



The European Union  
for Georgia  
EU4Business



# Satisfaction Research on Mediation and Arbitration Use

Analytical Report  
02/2020



საქართველოს სოციალური მედიის ინსტიტუტი  
INSTITUTE OF SOCIAL STUDIES AND ANALYSIS





The European Union  
for Georgia  
EU4Business



# Satisfaction Research on Mediation and Arbitration Use

Analytical Report  
02/2020

This study has been prepared by the Institute of Social Studies and Analysis (ISSA) with the support of the European Union (EU) and the United Nations Development Program (UNDP).

Its contents are the sole responsibility of the Institute of Social Studies and Analysis and do not necessarily reflect the views of the European Union (EU) and UNDP.



საქართველოს ეკონომიკისა და მდგრადი განვითარების ინსტიტუტი  
INSTITUTE OF SOCIAL STUDIES AND ANALYSIS

# Table of contents

**5**

**6**

6

8

10

12

15

20

**26**

26

28

30

32

42

# Research Methodology

The goal of the research was to study the satisfaction of mediation and arbitration users.

The objectives of the study were:

- ✓ To identify the level of consumer awareness, ways of obtaining information, and expectations prior to arbitration/mediation proceedings;
- ✓ Evaluation of the arbitration/mediation process;
- ✓ Assessing the professionalism of an arbitrator/a mediator and the work of an arbitration and mediation Institution / center;
- ✓ To identify the advantages and disadvantages of using arbitration/mediation compared to the court.

United Nations Development Programme (UNDP) - the organization that commissioned the research, provided the Institute of Social Studies and Analysis with contact information for both arbitration and mediation users, including the user's name, surname and telephone number.

According to the provided list 91 individuals were arbitration and 58 mediation users.


As a result of contacting each user, 52 users were interviewed in the case of arbitration, 21 refused to participate in the study, and 18 users were not reached.

As for the users of mediation, 48 users were surveyed, 5 refused to participate in the survey and 5 users were not reached.

## Research method:

 A telephone survey

## Research instrument:

 Two questionnaires consisting of closed and semi-structured questions - one for arbitration and the other for mediation users.

## Target group:

 Users of arbitration and mediation

# Users' Satisfaction with Arbitration: Results

## Main Findings

The arbitration satisfaction research has identified key findings related to users' arbitration awareness, expectations, proceedings and the arbitrator's professionalism. The study also assessed the performance of an arbitration institution / center according to different parameters.

The majority of the respondents (55.8%) are female, most of them are of 25-34 age group (57.7%). The vast majority live in Tbilisi (84.6%), and the overwhelming majority of them, almost 100%, have higher education or have an academic degree. 90.4% are employed in the private sector.

The vast majority of respondents - 84.4% - had complete information about arbitration prior to the dispute. The high level of awareness might be explained by the fact that 80% of the respondents were lawyers. 75% of respondents learned about arbitration from their professional activities.

Before using arbitration for the first time, almost 2/3 (71.2%) of the respondents had positive expectations regarding arbitration. Half of the respondents - 50% believed that dispute resolution by arbitration was a standard condition, about 30% believed it was their own or the other party's initiative.

The resolution of property disputes using arbitration was predetermined by the contract in case of an absolute majority (94.2%). 84% of those respondents whose dispute resolution methods were predetermined by contract had an accurate information when concluding the contract that the dispute would be resolved by arbitration. In their latest arbitration experience, 75% of the respondents were claimants' representatives, while 17.3% were claimants themselves.

The majority of arbitration proceedings (57.7%) were handled through hearing(s) and in 40.4% - were documents- and evidence-based. In most cases (57.7%) the arbitration center offered the parties the venue for hearings, and in 17.3% of the cases, the arbitrator offered the venue to the disputing parties. The vast majority of the respondents - 88.5% - assess positively or more positively the environment in which arbitration proceedings were held.

In the overwhelming majority (94.2%) one arbitrator had decided the case. As for the appointment of an arbitrator, in the majority of the cases (61.2%) the parties failed to agree on the arbitrator and the arbitration institution/center appointed the arbitrator, in more than 1/4 of cases (28.6%) the parties agreed on the arbitrator.

The good reputation of the arbitrator (38.2%) and his/her legal education (23.5%) were important when assessing the arbitrator(s) jointly appointed by the parties. The respondents consider that the arbitration institution / center based its selection on the arbitrator's qualification (26.4%) and reputation (18.9%). It is noteworthy that 26.4% of the respondents found it difficult to answer the selection criteria of the arbitrator by the arbitration institution / center.

Arbitrators' professionalism was rated on a 5-point scale with 11 parameters (*communication skills, neutrality, fairness, rapport building skills, field expertise, competence, keeping the parties informed, focusing on settlement, confidentiality, flexibility, timely decision-making, and process management skills*). Statistical analysis of arbitrator's professionalism evaluation according to central tendency showed that the mean score (Mean) for each indicator ranged from 4.5 to 4.8. This indicates that respondents' ratings for each parameter are clearly in a positive field.

The same can be said about the evaluation of the performance of arbitration institutions / centers, according to the central tendency it is manifest that the assessment mean score for each indicator, on a 5-point scale, ranges from 4.5 to 4.7, which is a positive assessment score.

According to the recent experience of the respondents, in most cases (59.6%) the arbitration dispute was resolved in their favor, while in 25% of the cases their claim was partially satisfied. According to the respondents, the decision of the arbitrator/arbitrators was justified in 78.8% of cases.

It is noteworthy that 82.7% of the respondents requested recognition and enforcement of the award, only in 7.7% of the cases the parties voluntarily complied with the award.

Respondents consider that the main advantage of arbitration compared to the court is the short period of proceedings (42.1%); Other responses are - relaxed environment (13.2%), a process best tailored to the parties' interests (10.5%) and the arbitrator's competence in specific commercial industries (10.5%).

As for the disadvantages of arbitration compared to the court, 31.9% of the respondents indicate the high cost of arbitration services. The following answers are also noteworthy - "a lot of time is spent on enforcement" - 15.3%, some banks / financial institutions directly offer arbitration to their consumers, leaving no choice - 13.9% and arbitrator may be less competent- 12.5%.

63.5% of the interviewed respondents prefer arbitration compared to the litigation; For 23.1%, arbitration is more acceptable than not. The same results were found for the question of giving an advice to others on whether to use arbitration services - 63.5% would recommend to others and 26.9% would recommend more than not. Overall, the vast majority of respondents are completely satisfied (40.4%) or satisfied (50%) with arbitration services. Only 4% of respondents expressed dissatisfaction.

## Socio-demographic characteristics of the respondents

The majority of the respondents (55.8%) are female and 44.2% are male (see Chart # 1):

As for the age groups of the respondents - more than half - 57.7% represent 25-34 age groups. The second largest group - 28.8% - is in the 35-44 age group (see Chart # 2):

Chart #1

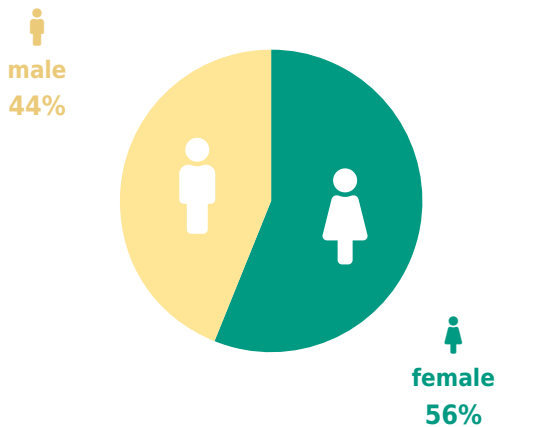
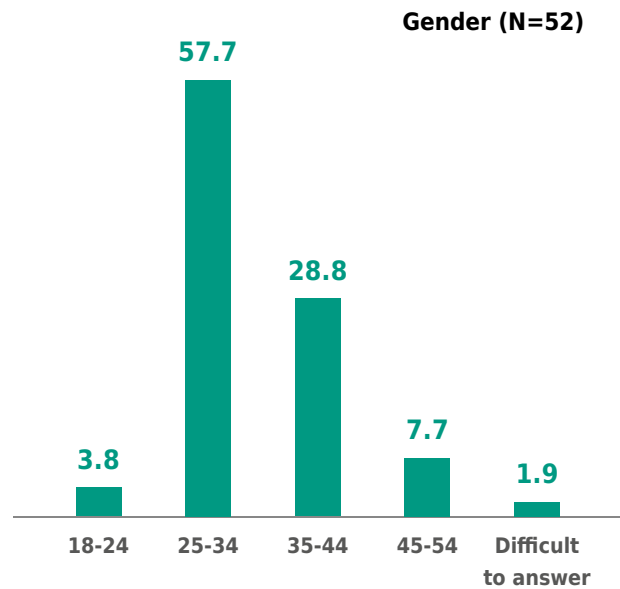
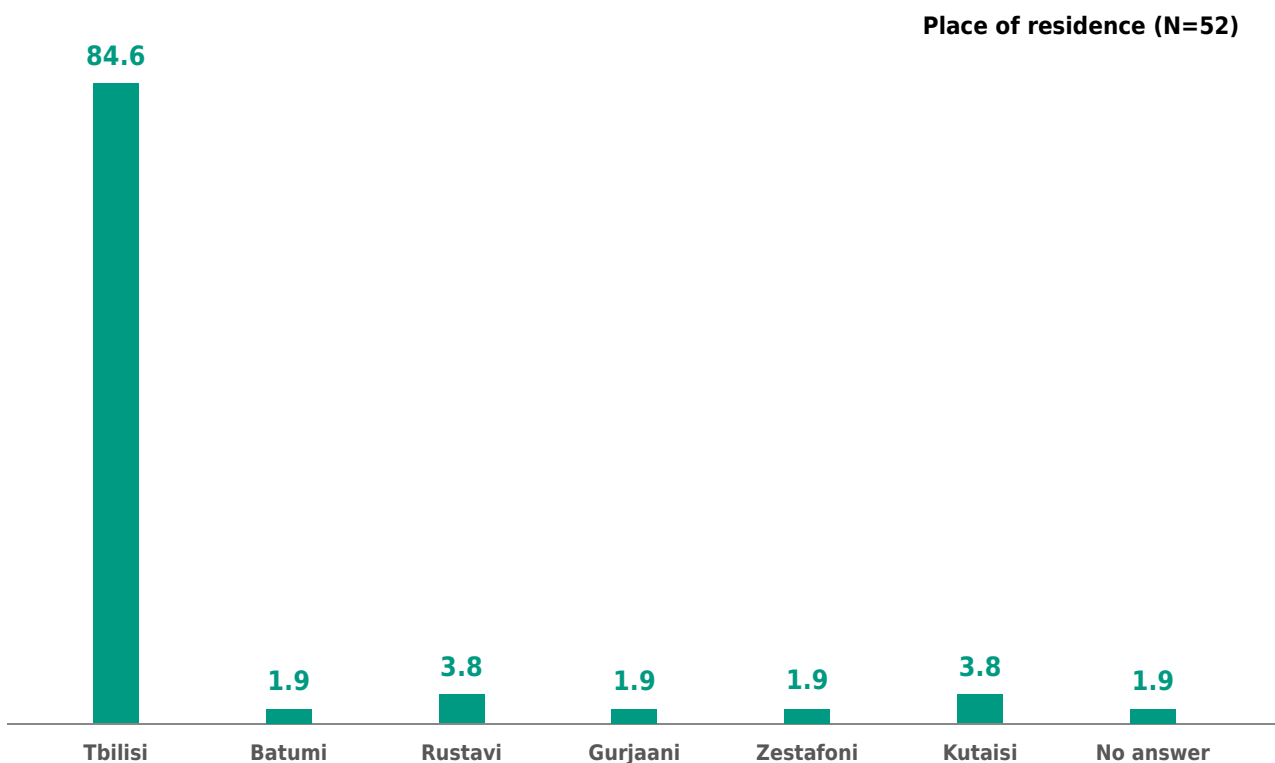


Chart #2



84.6% of respondents live and work in Tbilisi. Kutaisi (3.8%) and Rustavi (3.8%) are among the other cities (see Chart # 3):

