

Abstract

Mediation as a method of alternative dispute resolution

The purpose of this thesis is to introduce mediation as a method of alternative dispute resolution and point out its potential. The thesis is divided into five chapters. The first chapter presents various methods of ADR including so-called hybrid forms. There is also a summary of advantages and disadvantages that are associated with these forms of dispute resolution.

The second chapter starts with the historical development of the institute of mediation and continues with the presentation of various forms of mediation. This chapter also discusses a mediator, his role and aspects that should be taken into account when parties want to choose a suitable person. Then particular phases of the mediation process are analysed.

The third chapter is concerned with the international regulation of mediation. It is divided into two parts. The first part focuses on mediation regulation contained in the mediation rules of particular international institutions. To ensure better clarity and mutual comparison the most important information are presented in tables attached to this thesis. The second part relates to the European regulation of mediation. It mentions the most important documents adopted by the EU in order to develop this amicable dispute resolution. Attention is focused on the main legal instrument, which is the Directive on mediation. Finally, the measures to promote the use of mediation in the EU are discussed.

The fourth chapter is devoted to regulation of mediation in the Czech Republic. At the very beginning the historical development of this method of dispute resolution is outlined. The main subject of interest is the Mediation act with the analysis of its key provisions. Then the Regulation on examination and attorney's fee follows. There is

also a brief presentation of non-binding document of CBA, the Code of Ethics for Lawyers-Mediators.

The fifth chapter deals with a mediation with an international element. First of all the facts that can be seen as an international element are discussed. Then the issue of applicable law is examined in relation to three fundamental contractual instruments concluded in the context of mediation. These are the mediation clause, the mediation agreement and the mediation accord.

At the end of this thesis the author mainly expresses her persuasion about the benefits of the mediation institute. At the same time she says that it is necessary to ensure better conditions for development of this method of dispute resolution. In this respect she considers it appropriate to put into practise the measures that were suggested in the relevant study of the European Parliament.

