



Commercial Mediation in Europe (Global Trends in Dispute Resolution)

Ewald A. Filler

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For many businesses, mediation is seen as a swifter and cost-effective alternative to conventional forms of dispute resolution. Although its acceptance by policymakers in Europe has been slow, the recent development by various EU Member States of legal and institutional frameworks for commercial mediation have been complemented by a European framework for cross-border civil and commercial mediation, the EU Directive on Certain Aspects of Mediation in Civil and Commercial Matters. This extraordinary book, the first thorough analysis of the current state of commercial mediation practice in Europe, is based on face-to-face interviews and responses to questionnaires involving the participation of 25 renowned European mediators, with complementary contributions by 20 business people who have used mediation extensively. Among the areas of interest that arise are the following: typical areas of application of commercial mediation; types of disputes where commercial mediation is most beneficial; reasons why companies opt for mediation; dispute stages at which mediation may be most useful; length of the mediation process; costs of the process; likely causes of the considerable guardedness of enterprises against mediation; the role lawyers play as gatekeepers; the power factor and other imbalances; the role of provider agencies; and various approaches to mediation style. Participants have been chosen from Austria, Germany, France, England, Scotland, Denmark, Norway, Sweden and Finland, with the aim of including all the dominant European legal traditions. There are numerous case studies, including the role of mediation in such major projects as the Vienna Airport, the Eurotunnel, and the Øresund link bridge. The book contributes to the further professionalism of ADR in Europe by providing accurate information on the functionality of the process and its attainable results. In addition to describing the professional performance of European mediators working in the world of business, the author's analysis crystallizes the processes, models, and strategies that characterize the practice of commercial mediation in Europe. With this book potential clients, practicing mediators, lawmakers, and other decisionmakers can base their actions on reliable scientific findings proven by practical experience.

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