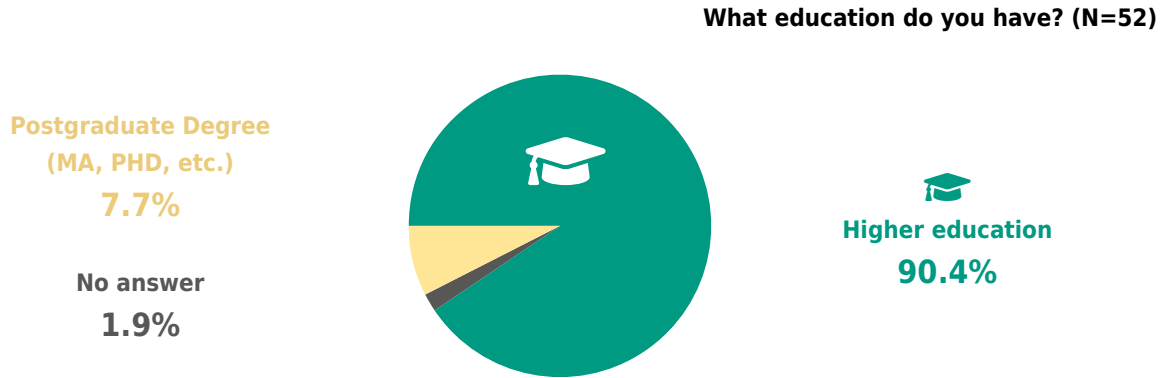
Chart #3





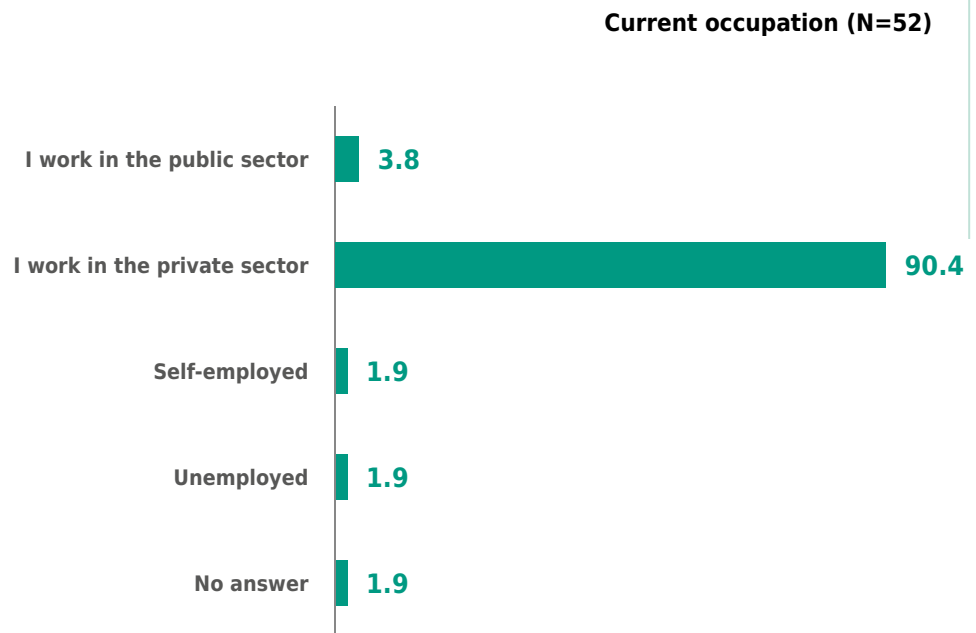
The overwhelming majority have higher education: 90.4% have a bachelor's or master's degree, and 7.8% have a science degree (see Chart # 4):

**Chart #4**



90.4% of respondents are employed in the private sector (see Chart # 5):

**Chart #5**

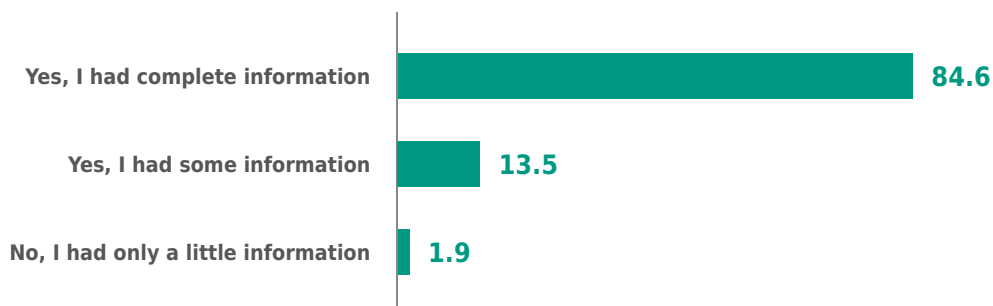


## Arbitration Awareness and Expectations

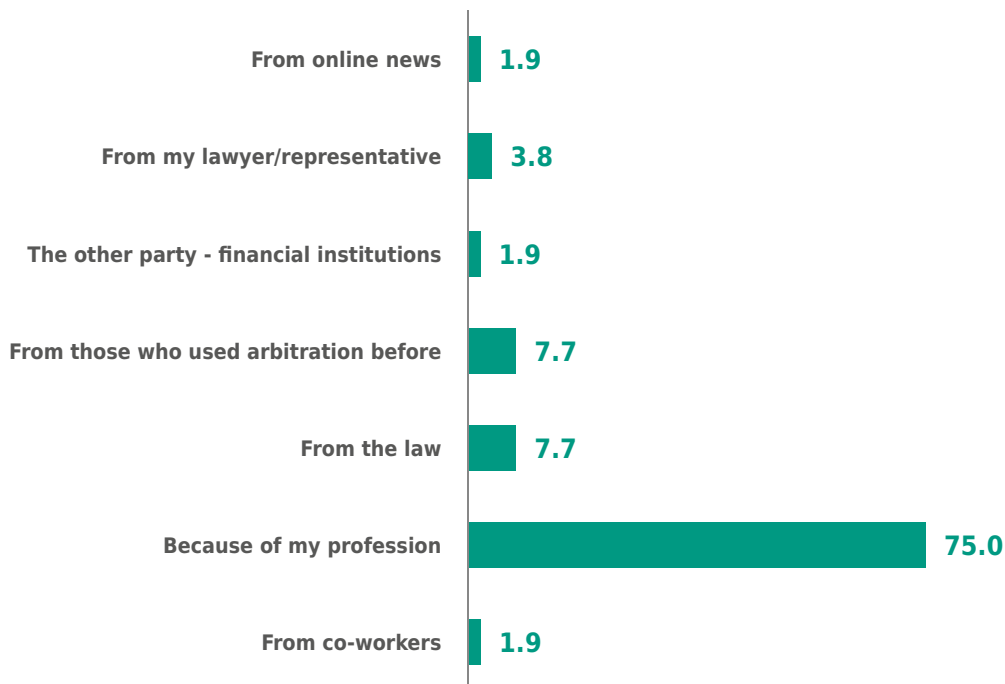
To evaluate public awareness on arbitration, the level of awareness of respondents, ways of obtaining information and expectations before the arbitration dispute were studied. As the survey shows, the vast majority of the respondents - 84.4% - had complete information about arbitration before the dispute arose; whereas 13.5% of the respondents had some information. The high level of awareness is explained by the fact that 80% of the respondents were lawyers/ counsels in arbitration disputes. Around 75% of the respondents became informed about arbitration due to their (legal) occupation, a small proportion (7.7%) became informed by arbitration users, as well as through Georgian Law on Arbitration (7.7%). See Charts # 6-7:

Chart #6-7

**You have information about arbitration before the dispute arose? (N=52)**

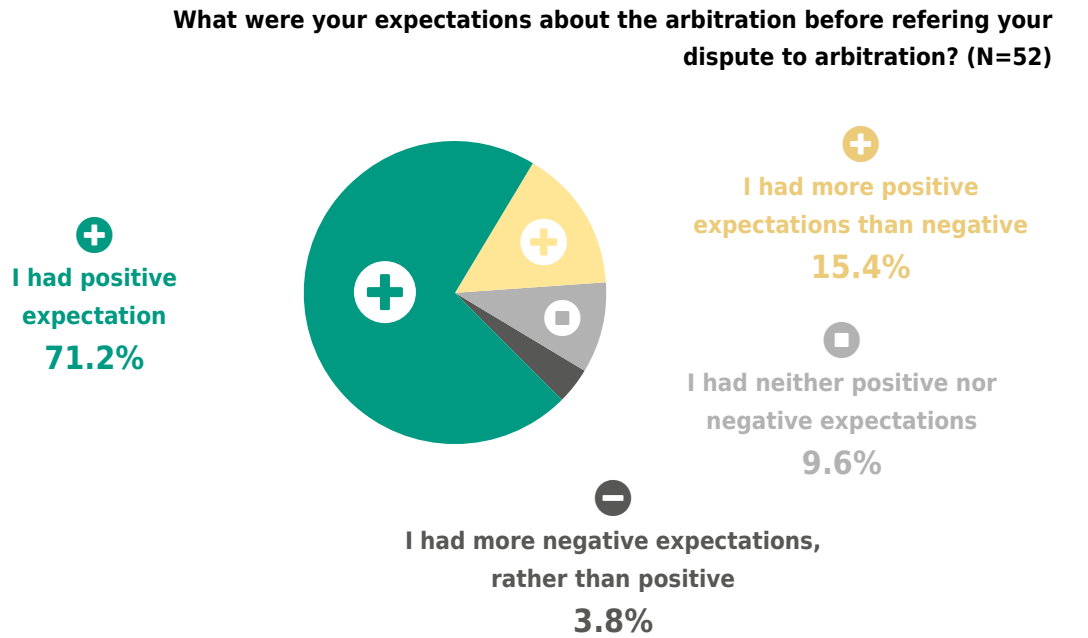


**How did you find out about arbitration? (N=52)**



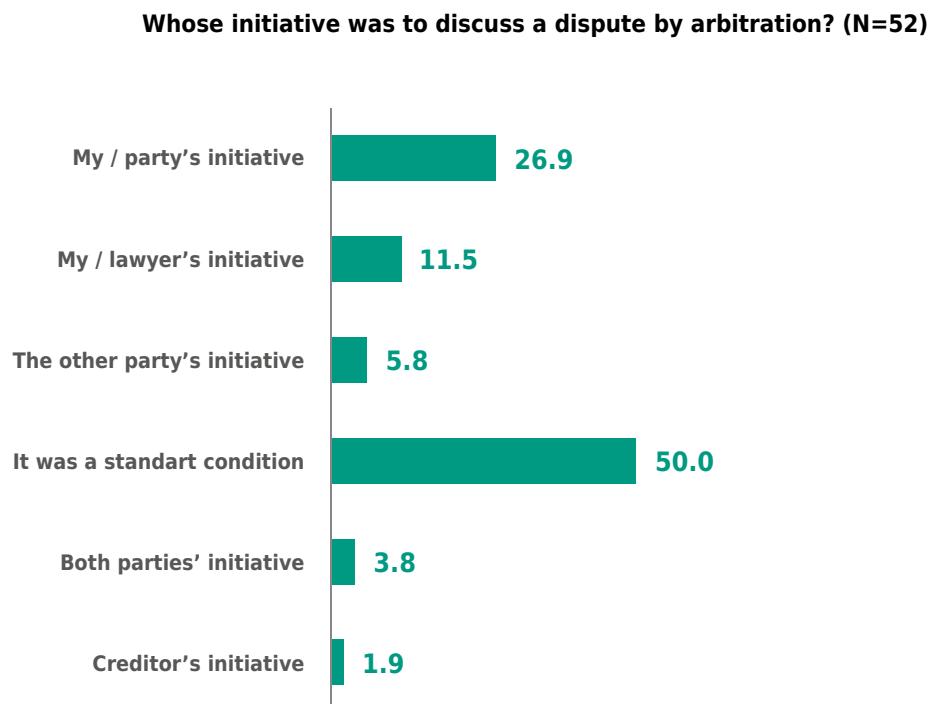
Prior to using arbitration for the first time, almost 2/3 (71.2%) of the respondents had positive expectations regarding arbitration, while 15.4% had more positive than negative expectations. The share of those with more or less negative expectations is extremely small (see Chart # 8):

**Chart #8**



Half (50%) of the respondents said that arbitration was a standard condition for negotiation between the parties, around 30% stated that arbitration was their own or other party's initiative, while 11.5% stated that the initiative belonged to a lawyer (see chart # 9):

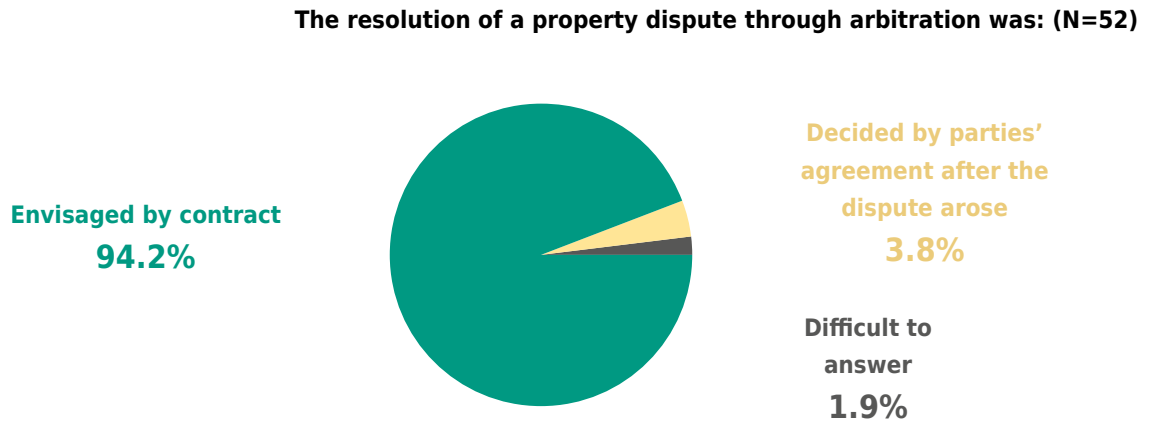
**Chart #9**



## Evaluation of Arbitral Proceedings

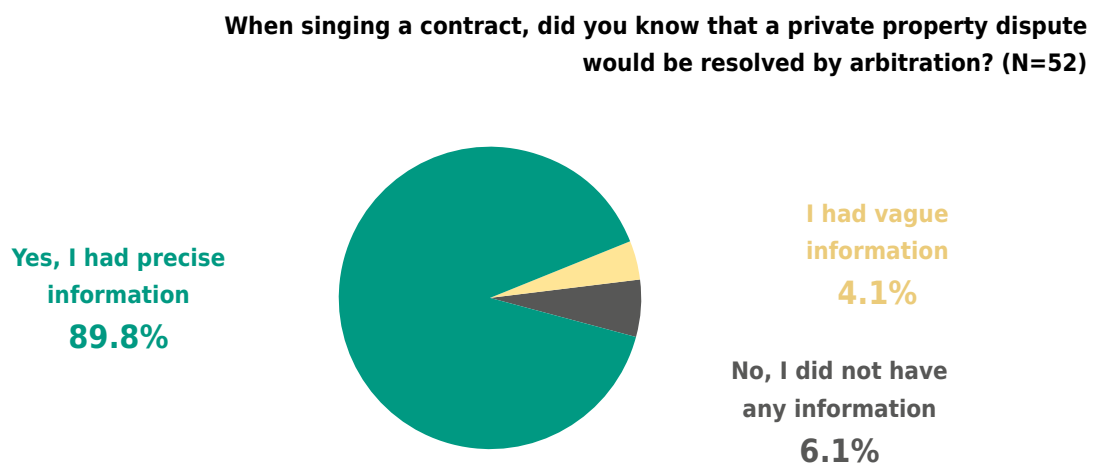
As the results of the research show, the resolution of property disputes by arbitration in the absolute majority of cases (94.2%) was predetermined by the contract (see chart # 10):

