

Abstract

The purpose of this thesis is to introduce the mediation as one of the methods of Alternative Dispute Resolution (ADR). The main reason for choosing this topic was topicality of issues because in the last years the mediation has been developing in our country. A relatively recent adoption of The Mediation Act No. 202/2012 Sb., which is effective since 1st September 2012, contributed to this development.

The thesis involves seven chapters that are further subdivided. In the Chapter One, basic information relating to an alternative dispute resolution are summarized. Characteristic features are shown there and there are more details of each method of ADR.

Chapter Two examines basic characteristic of the mediation as a method of ADR. This chapter consists of four subchapters that analyze in more detail historical development of the mediation, basic characteristic features of the mediation, basic principles of the mediation and finally also advantages and disadvantages of the mediation.

The status of the mediator is discussed in the Chapter Three of this thesis. The main focus is on the question of impartiality and independence of the mediator, as well as its duty of confidentiality.

Chapter Four includes basic information about the status of parties to the conflict because they are the ones who have the main influence on the course and form of the mediation.

The process of mediation is divided into certain stages which are described in more detail in the Chapter Five, Subchapter Two. The Subchapter One of the Chapter Five examines analyses of the forms of negotiations.

In the Chapter Six, there is a mediation accord described as a result of a successful mediation. Subchapters explain the process of formation of a mediation accord, content and necessities of a mediation accord and also effects of a mediation accord.

The last chapter, Chapter Seven, concludes a comparison of a legal regulation in mediation with chosen states. Subchapter One describes a legal regulation in Slovakia and Subchapter Two describes a legal regulation in France.

In the conclusion there is an evaluated manner of transposition of the directive 2008/52/EC of the European Parliament and of the Council on certain aspects of a mediation in civil and commercial matters, which was adopted at the European Union's grounds by the Czech Republic that did this by adopting The Mediation Act No. 202/2012 Sb. The author

evaluates this Act positively. There is also an expressed hope that mediation will continue to develop in our country, especially now when it has been mainly supported by legal representatives of the parties to the conflict, who should try to motivate their clients to use the opportunity to resolve their conflict by a mediation.