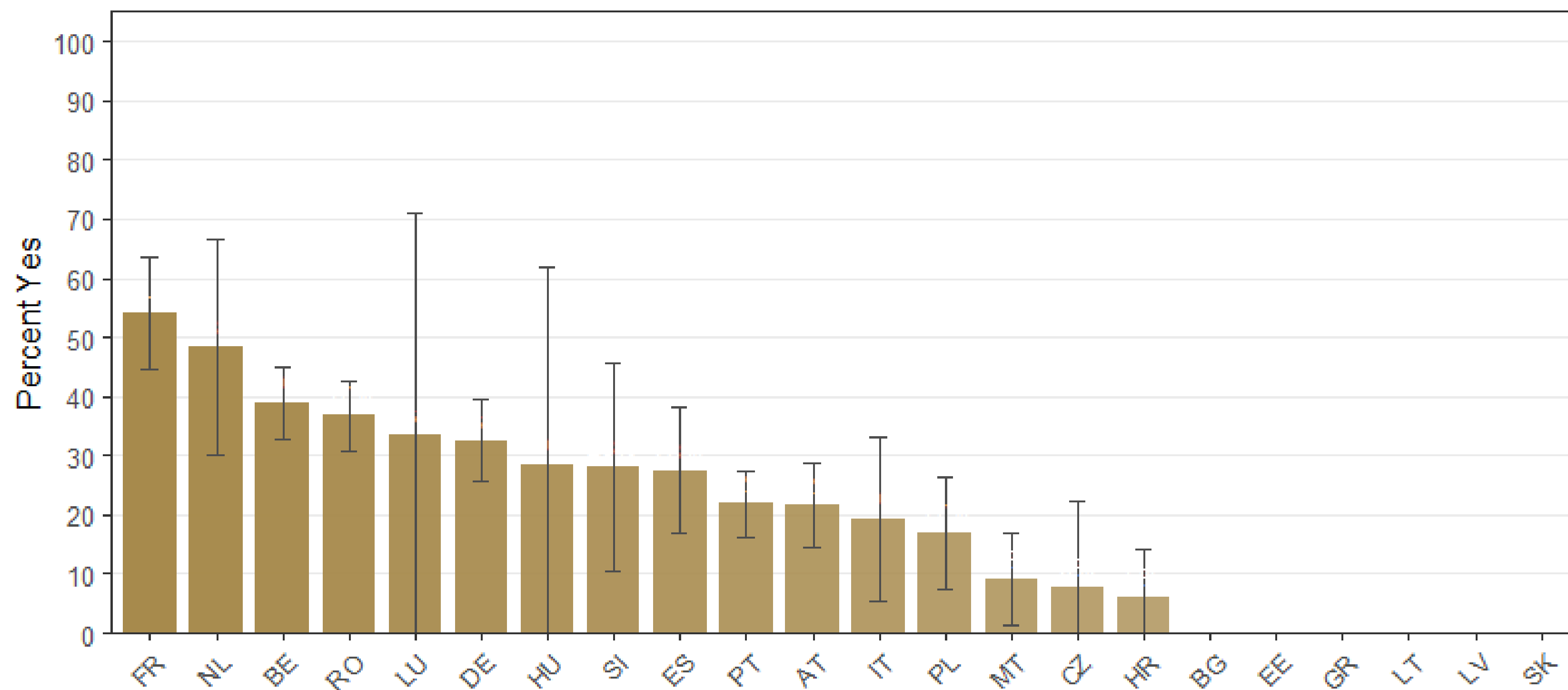
Amicable Divorce

- **Broad provision, uneven by legal framework:** ~72% have provided professional support, with near-universal experience in several countries and very low shares where notarial involvement is not available.
- **Capability gap:** Formal training often lags behind practice, including in high-provision markets.
- **Scaling implication:** The evidence points to a training/standards gap more than a demand gap where notaries can legally act.

Only 22% currently offer mediation services

Share of Yes Answers (Mediation) by Country

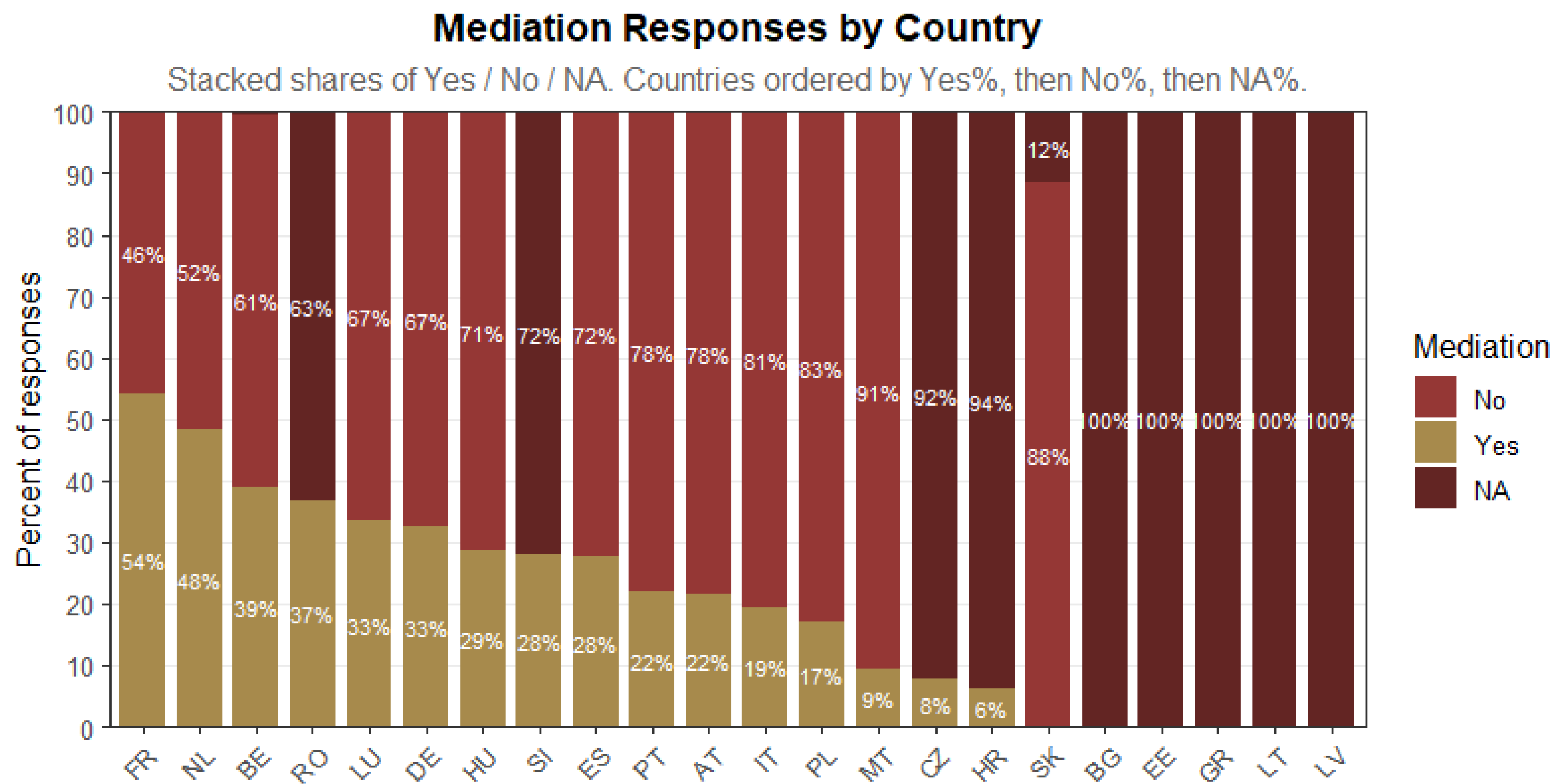
Missing treated as No | Error bars = 95% CI