**Chart #10**



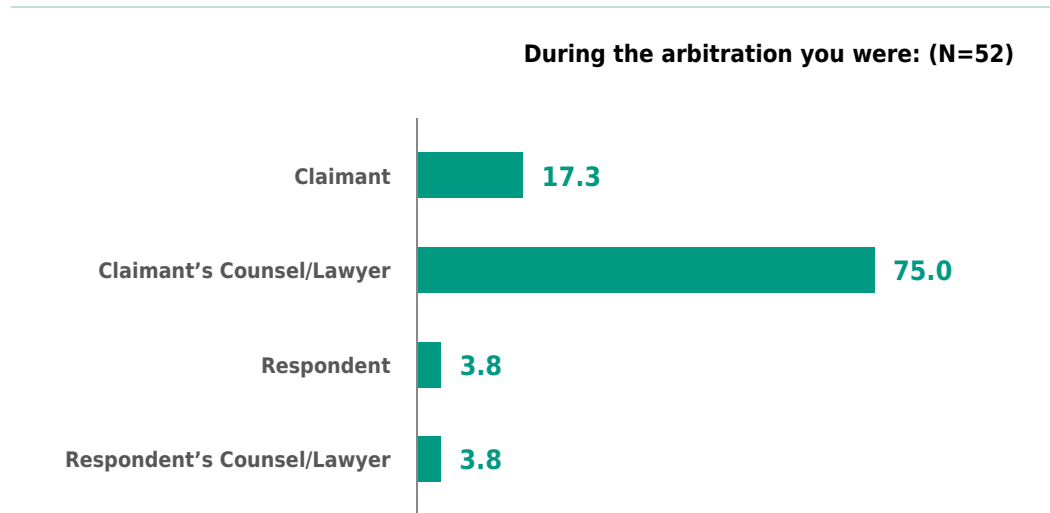
Accordingly, 90% of the respondents had accurate information that the dispute would be resolved by arbitration when they signed the contract (see Chart # 11):

**Chart #11**



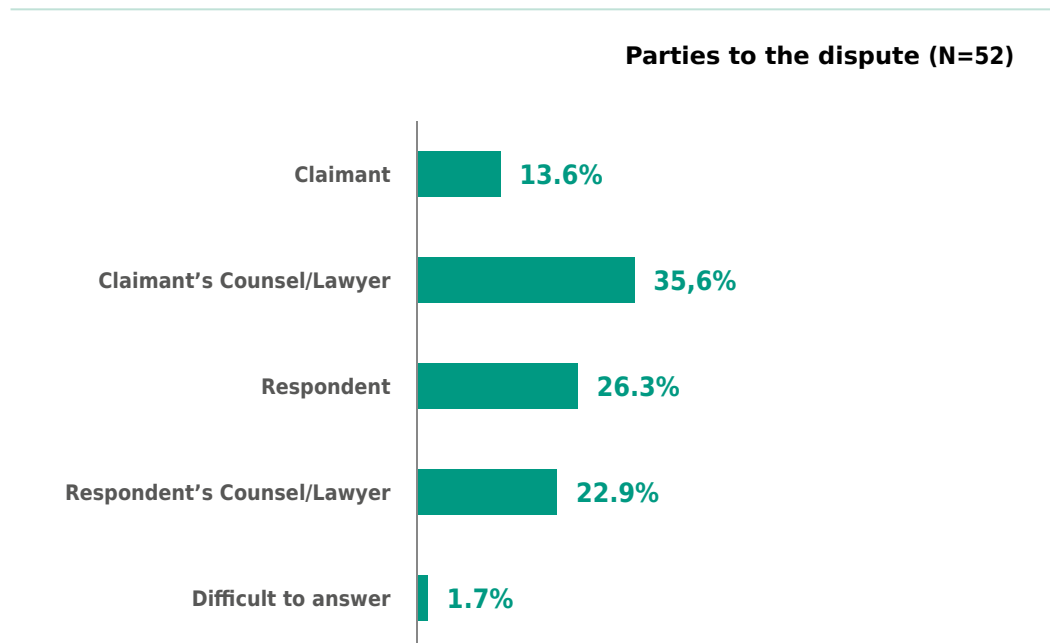
According to their recent experience in arbitration, 75% of the respondents were lawyers of the claimant, while 17.3% were claimants themselves. The same number of respondents (3.8% and 3.8%) were respondents or their counsel/lawyer at the time of the dispute (see Chart # 12):

**Chart #12**



Research shows as to which side were they involved in the arbitration proceedings during their recent dispute experience: 35.6% were claimant's counsels/lawyers, 26.3% were respondents, 22.9% were respondent's lawyers (see Chart # 13):

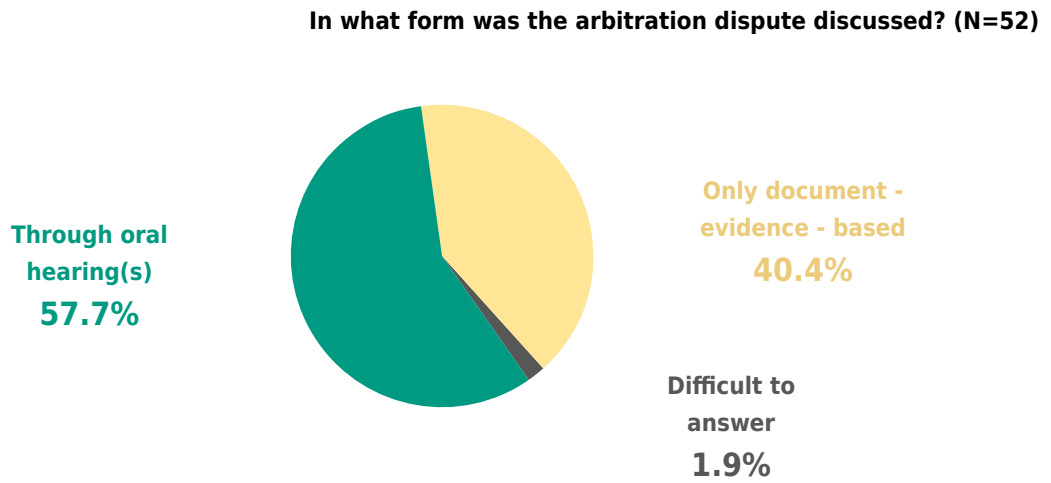
**Chart #13**



From those respondents who represented the arbitration respondent or the respondent's lawyer in the Arbitration Dispute (a total of 8 respondents), 7 stated that they had received timely notification from the Arbitration institution/center.

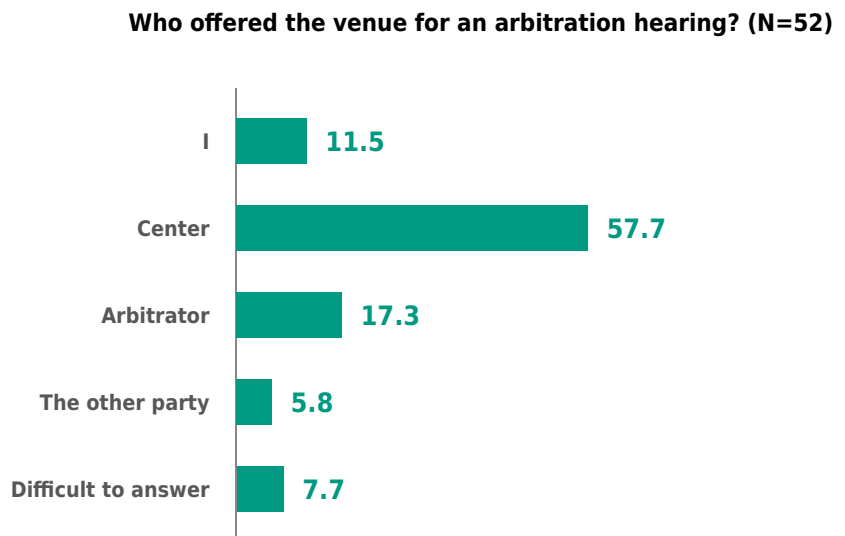
The study showed that the majority of arbitration proceedings (57.7%) were handled through oral hearing, and in 40.4% of cases were only document- and evidence-based (see chart # 14):

**Chart #14**



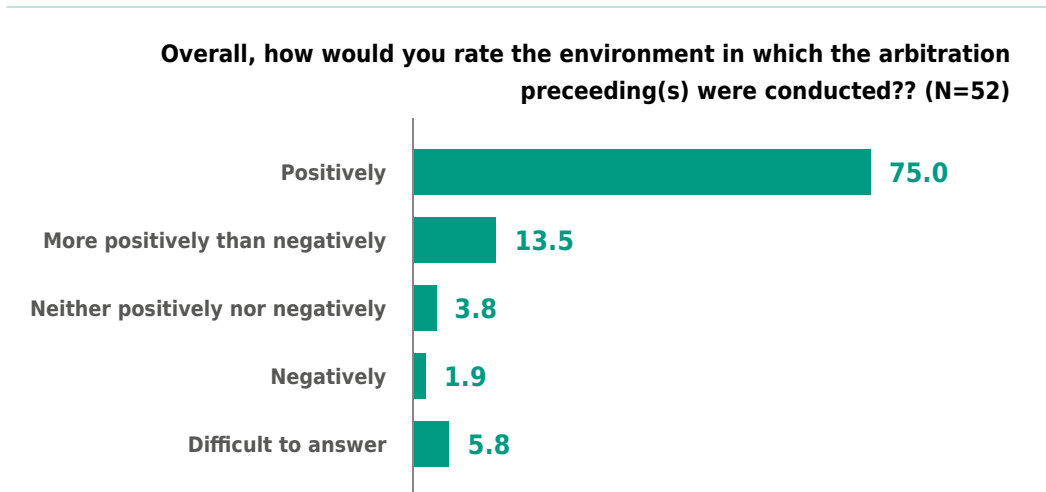
The arbitration center in most cases (57.7%) offered the venue for hearings to the parties; In almost 1/5 of the cases, the arbitrator offered the parties the venue for arbitration (see Chart # 15):

**Chart #15**



The vast majority of respondents (88.5%) positively, or more positively than negatively assess the environment in which arbitration proceedings were conducted (see Chart # 16):

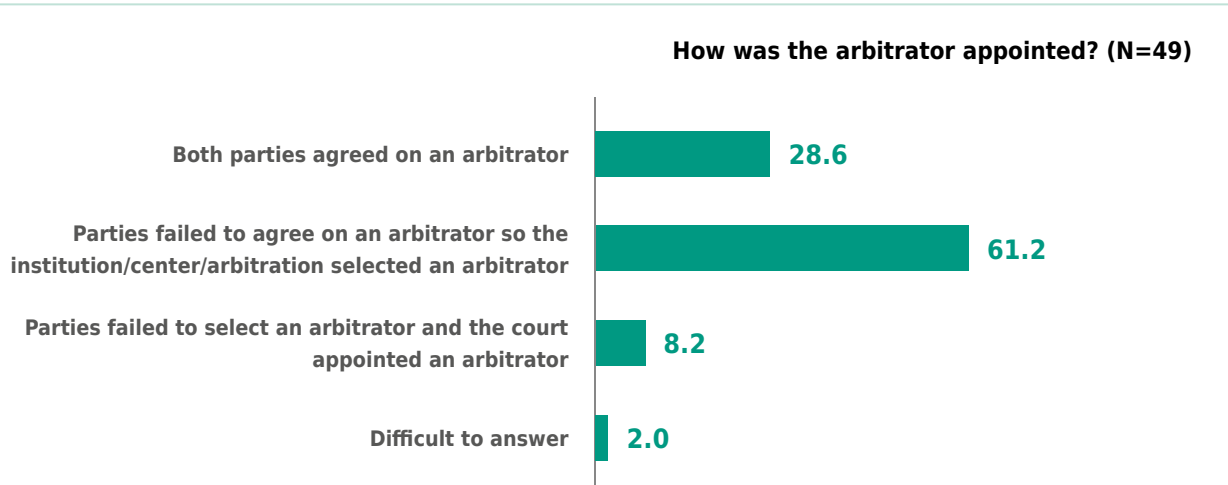
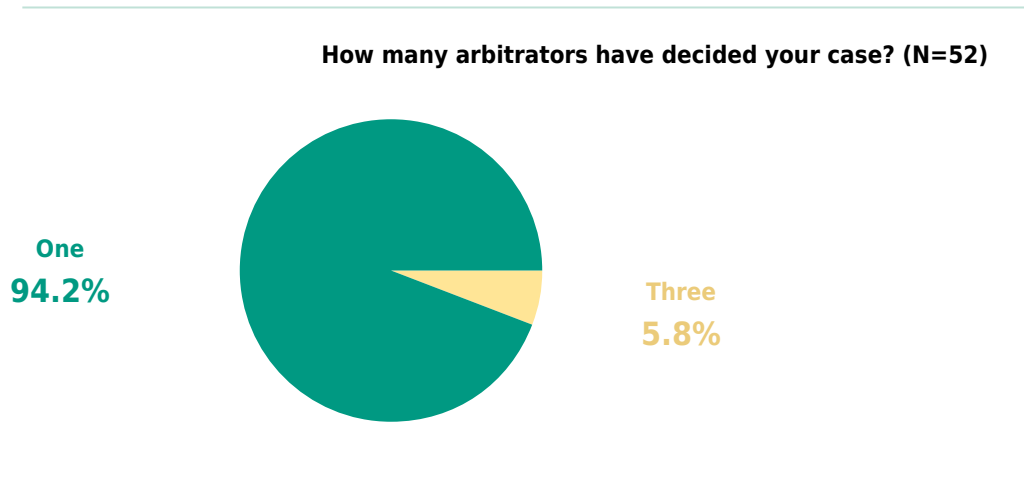
Chart #16



