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A Handbook for Managers



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European Employment Law A Handbook For Managers

**Chris Brewster, Wolfgang
Mayrhofer, Elaine Farndale**



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EU Mediation Law Handbook Nadja Alexander, Sabine Walsh, Martin Svatos, 2017-03-15. Mediation is rapidly becoming a norm in cross-border dispute resolution among European Union (EU) Member States. Accordingly, an important question for legal advisers to ask themselves is: Which jurisdiction offers the best legal framework to support a potential future mediation of my client's dispute? This book responds to this question by examining the law on mediation in each Member State on a chapter-by-chapter basis. Each country analysis applies the book's overarching principle of a specially designed Regulatory Robustness Rating System, which is thoroughly explained in an introductory chapter. This framework offers a highly effective way to analyse the quality and robustness of each of the EU's twenty-nine national jurisdictions' legal frameworks relevant to mediation, including legislation, case law, practice directions, codes of conduct, standards and other regulatory instruments, and factor such an analysis into choices about governing law in mediation clauses and other agreements. Among the issues and topics covered are the following: congruence of domestic and international legal frameworks; transparency and clarity of content of mediation laws; standards and qualifications for mediators; rights and obligations of participants in mediation; access to mediation services; access to internationally recognised and skilled mediators; enforceability of clauses and mediated settlement agreements; confidentiality and flexibility; admissibility of evidence from mediation in subsequent proceedings; impact of commencement of mediation on litigation; limitation periods; relationship and attitude of courts to mediation; and regulatory incentives for legal advisers to engage in mediation. This detailed analysis clearly allows users and other regulatory stakeholders to look closely and critically at regulatory regimes for mediation in order to make informed choices and develop appropriate strategies in relation to the law that governs their mediation. This is the first book to consider authoritatively what makes good mediation law and what makes a jurisdiction attractive for cross-border mediation purposes in terms of its regulatory framework. As a resource that identifies potential strengths and weaknesses of each EU Member State's regulatory regime, it has no peers and will be welcomed and put to use by the alternative dispute resolution community in Europe and beyond.

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