Survey implementation:

“Do you personally offer mediation services?”

Mediation provision differs widely across countries



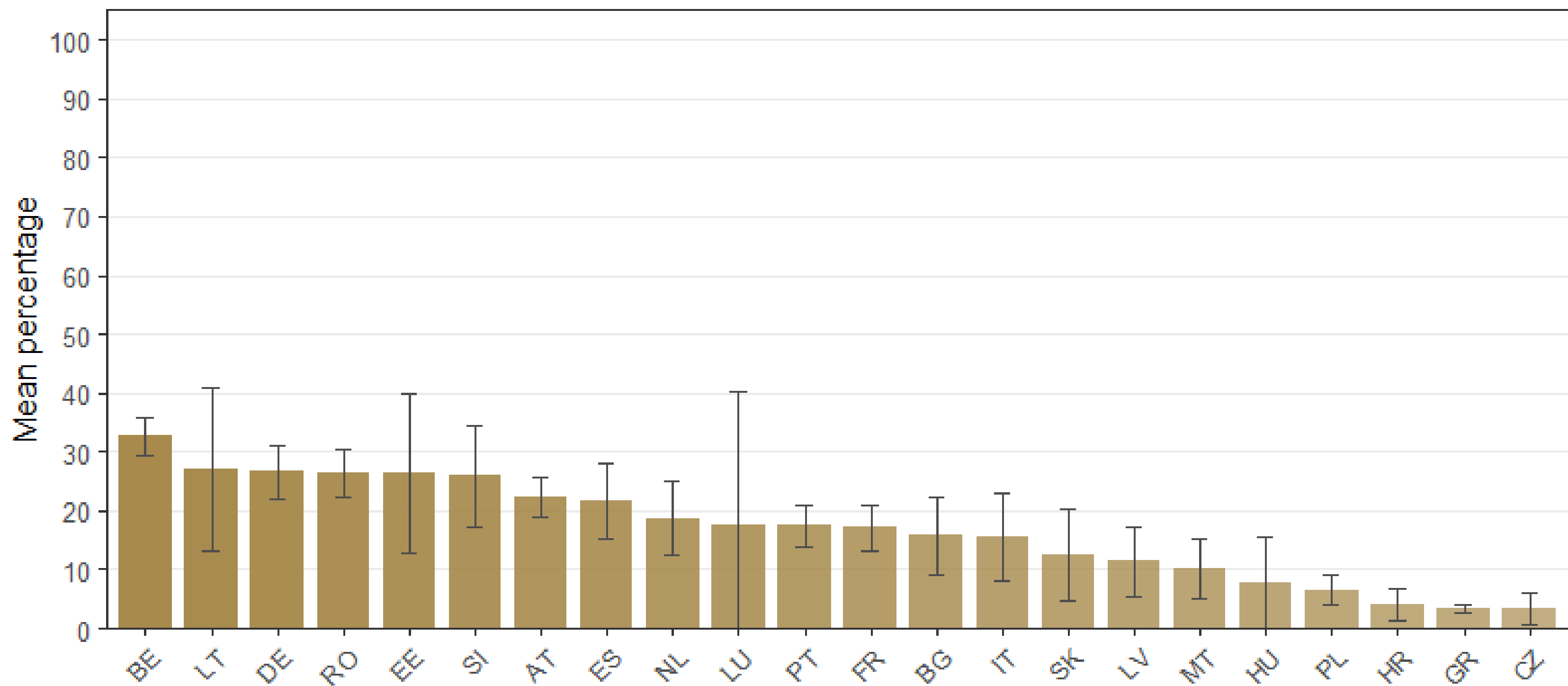
Survey implementation:

“Do you personally offer mediation services?”

