

Abstract

In the context of the preparation of the new Civil Procedure Code and the publication of its theses, the topic of the first ordered meeting with a registered mediator has become more current. According to the material intent of the new Civil Procedure Code, this institute contradicts the voluntary nature of mediation and should therefore be excluded from the legislation. The purpose of this Diploma thesis is to analyze the institute of the first ordered meeting with a registered mediator in such a way that it is possible to assess whether this instrument should remain part of the legislation on civil procedure.

At first, this Diploma thesis deals with mediation as one of the alternative methods of dispute resolution. It discusses the principles on which mediation is based, including the principle of voluntariness. It also describes the advantages and disadvantages of this out-of-court dispute resolution. The thesis further focuses on the analysis of the legislation on the first meeting with a mediator and points out its problematic aspects. To evaluate the use and success of this institute in practice, it analyses the statistics of the Ministry of Justice of the Czech Republic and the results of quantitative research carried out for this thesis. The research was made in the form of a questionnaire survey in which 107 mediators participated. The thesis also introduces other models of integration of mediation into a civil procedure that are used in the legal systems of the Member States of the European Union. It looks in more detail at the legislation in Italy where all of these models have been used over the last decade. Statistics provided by the Italian Ministry of Justice allow a comparison between them. Attention is also paid to the German procedural rules as they inspire the new Civil Procedure Code. Conclusions gained from the whole thesis are applied in the final chapter which critically evaluates the material intent of the Civil Procedure Code and presents *de lege ferenda* proposals.