

## **Abstract**

The purpose of this thesis is to present mediation as an Alternative Dispute Resolution (ADR). The selection of this topic is influenced by the currency of this issue. This currency can be seen in the adoption of mediation act, which is first of its kind.

The thesis is composed of five chapters. The first chapter deals with the general concept of ADR and presents different types of ADR.

The second chapter then presents mediation as one of the types of ADR, and focuses on the concept of mediation, its history, the role of mediator and the mediation process in its four sub-sections.

The crux of this thesis is then in the following chapters which addresses how mediation is utilised in the European, Czech and Australian legal environments. The third chapter of this work shows the development of mediation in the EU, which led to the adoption of the Directive on certain aspects of mediation in civil and commercial matters (2008/52/EC). This Directive is an essential guide for the development of mediation in the EU Member States, including the Czech Republic.

On 13<sup>th</sup> June 2012 Act No. 202/2012 Sb. on mediation and amending certain laws, which establishes the new concept of mediation in the Czech Republic, was introduced. The adoption of this law implements a Directive on mediation, which the Czech Republic did not previously have. The fourth chapter is focused on the Czech legislation in mediation and evaluates its development, current legislation, and presents and summarizes the basic institutions that will arise out of a new mediation act.

In the last chapter of this thesis the author addresses Australian legislation, which is a good example of a different legal system that widely employs mediation practice. Australian legal practice utilizes mediation to a large extent and can be a good model for future development of mediation in the Czech Republic.

The conclusion of this thesis establishes the opinion of the author, that is, that the reform of legislative rules of mediation is well overdue and its development holds great potential within the overall recodification of private law, which will come into force in the Czech Republic on 1<sup>st</sup> January 2014.