Peer mediation penetration is estimated at about 21%

Average Percentage of Mediating Notaries by Country

Restricted to values from 0 to 100 | Error bars = 95% CI

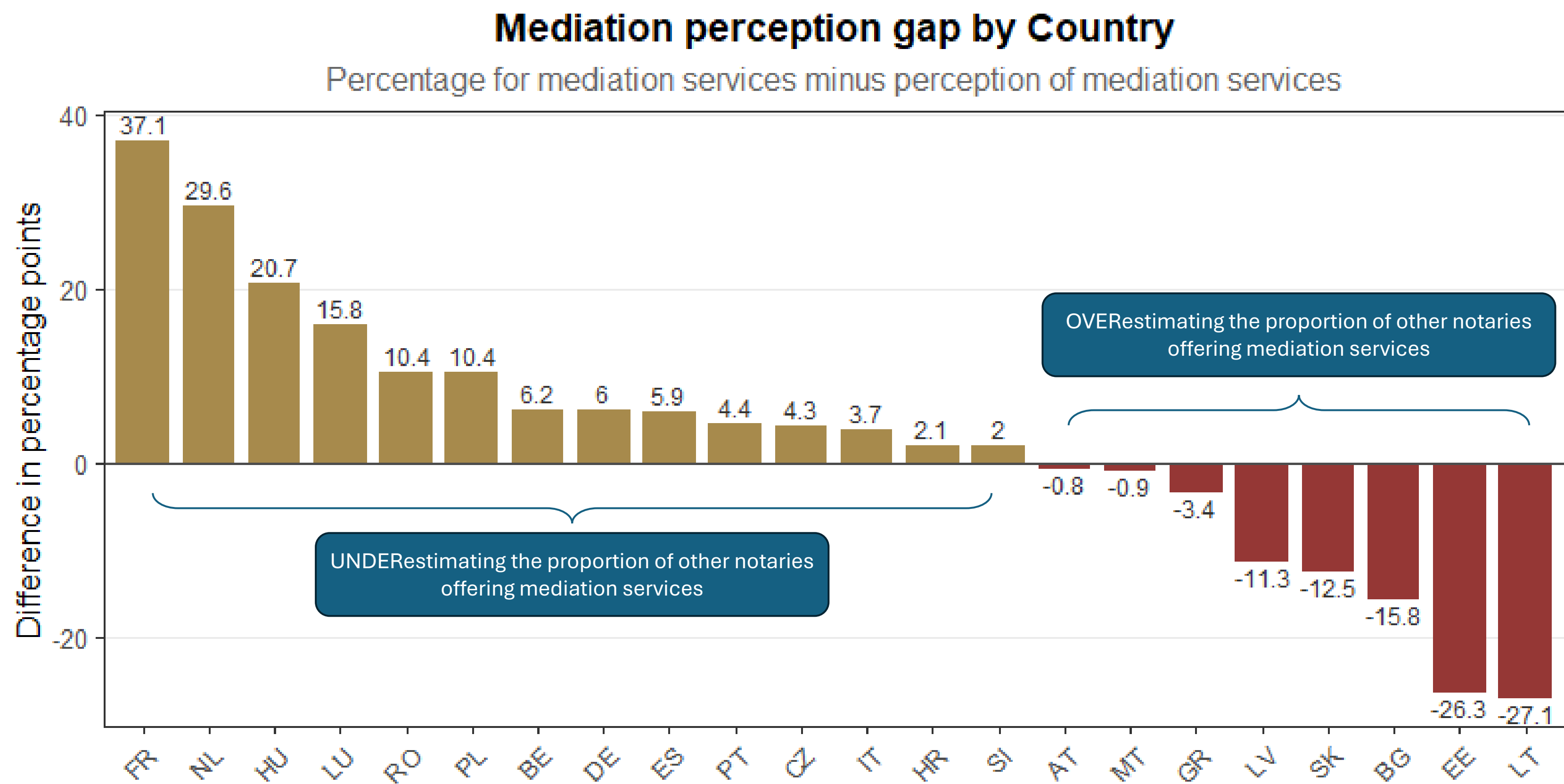


Survey implementation:

“What percentage of notaries in your country do you estimate offer mediation services?”

JUSTICE
WITHOUT
LITIGATION

Mediation perceptions are accurate on average, but uneven by country



Mediation Services

- **Mediation remains a minority offering:** ~22% personally offer mediation services.
- **Accurate on average, miscalibrated by country:** Estimated penetration averages ~21%, but high-penetration markets tend to underestimate actual uptake.
- **Visibility challenge:** Perceptions are compressed into a narrow range; chambers can make mediation services and peer practice more visible.

Behavioral levers tested in the survey

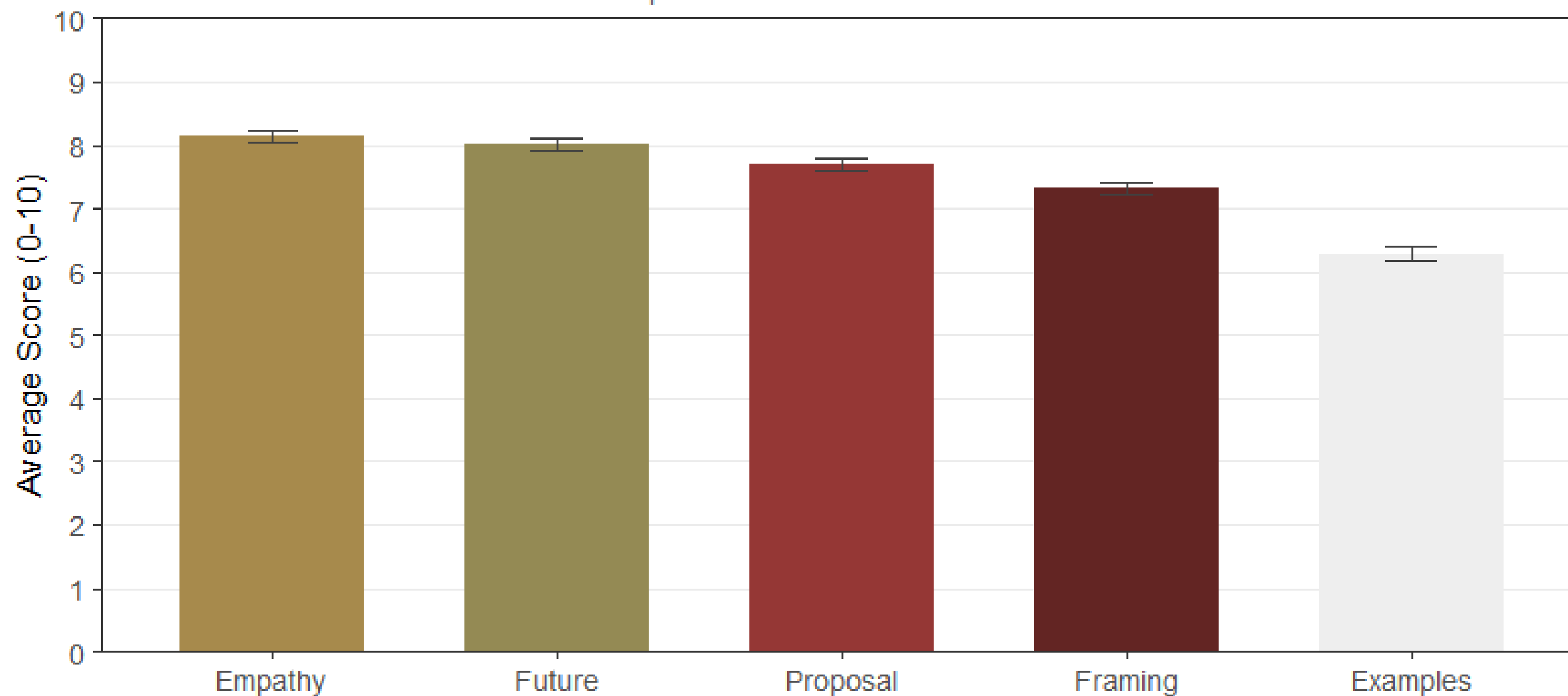
To what extent do you believe the outcome of an amicable divorce can be influenced by

- psychological framing?
- suggesting an objectively reasonable proposal for asset division as a starting point?
- presenting examples of how other couples have successfully navigated their amicable divorces?
- demonstrating empathy and active listening towards both parties?
- actively proposing a future-oriented approach to avoid dwelling on past conflicts?

