

Abstract

This thesis is about mediation as an alternative dispute resolution and at the same time as an alternative to court proceedings. The aim is to acquaint the reader with mediation as a method, its comparison with other alternative methods and at the same time to compare it with court proceedings, the possibilities of its use, the subjects of mediation and process of mediation. The author also compares some differences in the Czech and Slovak regulations.

The second chapter focuses on explaining the concept of mediation, its goals and mediation styles.

The third chapter is about alternative methods of dispute resolution, namely arbitration, mini-process, negotiation, conciliation and subsequently combined methods such as mediation-arbitration and arbitration-mediation. These methods are described only very briefly and the chapter focuses mainly on their differences from mediation.

The fourth chapter focuses on the relationship between mediation and court proceedings. The aim is to compare the suitability of using the methods in different cases and to compare the individual advantages and disadvantages in terms of different factors.

The fifth chapter deals with mediation in practice and its legal basis. It discusses the individual sectors in which mediation can be used and any differences and specifics of mediation in these sectors. It is a family, community, labor, business, intellectual property, consumer, international mediation. Other uses are only briefly summarized.

The sixth chapter deals with the historical development of mediation. It is divided into two subchapters concerning mediation in the world and mediation in the Czech Republic.

The seventh chapter discusses the various principles of mediation such as voluntariness, confidentiality, impartiality and neutrality, informality, self-determination and responsibility. Residual principles are mentioned at the end of the chapter.

The eighth chapter concerns subjects of mediation - participants, lawyers, mediators and other persons. The greatest space is given to the person of the mediator, the preconditions for

the performance of his function, the examiner's examination, the remuneration and especially his duties. The chapter contains reflections on the suitability of lawyer mediation.

The ninth chapter is about the procedure of mediation. The reasons for starting mediation and the individual phases are discussed. There are discussed variations of termination of the mediation and the possibility of unsuccessful mediation. In the part of mediation techniques, a variant caucus is singled out, which contains reflections on the suitability of this technique.

The tenth chapter deals with the mediation agreement, its requisites, enforceability, enforceability and responsibility for this agreement.