MEDIATION 360°: DEFINING THE FUTURE OF REGISTERED MEDIATORS IN THE CZECH REPUBLIC (REPORT OF THE CONFERENCE)

INTRODUCTION

The Centre for Alternative Dispute Resolution at the Faculty of Law, Charles University, organized the *Mediation 360°* conference. Its subtitle *Why do we have registered mediators, and what do we actually require from them?* illustrated that the main topic of the event was to focus on the role of the registered mediators and the expectations the mediation ecosystem has of them. It brought together legal experts, mediators, and policymakers to address a fundamental question of the relevance of regulation, quasi-mandatory mediation and the profession of registered mediators as foreseen by the Czech Mediation Law. Held in Prague on November 25, 2025, the event provided a forum to review the standards and expectations within the field of alternative dispute resolution. The conference successfully bridged the gap between academic theory and practical application, with sessions ranging from European comparative studies to the psychological aspects of conflict de-escalation.

The importance of the event was underscored by the institutional patronage it received, taking place under the auspices of the Minister of Justice, Eva Decroix, and the Rector of Charles University, Prof. Milena Králíčková. In her opening remarks, Minister Decroix emphasized the state's commitment to mediation as an integral part of the justice system, setting a tone of constructive dialogue that resonated throughout the day. Speaking not only as a government official but also as a practicing mediator, Minister Decroix expressed her deep personal understanding of the challenges faced by professionals in the field. The Minister also announced a significant legislative update designed to support the mediation community. She confirmed that an amendment to the decree is being prepared, which will increase the hourly rate for the first meeting with a registered mediator from the current 400 CZK to 1,000 CZK (plus VAT). This change, set to come into effect on January 1, 2026, represents a tangible acknowledgment of the value registered mediators bring to dispute resolution and is intended to improve the economic viability of their practice.

MORNING SESSION: EUROPEAN POINT OF VIEW

The substantive part of the conference began with a keynote speech by Leonardo D'Urso, titled "15 Years of Mediation in Italy". D'Urso provided a data-driven analysis that challenged many prevailing assumptions about voluntary mediation. With over 2 million mediations conducted to date and a success rate climbing to 50.1% in 2023, the Italian mandatory mediation model serves as a robust case study for the Czech Republic.

D'Urso's main point concerned the "Mediation Ecosystem". He demonstrated that relying solely on voluntary recourse or court referrals is ineffective, as evidenced by Italian statistics where voluntary mediation accounts for only 12.5% of cases, compared to 86.6% for mandatory pre-trial mediation. The Italian success is built on a "Condition of Procedurability" – a mandatory first meeting for specific types of disputes (such as property rights, banking contracts, and medical liability).

Crucially, D'Urso emphasized that "mandatory" does not mean forced settlement, but rather a compelled initial attempt. This system is supported by a sophisticated balance of "carrots and sticks":

Incentives: Parties enjoy significant fiscal benefits, including tax credits of up to €600 and exemptions from registration taxes.

Sanctions: Unjustified absence from the initial meeting results in monetary and procedural penalties in subsequent court proceedings.

The implication for Czech practice was clear: Building a functional mediation culture requires more than just skilled mediators; it demands a legislative framework that integrates mediation into the justice system not as a mere formality, but as a meaningful, unavoidable step supported by quality assurance and economic logic.

Following the macroscopic view of the Italian judicial system, the conference shifted its focus to the microscopic level – the psychological dynamics between the parties. The author of this report presented a lecture titled "The First Meeting Through the Eyes of Conflict (De)escalation", which framed the mandatory first meeting as known by the Czech law not merely as a legal requirement, but as a strategic psychological intervention.

The presentation moved beyond legal theory, grounding the discussion in behavioural economics and history. By utilizing the "Dollar Auction" experiment and drawing unexpected parallels between modern workplace disputes and Homer's Iliad, the session illustrated that the archetypes of conflict have remained surprisingly constant over 2,800 years. Whether it is Agamemnon or a contemporary manager, the mechanisms of ego defence and irrational escalation are identical.

A central point of the discussion was the detailed breakdown of the escalation curve –from initial Tension and Polarization to open Confrontation. The author argued that the success of the first meeting depends heavily on timing: identifying that precise moment when the parties are exhausted by the conflict's inertia but have not yet reached the stage of total mutual destruction.

To conclude the morning session, Dana Potočková provided a retrospective on the development of mediation in the Czech Republic. Her presentation also touched upon selected data from recent European research, offering a brief comparative perspective on how the field has evolved within the broader EU context.