### Evaluation of Arbitrator's Professionalism

As the survey results show, in the case of the overwhelming majority (94.2%), one arbitrator decided the dispute. As for the appointment of an arbitrator, in most cases (61.2%) the parties could not agree on the arbitrator and the arbitration institution / center appointed the arbitrator, while in approximately a quarter (28.6%) the parties agreed on the arbitrator (see Charts # 17-18):

Chart #17-18



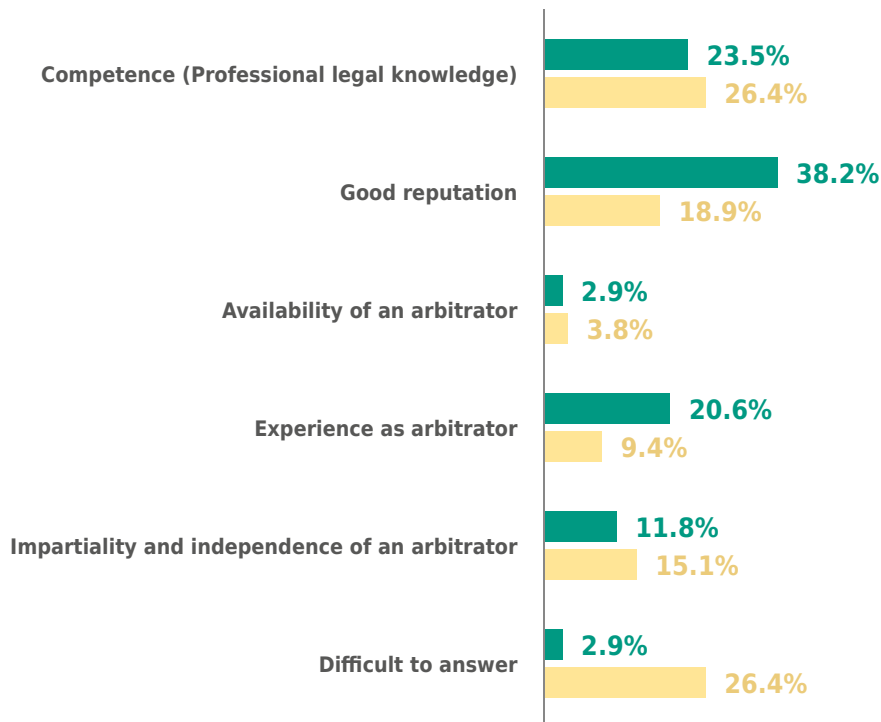
The study assessed the criteria by which the arbitrator/arbitrators were selected. A good reputation of the arbitrator (38.2%) and competence (professional legal knowledge) (23.5%) were significant in the case of the arbitrator/arbitrators selected by the agreement of both parties. An arbitration institution/center, was guided by competence (professional legal knowledge) of the arbitrator (26.4%) and her/his reputation 18.9% while selecting an arbitrator. It is noteworthy that 26.4% of the respondents found it difficult to answer the question on selection criteria used by the arbitration institution/ center (see Chart # 19):

**Chart #19**

**While selecting arbitrator/ arbitrators what criteria were used ...**

● **Both parties**

● **Arbitration center/institute**



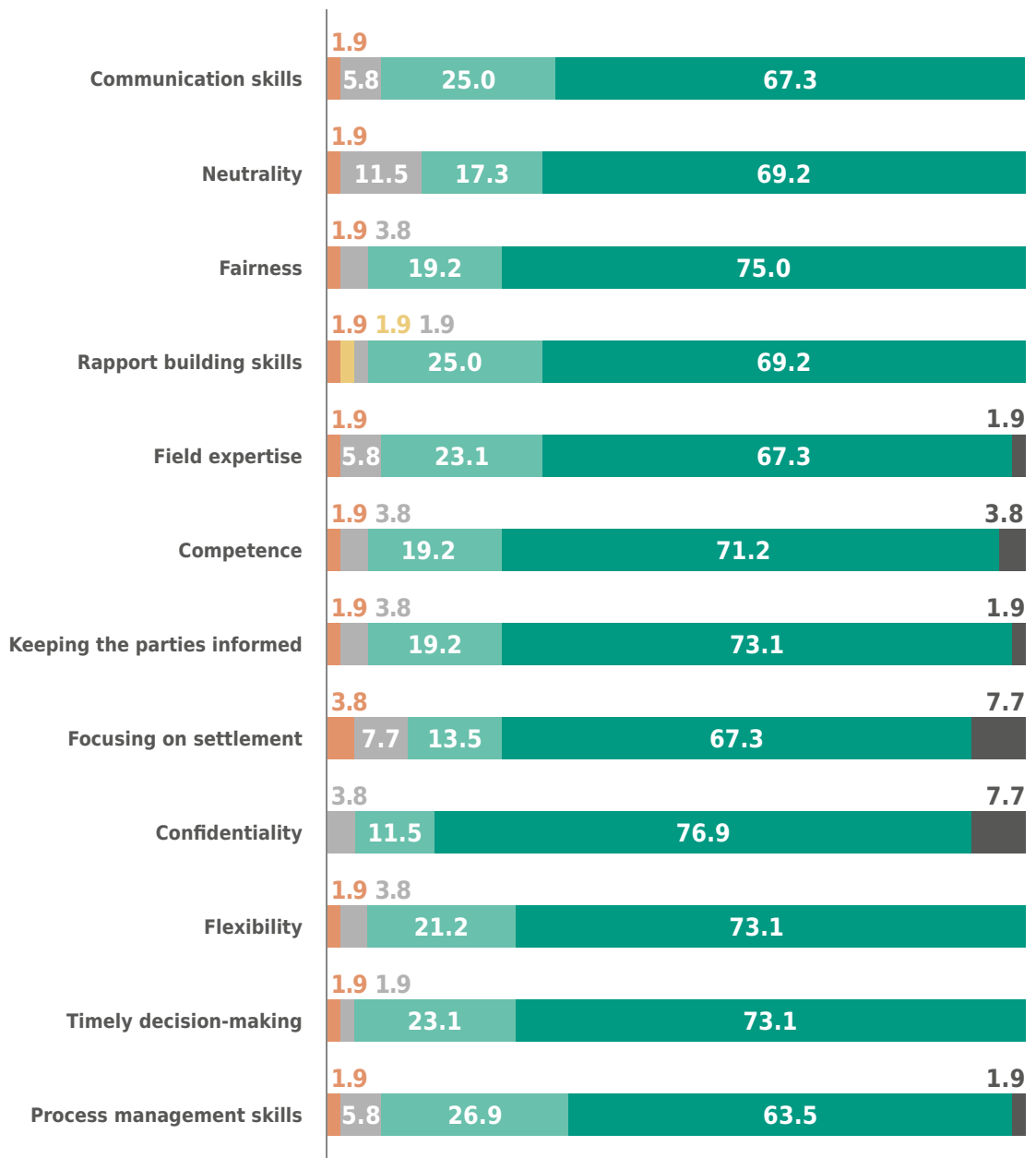
The professionalism of arbitrators was evaluated according to 11 parameters (*communication skills, neutrality, fairness, rapport building skills, field expertise, competence, keeping the parties informed, focusing on settlement, confidentiality, flexibility, timely decision-making, and process management skills*). A 5-point scale was used for the assessment, with a score of 5 indicating unequivocally positive evaluation and a score of 1 indicating unequivocally negative evaluation.

The results of the study showed that the overwhelming majority of the respondents rated all parameters of the arbitrator’s professionalism highly positively (score 5). The share of negative evaluators is small (see Chart # 20):



Chart #20

Evaluation of arbitrators according to different parameters (N=52)



- ⊖ Very negative
- ⊖ More negative than positive
- ⊖ Neither negative nor positive
- + More positive than negative
- + Very positive
- ⊗ Difficult to answer

Statistical analysis of the evaluation of different parameters of arbitrator’s professionalism according to central tendencies showed that the mean value (Mean) for each indicator varies from 4.5 to 4.8. This indicates that respondents’ assessments for each parameter are uniquely positive. As for the Median in each case, it is equal to 5, i.e. half of the respondents gave the highest rating (“very positive”).

**Evaluations expressed in the mean** are given in Chart # 21:

**Chart #21**



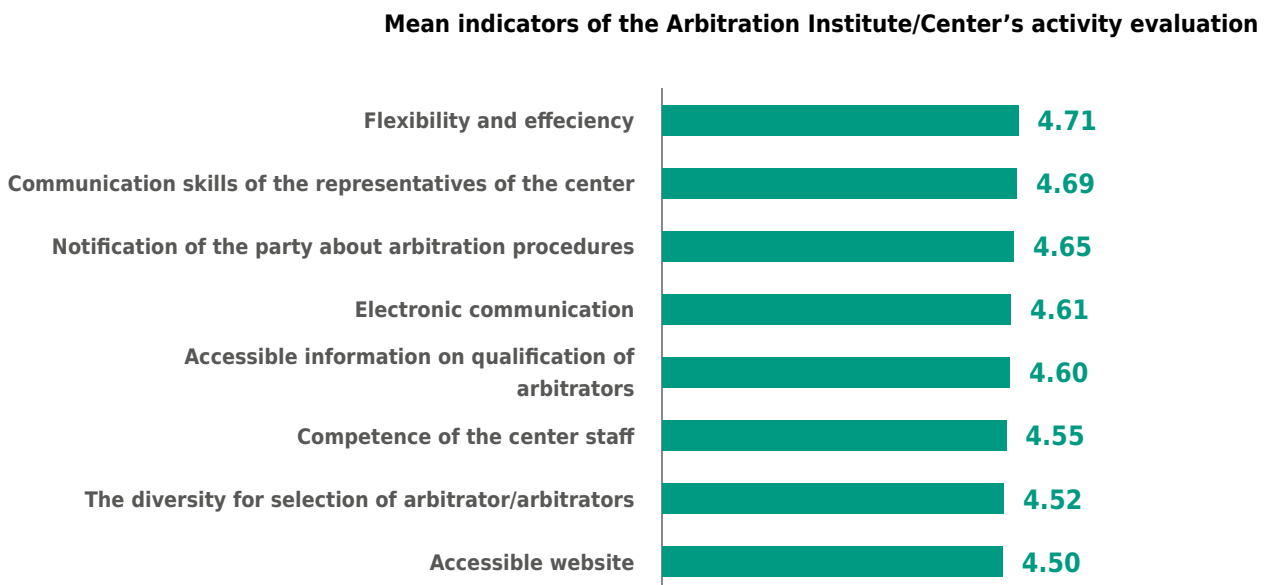
It was important for the study to evaluate the activities of arbitration institutions/centers according to various (8) parameters. In this case, too, a 5-point rating scale was used for the assessment, with 5 points indicating very positive and 1 point indicating very negative. The results showed that respondents positively rated all eight parameters (see Table # 1):

**Table #1**

Arbitration Institution / Center Activity Assessment Parameters (N=52)						I do not know / difficult to answer
	Very negatively	More negatively than positively	Neither positively nor negatively	More positively than negatively	Very positively	
Notification of the party about arbitration procedures	1.9		3.8	17.3	71.2	5.8
Communication skills of the representatives of the center	1.9		3.8	13.5	75.0	5.8
The diversity for selection of arbitrator/arbitrators	2.0		7.8	19.6	60.8	9.8
Accessible information on qualification of arbitrators	1.9		7.7	13.5	69.2	7.7
Flexibility and efficiency	1.9		1.9	15.4	75.0	5.8
Accessible website	5.8		3.8	15.4	67.3	7.7
Electronic communication	1.9	1.9	3.8	15.4	71.2	5.8
Competence of the center staff	1.9	0.0	5.8	23.1	63.5	5.8