Empathy and future orientation are expected to have the highest impact

Average Impact Scores Across All Countries

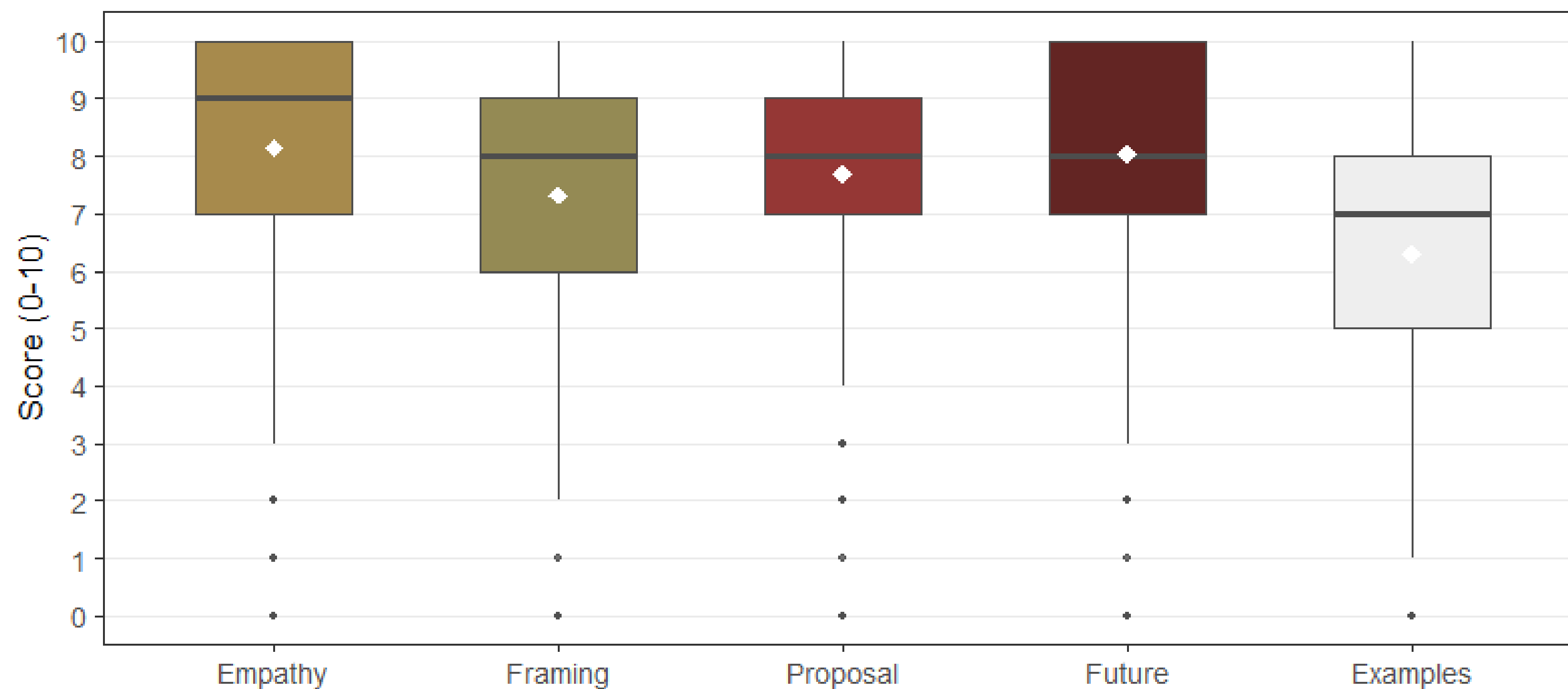
Mean values | Error bars = 95% confidence intervals



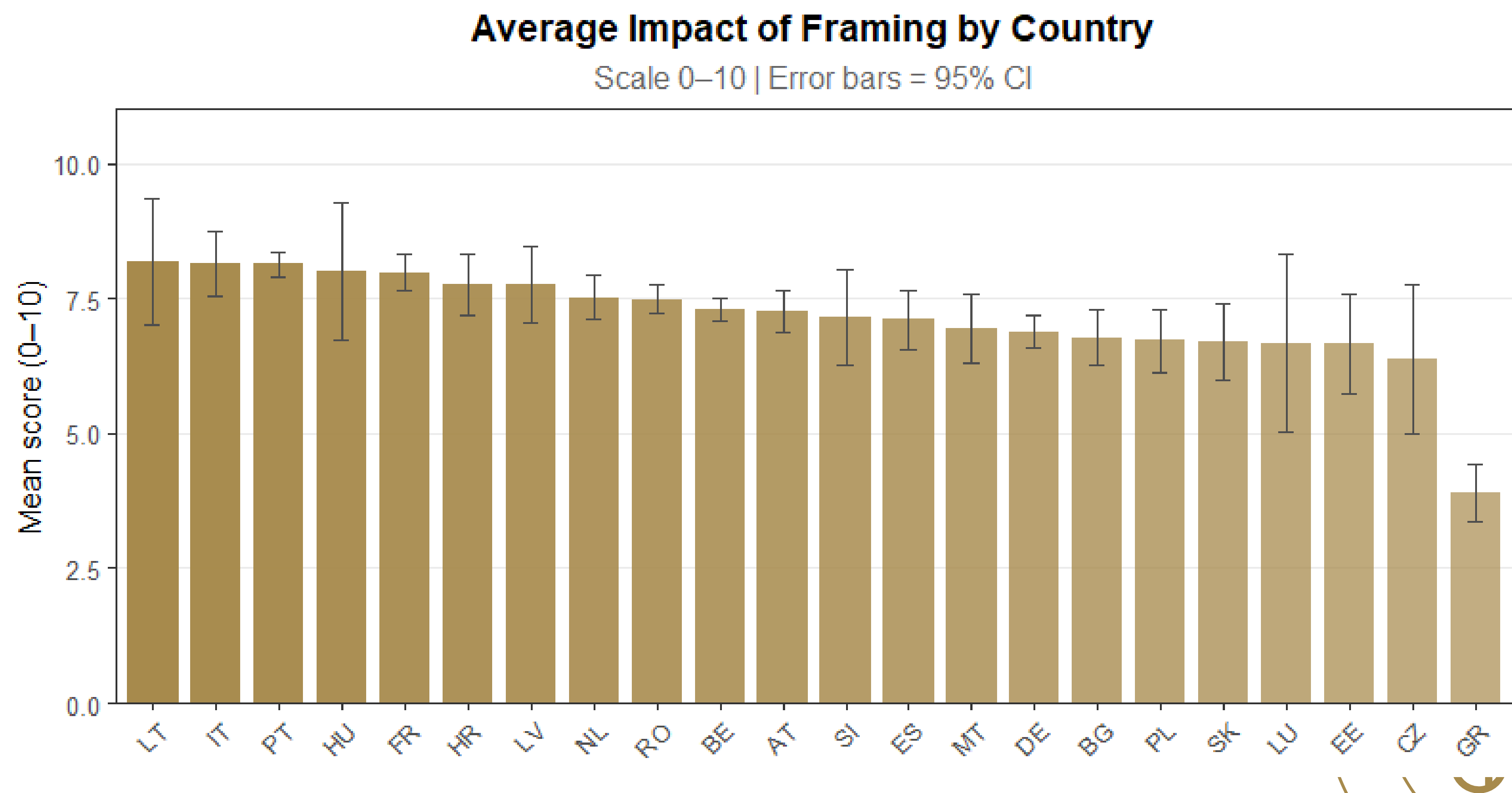
Behavioral tools rate highly overall, but confidence is not unanimous