AFTERNOON SESSION: THE CZECH REALITY – BREAKING MYTHS WITH DATA

The afternoon block opened with a presentation by Tereza Hanajová and Petr Všetička (both Ph.D. candidates at the Centre for ADR, Faculty of Law, Charles University), who delivered one of the most data-rich sessions of the day. They presented

research conducted by the Centre for ADR (Project "Je normální se dohodnout"), based on extensive interviews and questionnaires (including nearly 400 respondents from the judiciary), which offered a rare "mirror" to both judges and mediators.

The findings challenged several common misconceptions. Contrary to the fear that judges are sceptical of mediation, the data revealed that 76.3% of surveyed judges view the mandatory first meeting as a suitable procedural tool. The criteria for ordering mediation are surprisingly consistent: judges look for cases involving long-term relationships, hidden motives, or complex factual backgrounds.

However, the presentation also showed a gap in communication. While mediators often crave feedback and fear that courts view them solely as a cause of delays, the statistics show otherwise. Only 1% of judges believe that mediation "significantly prolongs" proceedings, whereas a combined 41.8% perceive it as either having no effect or shortening the process.

An interesting sociological insight was the correlation between age and openness to ADR: the data confirmed a trend where younger judges are statistically more inclined to utilize the institute of the first meeting than their older colleagues. The session concluded with a recommendation to strengthen cooperation with lawyers, whom mediators increasingly view as partners rather than obstacles.

Complementing the judicial perspective, representatives from the Ministry's Analytical Department presented the results of a survey focused specifically on mediators. Described as arguably the most thorough investigation of its kind to date, the study helped clarify the underlying motivations and specific apprehensions of registered mediators, offering much-needed context to the statistical trends.

Rounding out the discussion on the first meeting, attorney Martin Sztefek provided the legal counsel's perspective, specifically regarding commercial disputes. He addressed the crucial question of whether the mandatory meeting is merely a bureaucratic hurdle or a genuine chance for agreement.

Sztefek warned against the common error of treating mediation as a continuation of courtroom litigation. Instead, he advocated for a shift in mindset – from defending rigid legal positions to identifying business interests and future cooperation. His presentation concluded with a strong appeal for better "mediation literacy" among lawyers, suggesting that an evaluative approach often yields the best results in the commercial sphere.

The practical block culminated in a dynamic panel discussion that juxtaposed the views of the three key players in the justice system: judges, lawyers, and mediators. The panel featured judges Petra Rutarová (District Court in Třebíč) and Aleš Fikker (District Court in Karlovy Vary), attorney Martin Sztefek, and Žaneta Vítů, who offered a dual perspective as both a lawyer and a registered mediator.

The discussion was particularly engaging because it highlighted how differently the "First Meeting with a Registered Mediator" is perceived depending on one's role in the proceedings. While they all operate under the same Civil Procedure Code (OSŘ), their interpretations diverged significantly.

The session showed that for the "First Meeting" to function effectively as a procedural step, there must be mutual respect and understanding of these differing motivations. It

is not just a not merely a formal requirement, but a complex interaction where judicial authority, legal strategy, and mediation techniques must align.

The conference concluded with a forward-looking session titled "Where Next in Mediation?", presenting the perspective of the Ministry of Justice not merely as a regulator, but as an active developer of the system. Robin Brzobohatý and Jan Benýšek outlined the roadmap for the coming years, shifting the focus from administrative maintenance to systemic innovation.

Key themes included the new competence framework for mediators and the upcoming digitalization of the mediator registry. The final panel discussion confirmed that the Ministry aims to use data and modernized tools to transition from a passive supervisory role to one that actively guarantees quality and accessibility in the mediation environment.

CONCLUSION

Mediation 360° distinguished itself by moving beyond general theoretical debates to a more rigorous, evidence-based discourse. Rather than relying on anecdotes, the event grounded its discussions in hard data – from the Italian "ecosystem" statistics to the extensive survey of Czech judges. This shift towards an analytical approach provided a solid foundation for the day's debates, making the exchange of views between judges, lawyers, and mediators particularly constructive.

The true measure of the conference's success lies in the discussions that have continued well beyond the closing remarks. By openly addressing the friction points–such as the differing expectations of attorneys and courts regarding the first meeting – the event helped initiate direct discussion between stakeholder groups. The topics raised, particularly concerning the professionalization of the field and the practical utility of mandatory meetings, remain active subjects of debate within the professional community.

Ultimately, the gathering signaled that the Czech mediation environment is maturing. The combination of legislative support, represented by the Ministry's announcements, and a willingness to engage in critical self-reflection suggests a shift from merely establishing the profession to refining its integral role within the justice system. It was a pragmatic and highly relevant event that offered a realistic roadmap for the future.

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