

Effectiveness of the Czech courts ordering the first meeting with a registered mediator

Abstract

Mediation as an alternative dispute resolution method is gaining importance in legal systems around the world, including the Czech Republic. This thesis focuses on the effectiveness of the ordered first meeting with a registered mediator from the perspective of judges, analyzing its impact and benefits in court practice. The aim of the thesis is to evaluate the current use of the first meeting and to assess whether its potential is being fulfilled from the perspective of the courts. Specifically, the empirical research aims to determine whether and to what extent the ordered first meeting is perceived by judges as an effective tool for successful out-of-court dispute resolution. Judges are important stakeholders as they have the power to order first meetings in appropriate cases.

The theoretical part of the thesis provides a detailed overview of the legal establishment of the first meeting in the Czech legal system and deals with the definition of its content. This is often challenging given the considerable flexibility of this institute. Emphasis is placed on the current legislative changes that also affect the ordering of the first meeting under Act No. 292/2013 Coll., on Special Court Proceedings. Furthermore, it is devoted to defining the concept of effectiveness of this institute in the context of judicial proceedings and the success rate of the mediation itself. Defining the effectiveness of the first meeting through the eyes of the primary target group is essential for the empirical research of this thesis.

The empirical research is based on data obtained through a questionnaire survey among judges of district and regional courts. The selected data was subjected to descriptive analysis and then to correlation analysis in order to identify associations between the specified variables. The results indicate the existence of a correlation between the age of the respondents and the perception of its effectiveness. They also indicate a correlation between the perception of the effectiveness of the institute and the actual number of first meetings ordered or between the perception of the effectiveness of the first meeting and the perception of its impact on the length of the court proceedings.

This work thus contributes to the discussion on the role of the first meeting in the Czech legal environment and paves the way for further research in this area. Its outputs may also serve as a partial basis for possible considerations on the minimum standardization of the first meeting or for further measures aimed at optimizing its use.