Distribution of Impact Scores Across All Countries

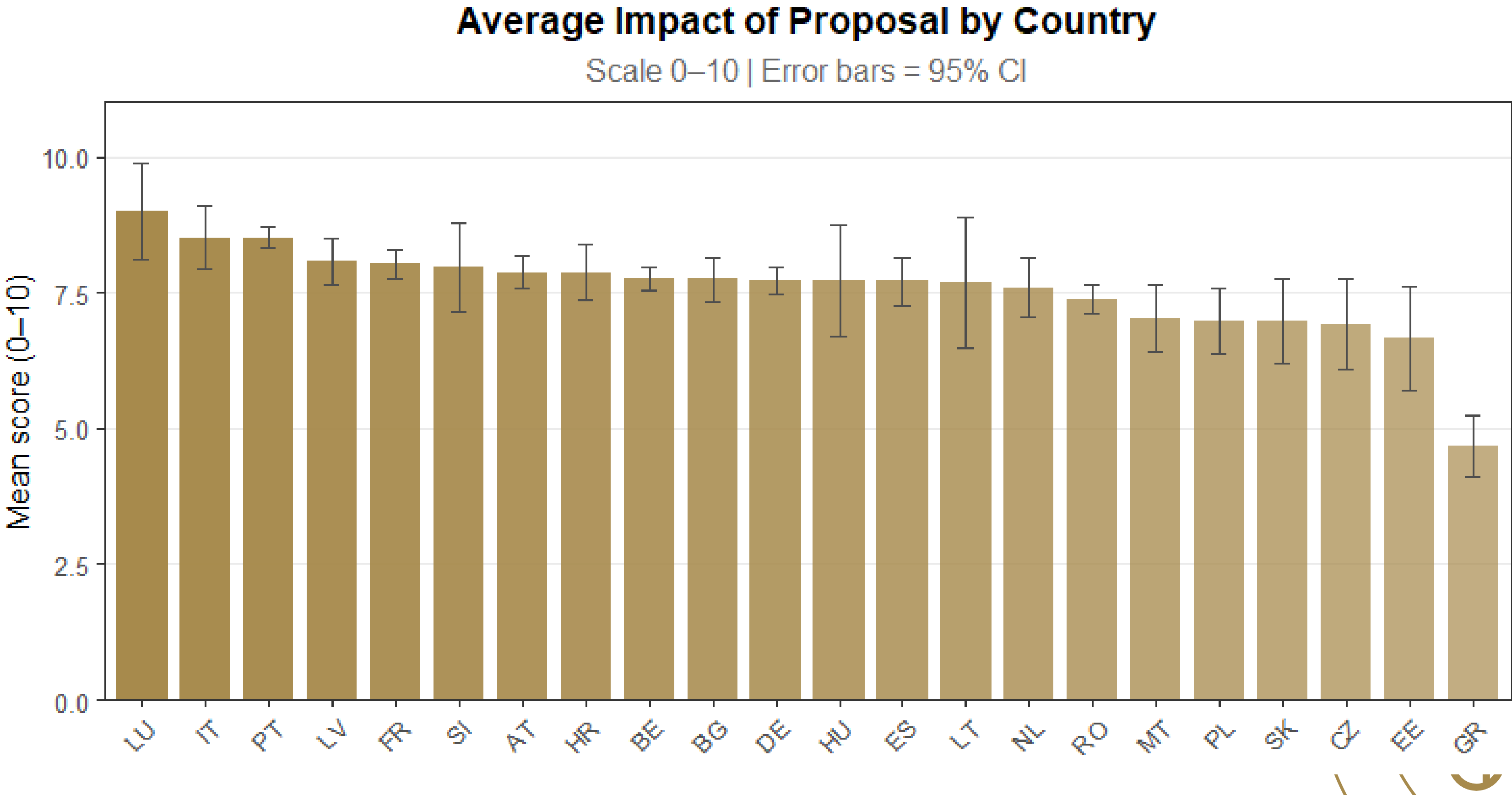
Scale 0-10 | Diamond = mean



To what extent do you believe the outcome of an amicable divorce can be influenced by **psychological framing**?