The statistical analysis of the performance evaluation of arbitration institutions / centers according to the central trends showed that the average score (Mean) for each indicator ranges from 4.50 to 4.71. This indicates that the respondents' evaluations for each parameter are uniquely positive. The median for each parameter is also equal to 5 (see Chart # 22):

**Chart #22**

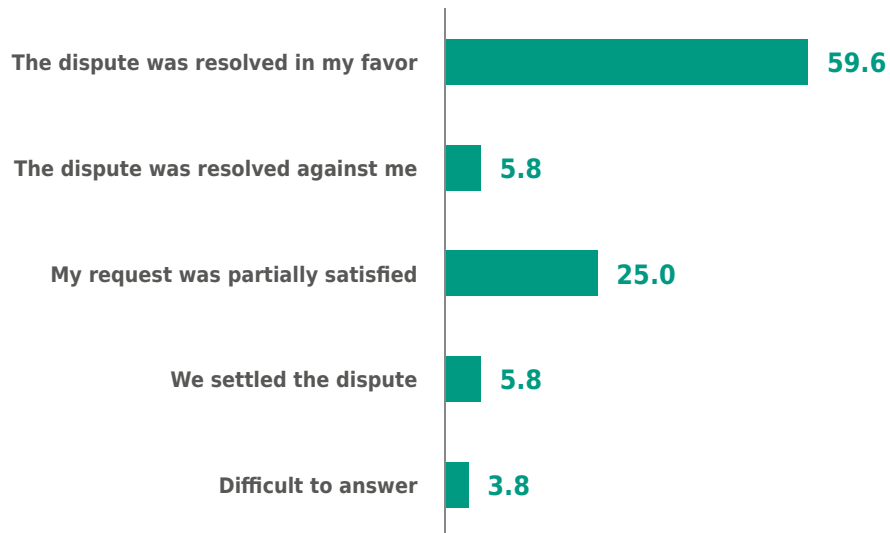


## General Assessment of Arbitration

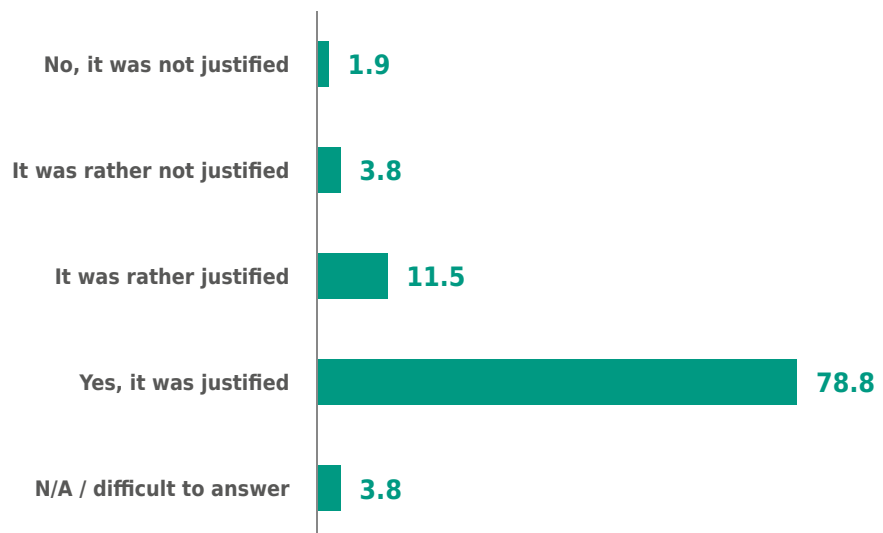
According to the latest arbitration experience, the respondents disclosed the outcome of their dispute: in most cases, the dispute was resolved in favor of the respondents (59.6%), and in 25% of the cases their claim was partially satisfied. Respondents consider the arbitral award justified in 78.8% of the cases (see Charts ## 23-24):

Chart #23-24

### What was the outcome of the arbitration proceedings? (N=52)

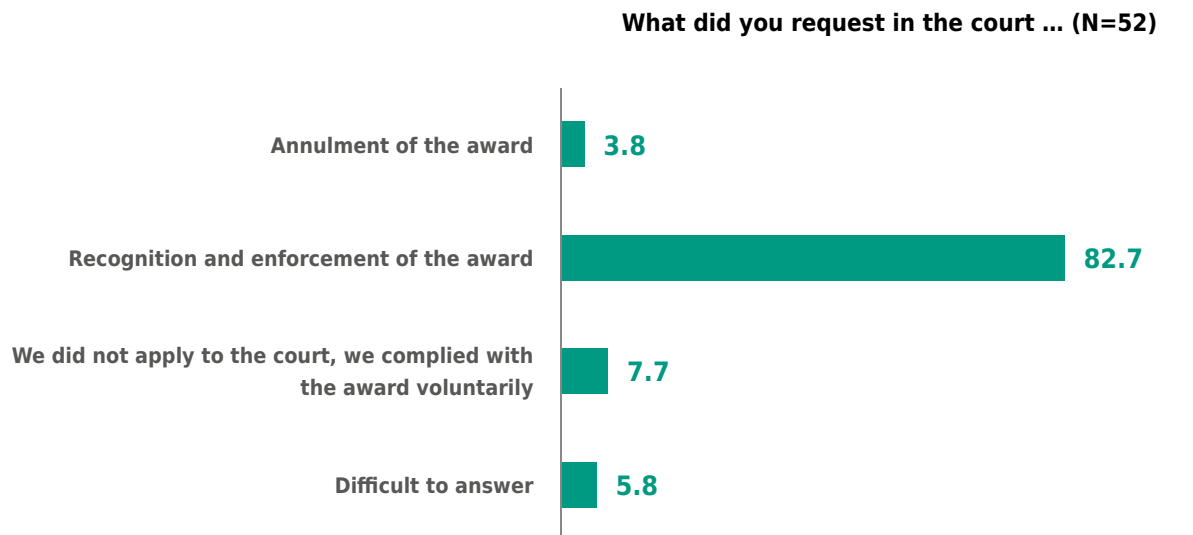


### Was the decision of the arbitrators justified? (N=52)



The vast majority of the respondents (82.7%) requested recognition and enforcement of the arbitral award; A small proportion (7.7%) indicated that the parties voluntarily complied with the arbitration award (see Chart # 25):

**Chart #25**

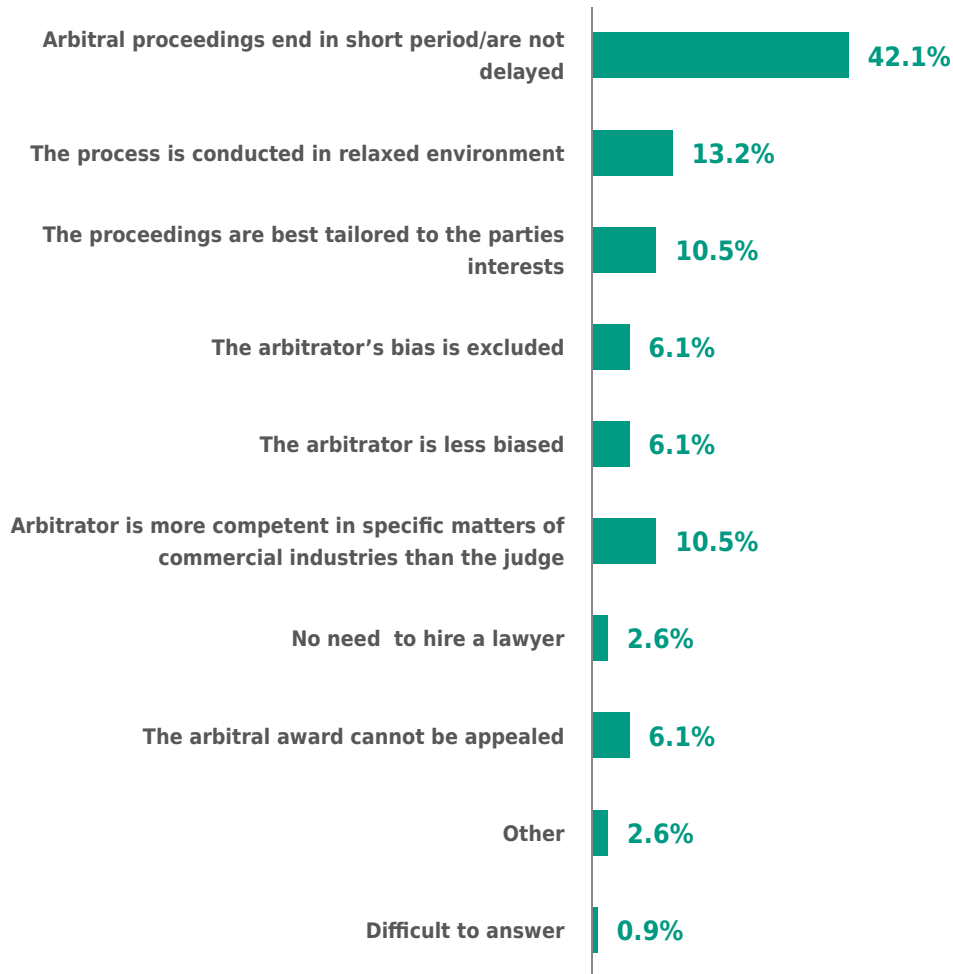


It was interesting for the research to find out what advantages and disadvantages arbitration is characterized with compared to the court. As the results show, the main advantage of arbitration is its speediness (42.1%), and the noteworthy answers are - *the process is conducted in a relaxed environment* (13.2%), *the proceedings are best tailored to the parties' interests* (10.5%) and *the competence of the arbitrator in specific commercial industry matters* (10.5%).

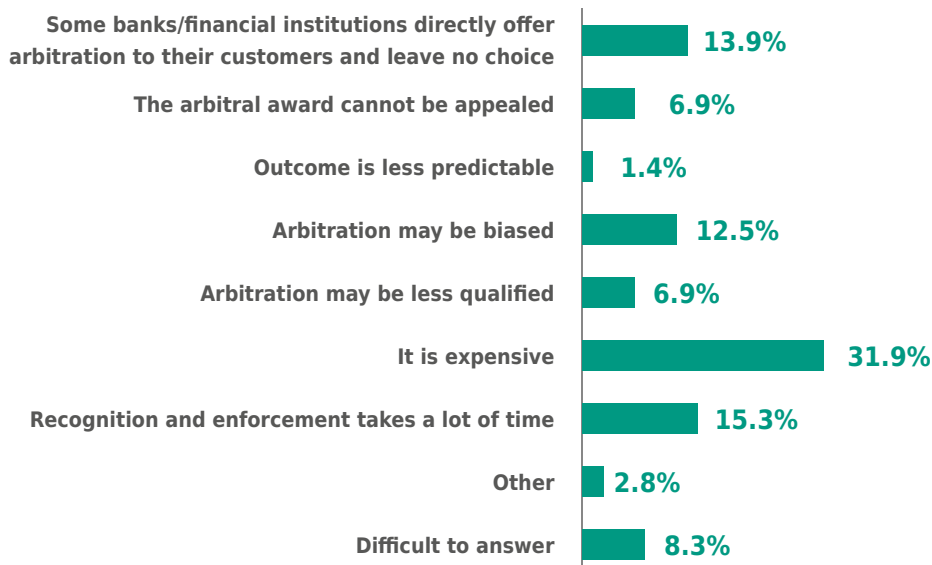
As for the arbitration disadvantages compared to the court, about 1/3 (31.9%) of the respondents indicate the high cost of arbitration services. Besides, the following answers are noteworthy as well - *"recognition and enforcement take a lot of time"* - 15.3%, *"some banks / financial institutions directly offer arbitration to their customers and leave no choice"* - 13.9% and *arbitrator may be less competent* - 12.5% (see Charts ##26 -27):

Chart #26-27

What are advantages of arbitration over the court?

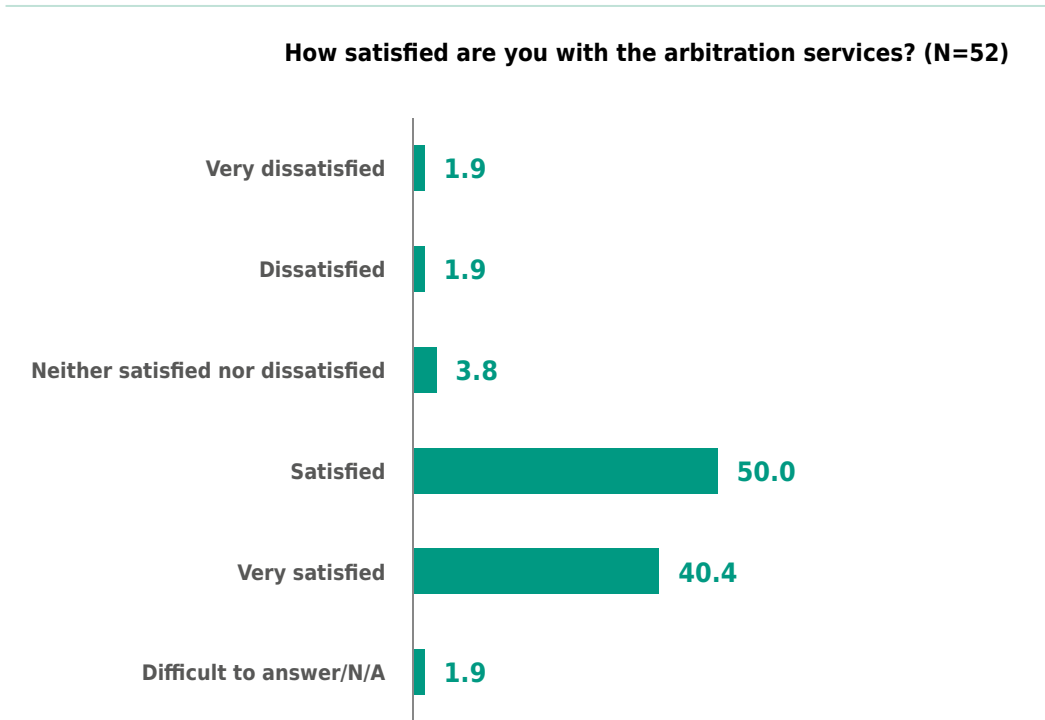


What are disadvantages of arbitration compared to the court?



