

Mediation Chances and Possibilities

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Mediation – Chances and Possibilities

The chances with mediation are:

- **sustainable conflict resolution by means of clarification of the underlying structure**
- **gain in knowledge and insights**
- **development of “package solutions” which extend beyond the original conflict**
- **long-term improvement in the relationship**
- **altered conflict culture**
- **social change**

Mediation – Chances and Possibilities

Prevalance of mediation in Germany

General aspects

- **Law on mediation since July 2012**
- **Law firms offer mediation**
- **All courts can make referrals to a conciliation judge (called „Güterichter“)**
- **Legal protection insurers have adopted mediation in their spectrum of products**

Mediation – Chances and Possibilities

Prevalence of mediation in Germany

Familiarity and use of mediation <i>Roland insurance and research institute Allensbach</i>	Dispute culture in 300 questioned companies <i>Cologne University , IWM and aclanz</i>	Development of conflict management in companies <i>University Viadrina and PWC</i>
<p>60 % of the total population are familiar with mediation</p> <p>84% among people with higher level education</p>	<p>1/3 of the companies have mandated a mediator</p>	<p>70% of the companies have a conflict management system</p>
<p>48% of the total population would choose mediation in a conflict</p>	<p>82.5 % of the managers rated the work of the mediator as good or very good</p> <p>(Lawyers 71.7%; auditors 69.3 %; consultants 69%)</p>	<p>Motivation:</p> <ul style="list-style-type: none"> • Reduction of conflict costs • Improvement of the company's reputation

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Prevalance of mediation in Germany

Familiarity and use of mediation <i>Roland insurance and research institute Allensbach</i>	Evaluation report regarding the mediation law of 2012 <i>Federal Cabinet</i>	Evaluations report relating to court internal mediation <i>Prof. Reinhard Greger</i>
<p>4 % of the total population</p> <p>participated in mediation in the past ten years</p>	<p>The questioned mediators record</p> <ul style="list-style-type: none"> • 67 % fewer than 5 • 18 % 10 – 20 and • 7% more than 20 <p>mediations in 2016</p>	<p>Referral to a conciliation judge „Güterichter“</p> <p>0.5% to maximum 5%</p> <p>in 2013 and 2014 depending on the court</p>