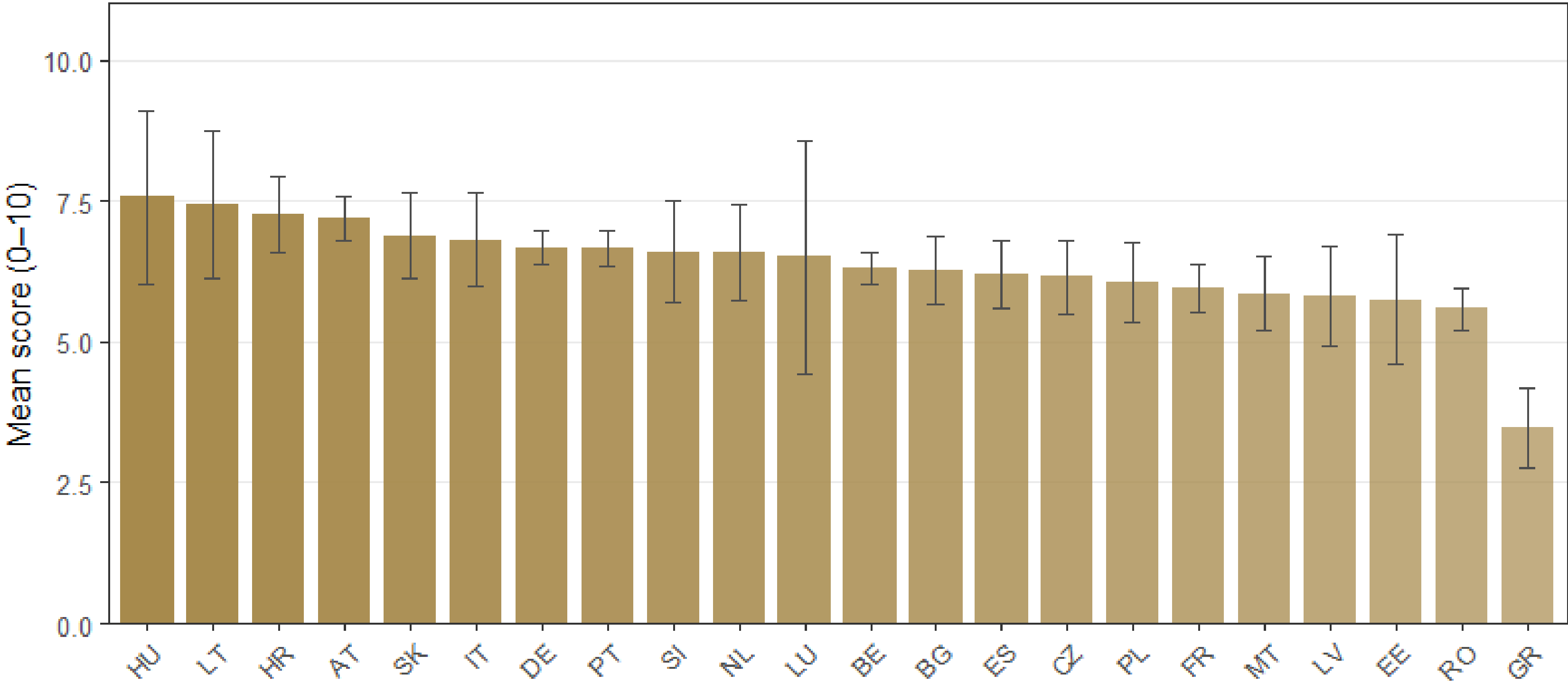
To what extent do you believe the outcome of an amicable divorce can be influenced by suggesting an **objectively reasonable proposal for asset division** as a starting point?



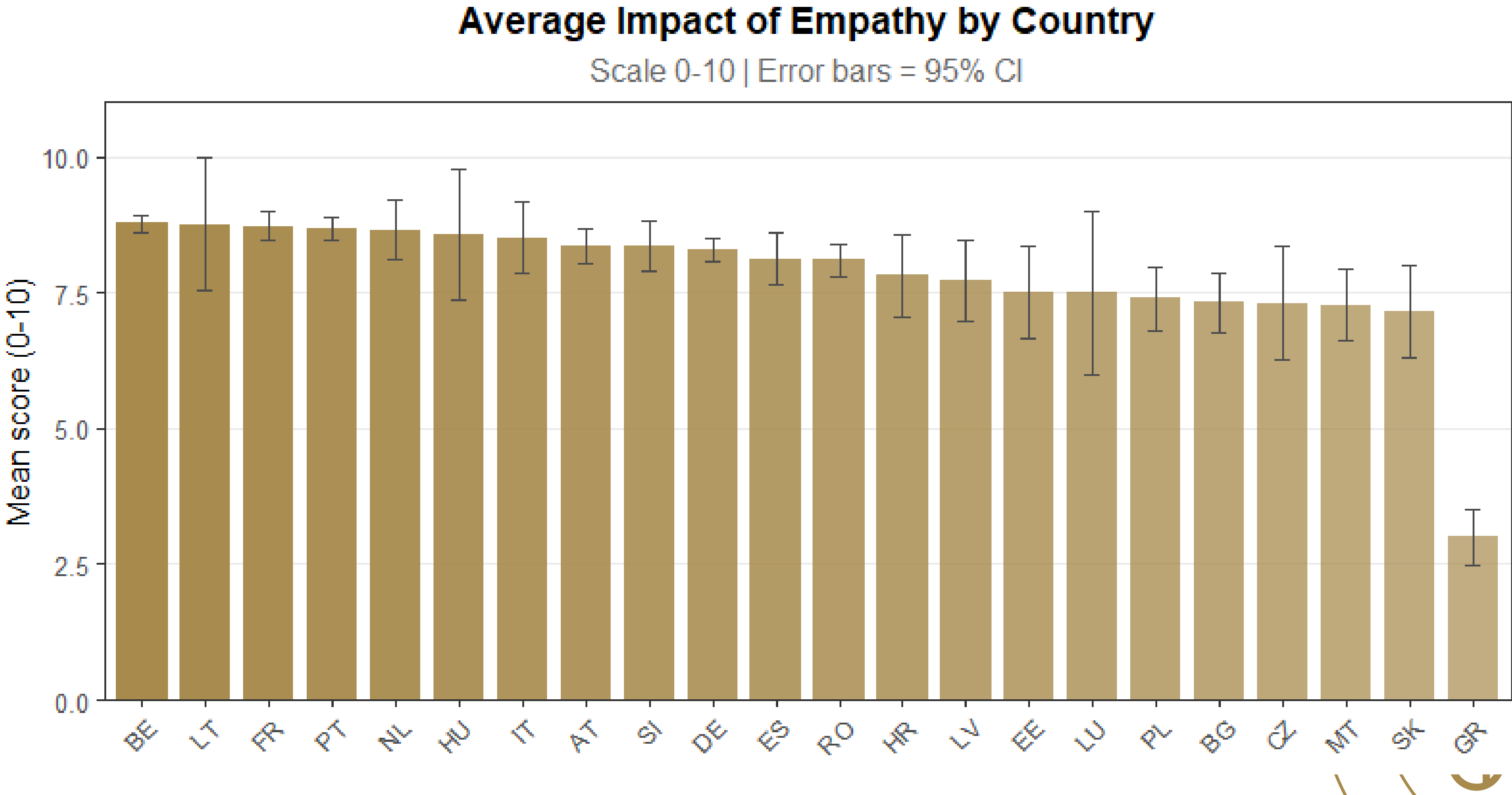
To what extent do you believe the outcome of an amicable divorce can be influenced by **presenting examples** of how other couples have successfully navigated their amicable divorces?