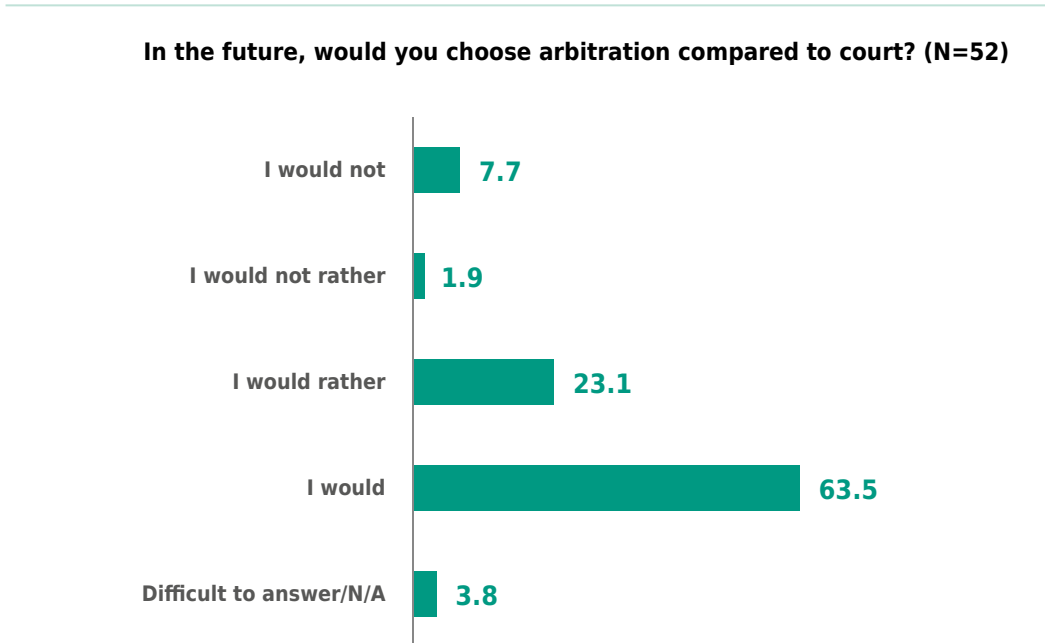
Respondents are generally satisfied with the services of arbitration - 40.4% are fully satisfied and 50% are satisfied (see Chart # 28:)

**Chart #28**

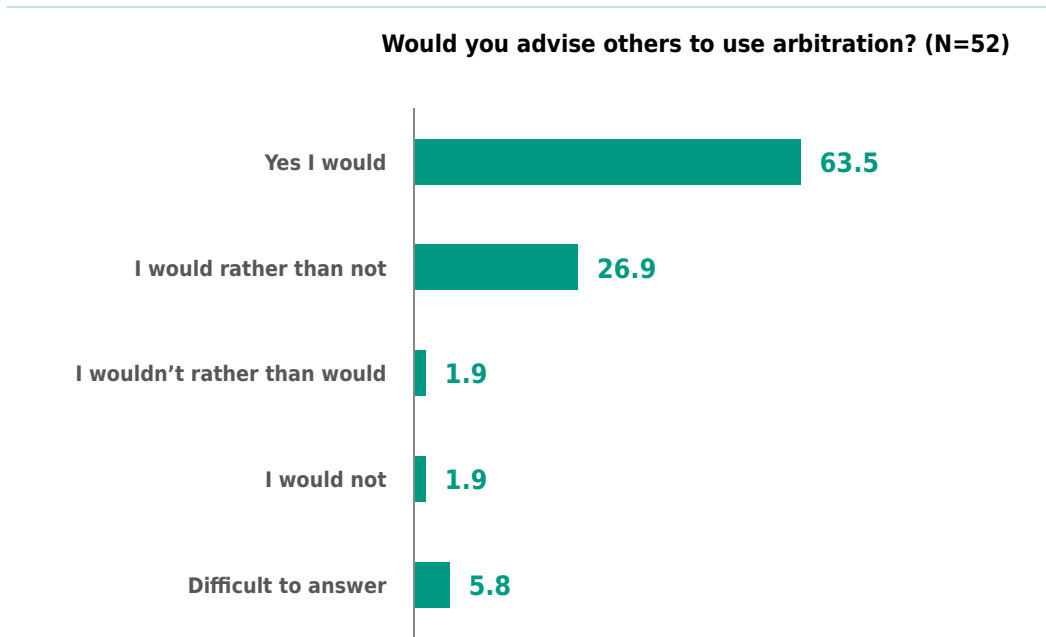


63.5% of the respondents prefer arbitration compared to the court; 23.1% prefer more than not. The same is true for the question - *would you advise others to use arbitration when necessary?* 63.5% would advise, and 26.9% would advise it more than not to use the arbitration (see charts #29-30):

**Chart #29**



**Chart #30**



More than half of the parties' representatives/lawyers participating in the research (55.8%) would advise their clients to use arbitration, while 22% would rather advise than not. As for the type of cases, 27.3% of respondents preferred arbitration in the case of contractual disputes, 19.5% in any dispute subject to arbitration, 16.9% in corporate disputes, and 15.6% in the case of loan disputes to natural persons (see # chart). 31-32):

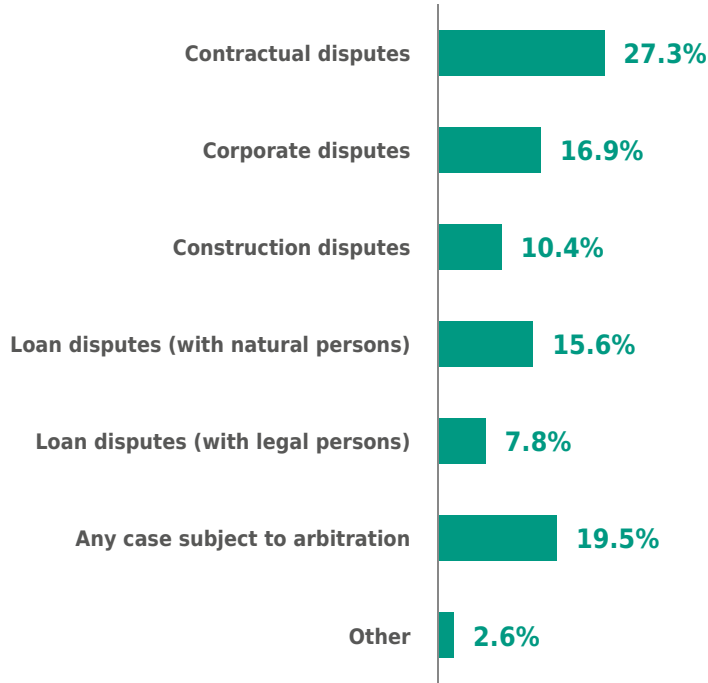
**Chart #31**





**Chart #32**

**Which types of cases would you recommend to your client for arbitration? (N=52)**



# Users' Satisfaction with Mediation: Results

## Main Findings

The mediation customer satisfaction research identified key aspects related to mediation awareness, expectations, mediation proceedings and mediation center activities, as well as mediator's professionalism.

The study showed the majority of the respondents (62.5%) had complete information about mediation prior to the involvement of a mediator in dispute resolution. A quarter of the respondents had never heard of mediation before being directly involved in the process. A small number of the respondents stated television, social media, etc. as the means of obtaining information. The vast majority (83.8%) of the respondents said that they had information about this service due to their occupation (lawyer). The survey showed that every second respondent had positive expectations regarding mediation. Nearly a third (31.3%) of the respondents said that they were neutral about the process before resorting to mediation.

According to the study, both or one of the disputing parties, as well as their representatives/lawyers, were involved in the mediation. It is noteworthy that 68.8% of the respondents have stated mediation was a judge's initiative. Only 16.7% of the participants of the study independently selected the mediator. The mediator's experience and reputation are named as crucial criteria in the decision-making process. More than half (58.3%) of the respondents said that the mediation center offered them a mediator. In the latter case, criteria for mediator's selection were unknown to every second respondent. Others say that the mediator's experience and reputation were determining factors.

The survey showed, that more than 90% of the respondents positively evaluate their mediator's professionalism, communication skills, neutrality, settlement-oriented skills, and other parameters. The proportion of the respondents who rate the mediator's professionalism as either neutral or negative according to each parameter is very low.

From disputes referred to mediation, contractual (25%), family (20.8%), inheritance (16.7%), and labor disputes were the most common ones. It is noteworthy that mediation sessions were held in a formal environment (i.e. court mediation center) in 91.7% of the respondents' cases. The respondents mostly positively assess the environment in which the mediation sessions were held. The overwhelming majority of the respondents (81.3%) believe that the number of sessions in their case was sufficient to successfully resolve the dispute. Only 6.3% indicated that the number of sessions was not sufficient. It should be noted that in the case of a third of the respondents their disputes were not resolved through the mediation (i.e. settlement was not reached).

Regarding the evaluation of the activities of the mediation center, the statistical analysis showed that the respondents either make positive evaluations or they are neutral. Specifically, the proportion of the respondents who gave a positive assessment of the mediation center's performance per parameters such as informing the party about the mediation service, considering the interests of the party and the diversity of mediator choices varied from 83% to 90%.

Assessing mediation in general, 85.4% of the respondents said that the involvement of a lawyer in this process is very important. In their view, the lawyer made a positive contribution to the process and helped the party to reach desired settlement. At least every second respondent considers that the involvement of a lawyer was helpful at the initial stage of mediation when the parties were briefed about this process, as well as during the bargaining phase (exchange of offers) and drafting of the settlement.

The study also revealed the respondents' preference for mediation compared to the court. 19.6% of the respondents said that in case of mediation the matter is considered outside the court in a less stressful environment. 20.1% emphasize the time factor and think that this method saved them time. About disadvantages, the attention is paid to the factors such as failure to comply with the mediation settlement by either party and the return of the case to the court, in cases when the mediation fails.

Finally, every second respondent is satisfied with the mediation process, with slightly more than a fifth assessing their satisfaction with mediation. The share of dissatisfied respondents is very low (4.2%).

It should be noted that in the majority of the respondents' cases (60.4%), mediation did not result in a settlement, however, the share of respondents dissatisfied with the mediation process is very low (4.2%). It should also be mentioned that the respondents rated the mediator's professionalism and the work of the mediation center positively in each parameter of evaluation. This indicates that beneficiaries have positive attitude towards obtained services. Positive attitudes towards alternative dispute resolution - mediation revealed by the research indicate that satisfaction with mediation is not directly related to its outcome.

## Socio-demographic characteristics

47.9% of the study participants were female and 52.1% male (see Chart # 33):

The age of the respondents varies from 26 to 50+. 43.8% of respondents are 26-39 years old, 37.5% 40-49 years old. 18.8% are 50+ (see Chart # 34):

Chart #33

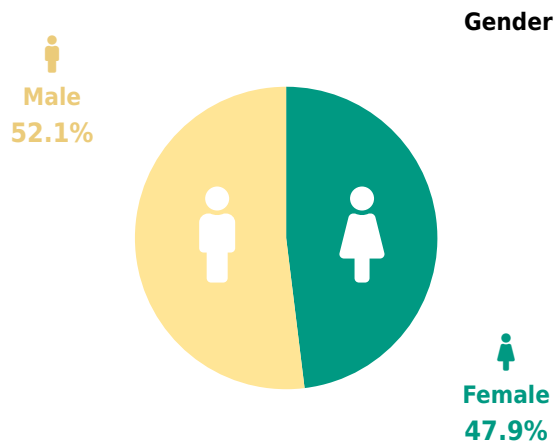
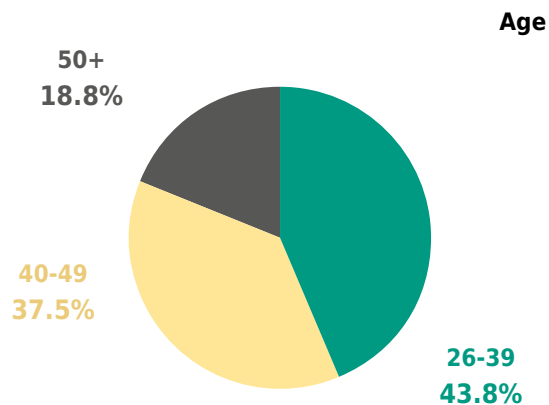
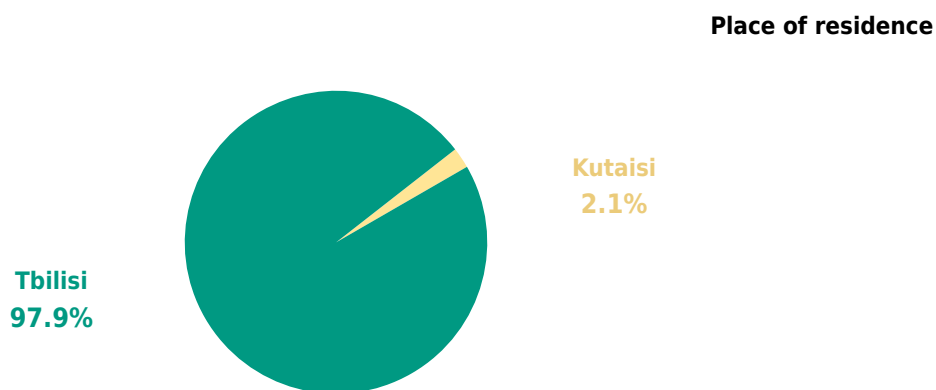


Chart #34



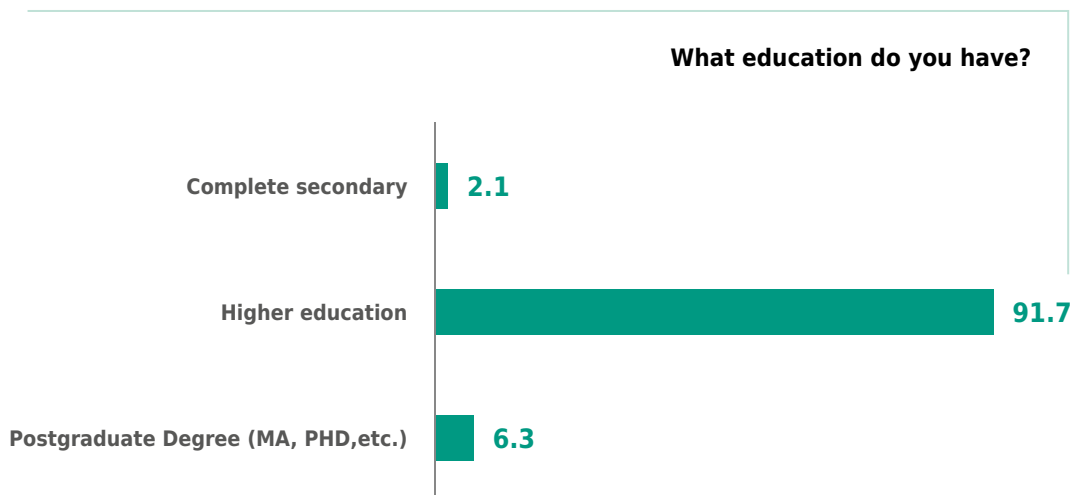
As for the place of residence, the overwhelming majority (97.9%) of the respondents are residents of Tbilisi, and a few respondents live in Kutaisi (see Chart # 35):

Chart #35



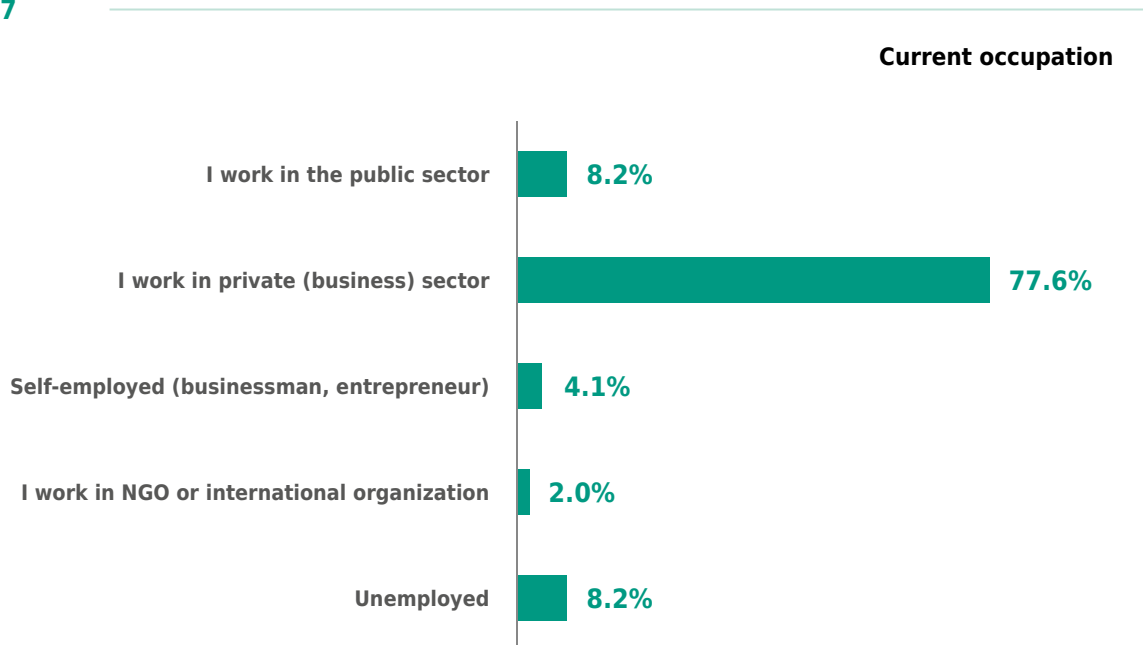
According to the level of education obtained, the classification of respondents is as follows: 91.7% of respondents have higher education (institute, university). The share of respondents who have only completed secondary education is very low. (See Chart # 36):

**Chart #36**



Regarding the respondents' field of activity, the majority (77.6%) of the respondents are employed in the private (business) sector. The share of the respondents who say that they are employed in the public sector, NGOs or international organizations is significantly low. Also, only 4.1% is the percentage of self-employed respondents (see Chart # 37):

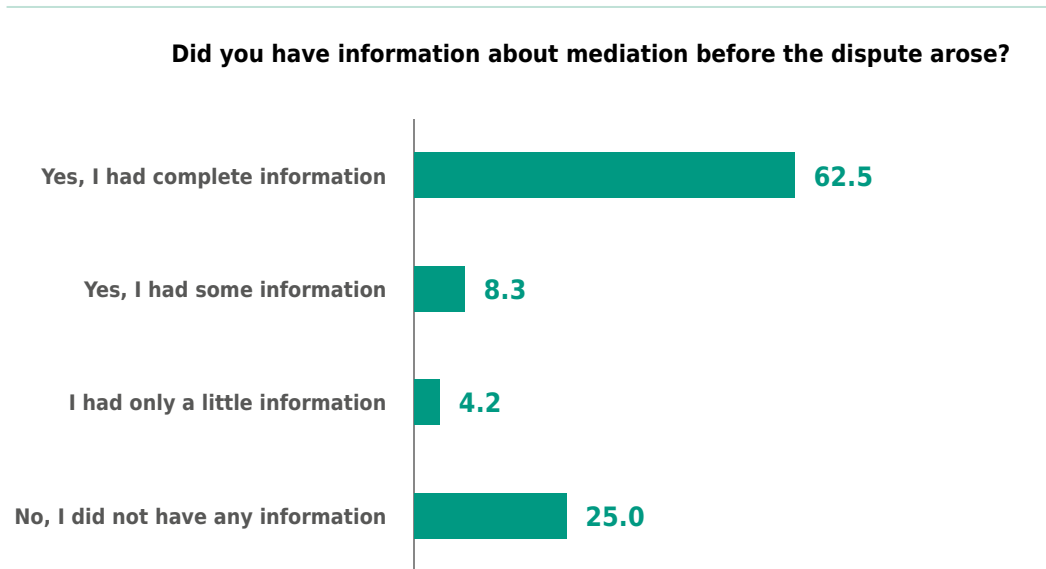
**Chart #37**



## Mediation Awareness and Expectations

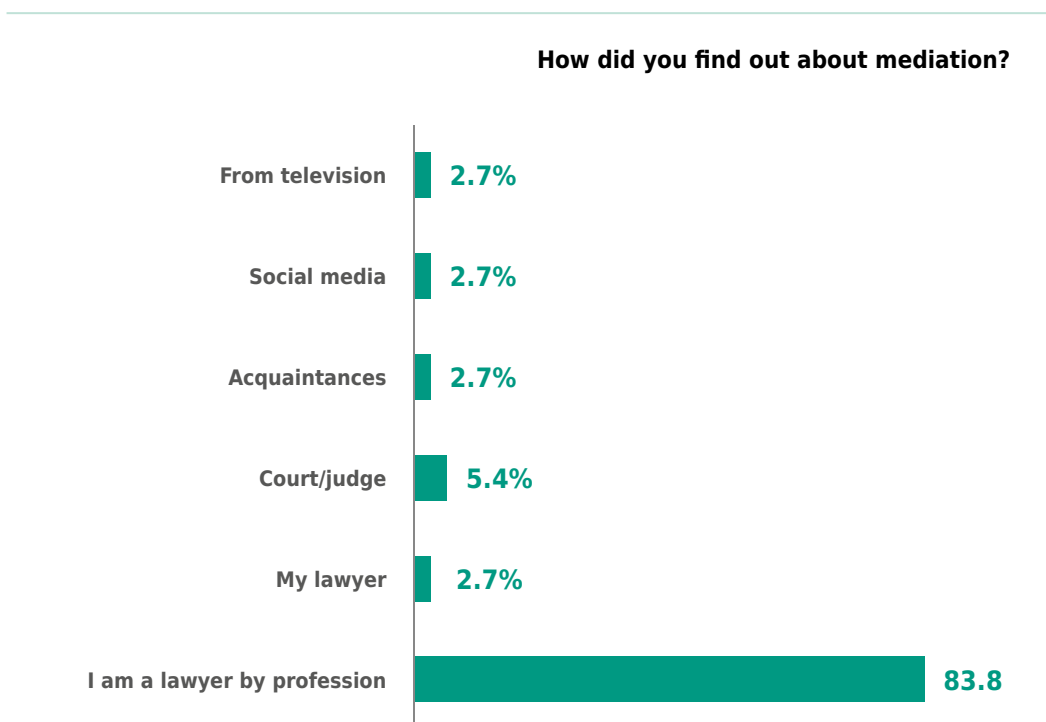
Most of the respondents (62.5%) had complete information about mediation before the dispute was referred to a mediator. It should be noted that a quarter of the respondents did not know anything about mediation before the dispute began (see Chart # 38):

Chart #38



Respondents who had information on mediation prior to contacting the relevant mediation center talked about sources of information. The majority of the respondents (83.8%) mentioned that they are lawyers by profession and, consequently, they had information about this process. A small number of respondents refer to other sources such as television, social media, acquaintances, their own lawyer, judge, etc. (see Chart # 39):

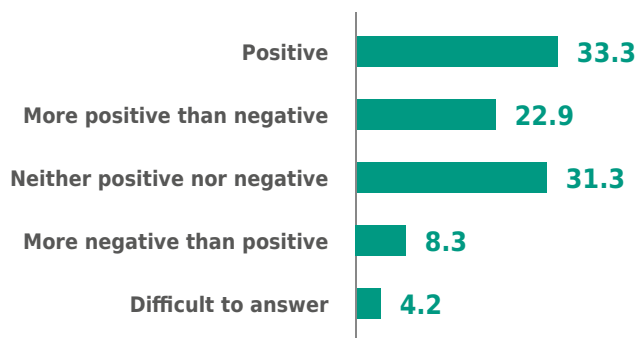
Chart #39



Respondents rated their expectations of mediation before their dispute was referred to mediation. The evaluation was made on a 5-point scale, with a score of 5 being the maximum positive rating, a score of 1 radically negative, and a score of 3 indicating a neutral rating. 56.3% of respondents said they had positive expectations about mediation; Almost a third used the neutral field of assessment to make their own assessment (see Chart # 40):

**Chart #40**

**What were your expectations about mediation before submitting a dispute?**



The statistical analysis of the central trends showed that the respondents' expectations of mediation are in the positive field: the mean score is 3.85. The median is 4. This once again indicates that the respondents had generally positive expectations about mediation before their dispute was referred to the mediation center (see Table #2)