Average Impact of Examples by Country

Scale 0–10 | Error bars = 95% CI



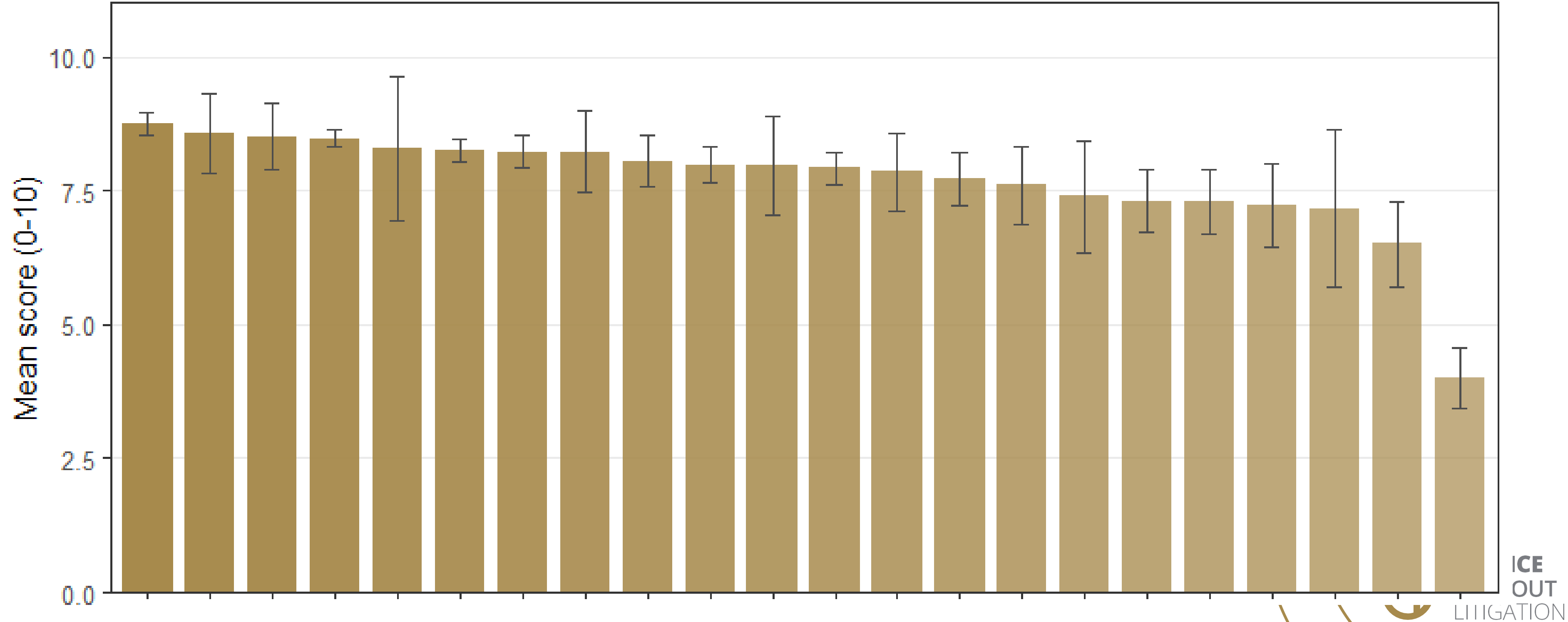
To what extent do you believe the outcome of an amicable divorce can be influenced by **demonstrating empathy** and active listening towards both parties?



To what extent do you believe the outcome of an amicable divorce can be influenced by actively proposing a **future-oriented approach** to avoid dwelling on past conflicts?

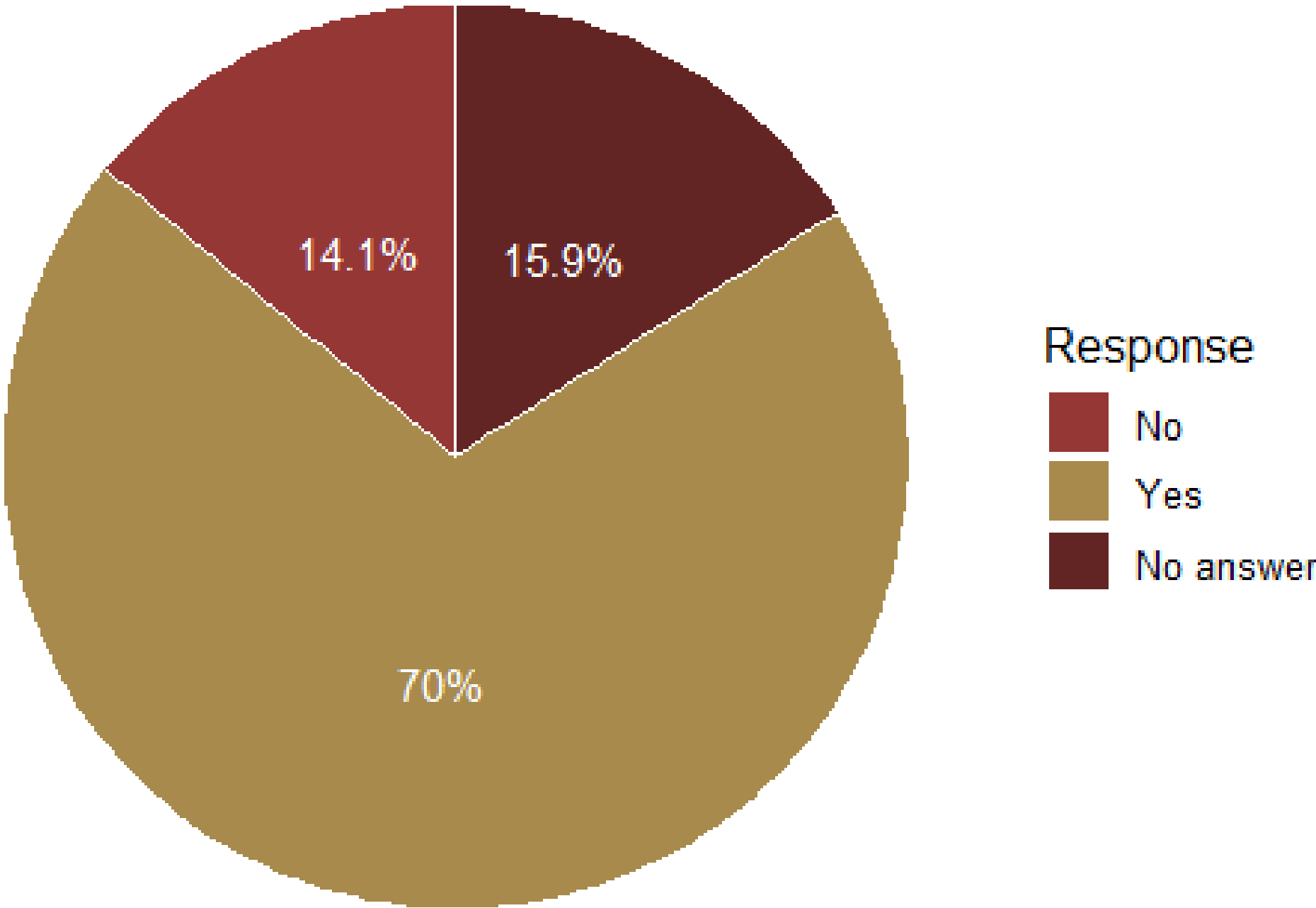
Average Impact of Future by Country

Scale 0-10 | Error bars = 95% CI



70% want to learn more about applying behavioral insights

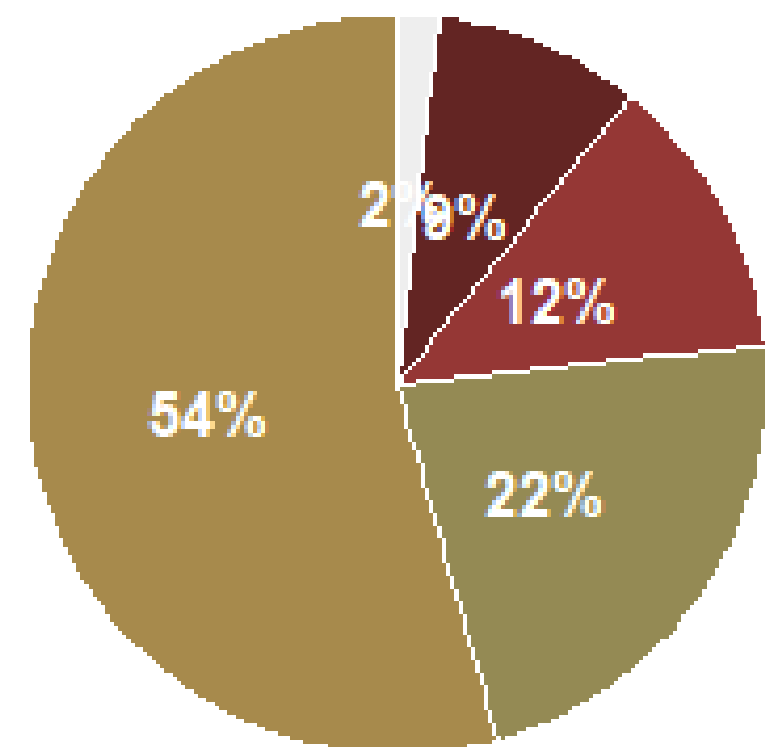
Want to learn more about behavioral insights



Survey implementation:
“Would you like to learn more about how to apply behavioural insights in your professional environment?”

Voluntary chamber-led training is the preferred format

How to learn more



Response

- 1 - Voluntary training organised by the relevant notary chamber
- 2 - Voluntary training with a professional certificate from the relevant notary chamber
- 0 - Self-study training materials recommended by the national notary chamber
- 3 - Mandatory training with a professional certificate from the relevant notary chamber
- 4 - None of the above

Attitudes towards Behavioral Interventions

- **Interactional levers lead:** Empathy & active listening scores highest (mean ~8.2); a future-oriented approach follows (mean ~8.0).
- **Not all tools are equal:** Examples of other couples score lowest (mean ~6.3), with wider disagreement across respondents.
- **Clear appetite to build capability:** ~70% want to learn more; voluntary chamber-led training is the preferred route.

4. Preview of recommendations

Recommendations for notarial chambers

- **Offer voluntary, chamber-led behavioural training:** cover the five tested levers within a procedural-justice frame. 70 % want it, and openness does not depend on age, experience or gender.
- **Standardise the opening of the consultation:** a recommended – not mandatory – template that greets each party, invites both to speak and explains the procedure before any negotiation.
- **Use anchoring transparently:** where a starting point for asset division is proposed, make its legal and factual basis explicit to both parties.
- **Build in a future-oriented frame:** a short prompt that moves the conversation from past conflict to each party's goals – the second highest-rated lever, after empathy.
- **Treat the office – physical and digital – as part of the service:** the reception area and the online entry point are the first anchors of trust.
- **Pilot, then scale:** none of this needs new EU legislation. A small pilot in one or two chambers would test the effect on real client outcomes.

Recommendations for *CNUE and policymakers*

- **Develop a shared European training reference:** package the five levers and the procedural-justice frame into a common curriculum chambers can adopt and adapt, closing a capability gap that is large and uneven across countries.
- **Make certification a portable option:** support a voluntary, chamber-recognised certificate – the route close to three-quarters of respondents prefer – rather than a mandatory standard.
- **Raise the visibility of mediation:** notaries underestimate how widespread notarial mediation already is in high-penetration countries. CNUE-level information-sharing can correct this and spread good practice.
- **Anchor notaries in the people-centred justice agenda:** position the notarial route within the EU and OECD shift towards people-centred, behaviourally informed justice (OECD, 2023; Kaur, 2024).
- **Commission cross-chamber evidence:** sponsor a small randomised pilot across one or two chambers to measure actual client outcomes – the step this survey, by design, cannot deliver.

The case for widening notarial competence in uncontentious divorce

- **A trust advantage, largest where it matters:** notaries are rated clearly above courts and solicitors on trust, reliability and punctuality – and the gap is widest on timeliness, where courts sit almost four points lower. An uncontentious divorce needs exactly that speed and reliability.
- **The capacity already exists:** about 72% have handled an amicable divorce, and provision is near-universal wherever the law already permits it. Widening competence would formalise established practice, not build it from scratch.
- **A people-centred route by design:** parties experience divorce emotionally, and notaries can deliver the procedural-justice elements – voice, neutrality, a future focus – that raise acceptance of and compliance with the agreement.
- **A profession ready to upskill:** appetite for training is strong (70% yes) and is a cultivable orientation, not a fixed trait – the wider competence can be built across the profession.
- **A realistic, evidence-based step:** the economic case – caseloads, cost and time – is clear. Because this evidence reflects notaries' own perceptions, a pilot should confirm client-side gains before any wide transfer.

5. Review of book chapter & discussion of recommendations

Behavioral Chapter - reviewed in TF
Behavioral session in Zagreb 2026-
06-18.docx



Co-funded by the
European Union