**Table #2**

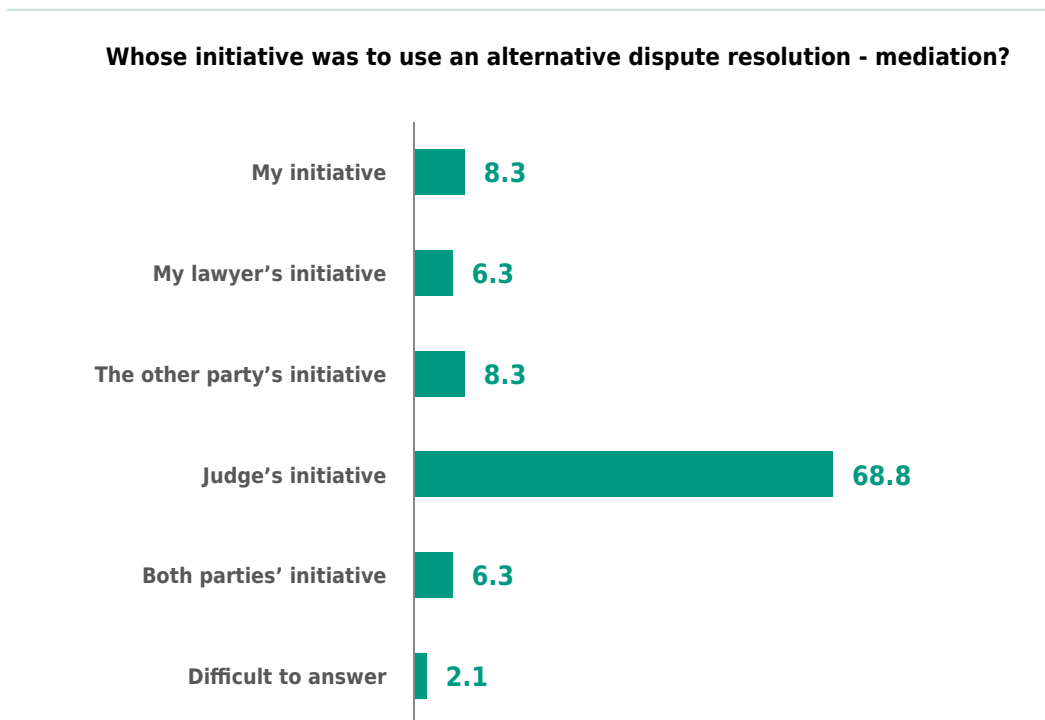
	Mean	Median	Std. Deviation	Minimum	Maximum
<b>What were your expectations about mediation before submitting a dispute to mediation?</b>	<b>3.85</b>	<b>4.00</b>	<b>1.010</b>	<b>2</b>	<b>5</b>

## Evaluation of Mediation Proceedings and Mediator’s Professionalism

Both the parties themselves and their’ representatives/lawyers participated in the survey. According to the data, 35.4% of surveyed persons were a **party** during mediation and 64.6% a **lawyer/representative of a party**. The survey also studied who participated in the mediation process in their case. 70.8% of respondents indicated that **both parties - the claimant and the respondent** - participated in the mediation process. In case of those 70.8%, at least one party was accompanied by **his / her representative/lawyer** during the proceedings. While in the case of 27.1%, **only one party and the representative of the other party** participated in mediation.

In the survey, 68.8% of respondents indicated that the use of alternative dispute resolution - mediation - was a judge’s initiative. While 8.3% are those respondents who note that the dispute was referred to mediation either by their own or the other party’s initiative (see Chart # 41):

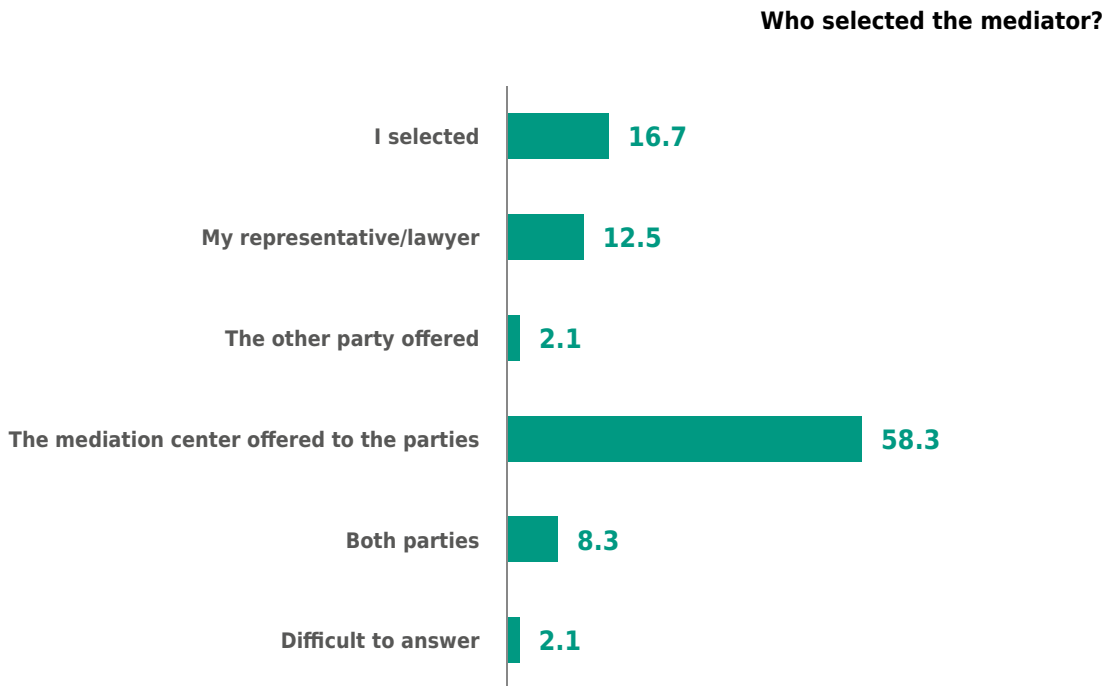
**Chart #41**



Regarding the selection of a mediator, the majority of the respondents (58.3%) indicated that the center offered the mediator to the parties; 16.7% of the respondents selected a mediator. In addition, 12.5% of respondents indicated that their lawyers made the decision (see Chart # 42):

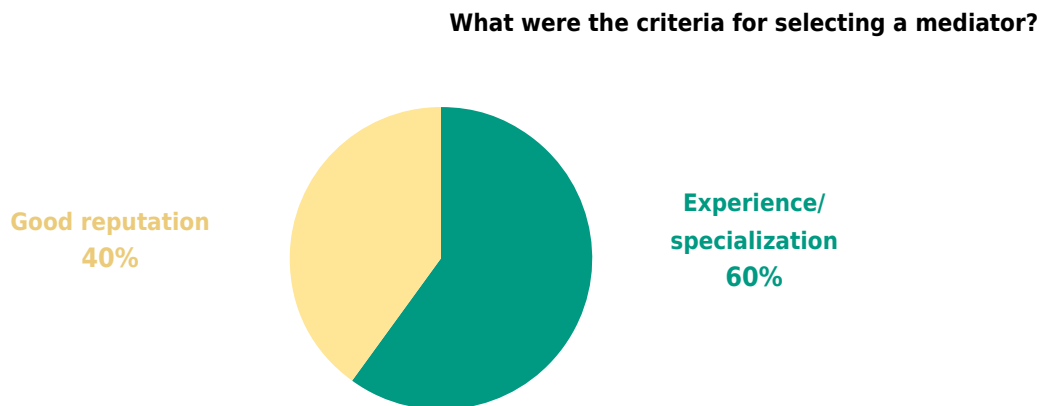


**Chart #42**



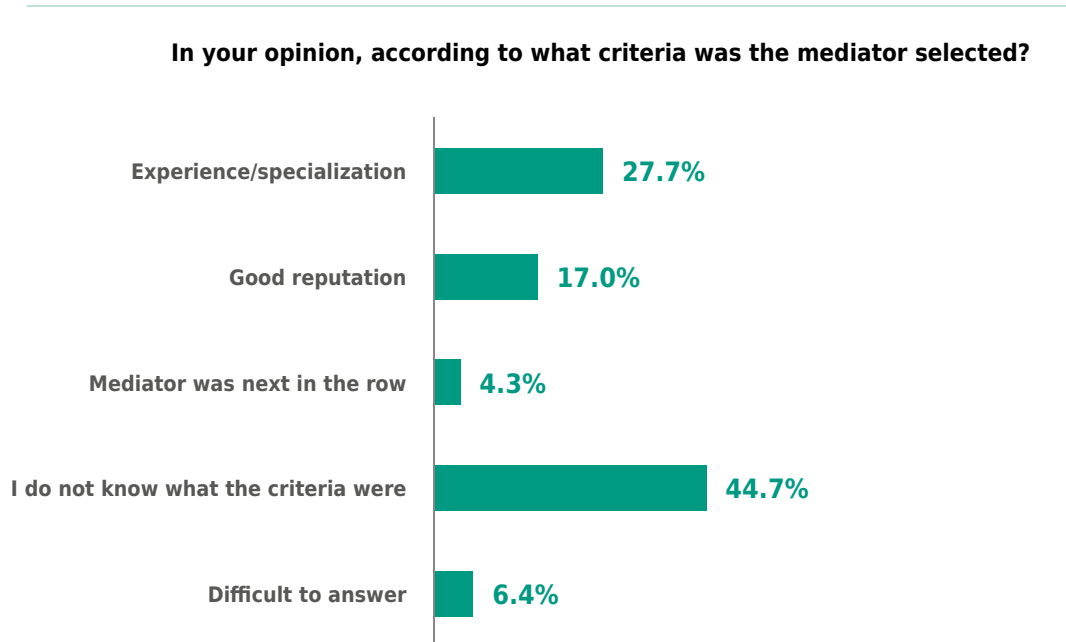
A part of the respondents, who independently selected the mediator, indicated criteria that were considered in the selection process: in most cases, the mediator's experience/ specialization (60%) and a good reputation (40%) (see chart # 43)

**Chart #43**



Respondents, who did not select a mediator themselves, in 44.7% cases say that they did not know what criteria were applied, while 27.7% stated that mediators' experience/specialization was taken into consideration. Some respondents (17%) believe that the mediator's reputation should have been one of the key factors in the selection process (see Chart # 44):

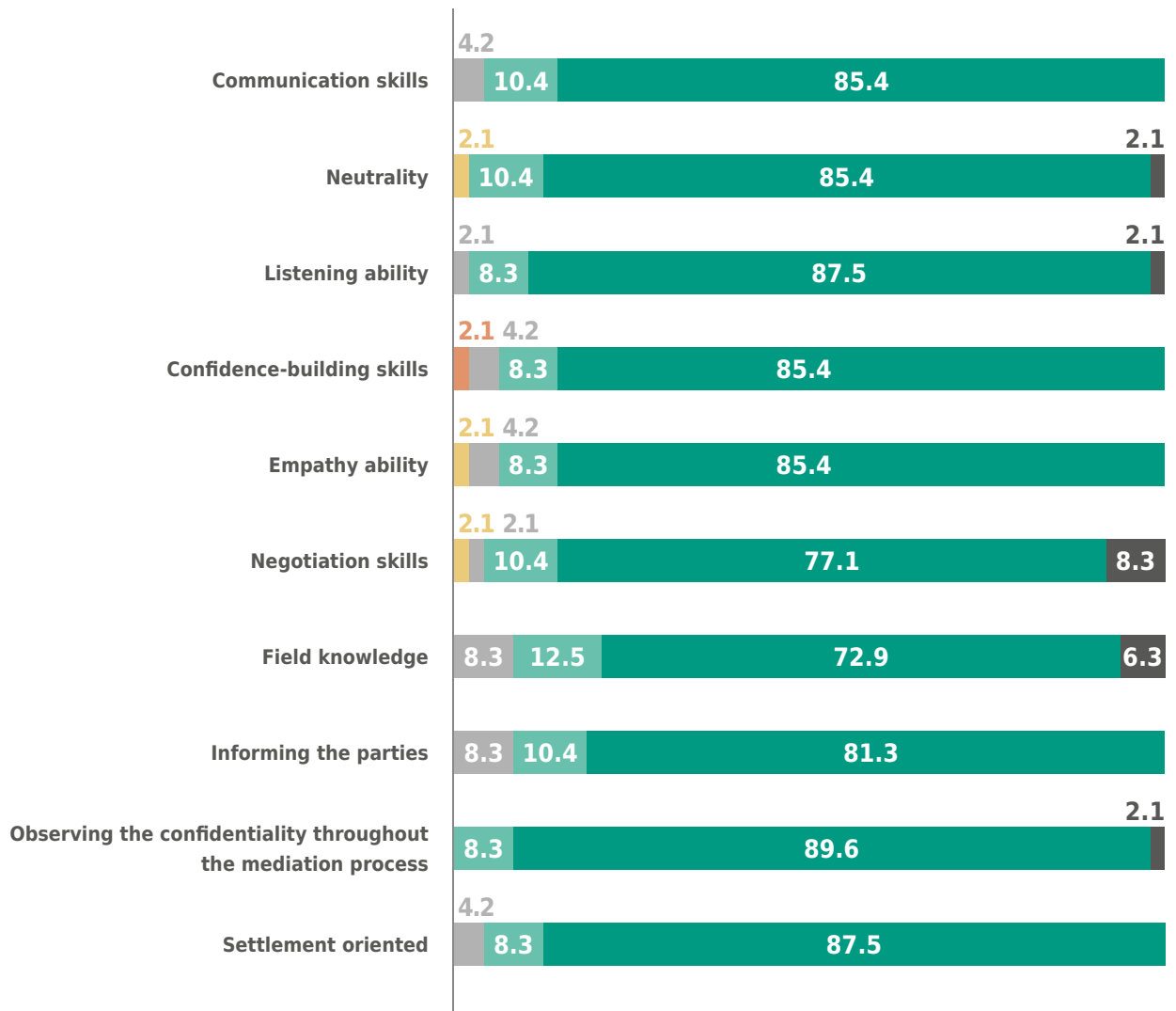
**Chart #44**



Respondents evaluated mediators' professionalism on a 5-point scale according to the following parameters: communication skills, neutrality, listening skills, rapport building skills, field expertise, focusing on settlement, etc. The statistical analysis showed that the respondents, generally rated each parameter positively (**indicates 5 or 4 on a 5-point scale**). Respondents identify particularly positively such characteristics as confidentiality, focusing on settlement, mediator's listening skills, communication skills, neutrality, and etc.. The proportion of the respondents rating the mediator's professionalism as either neutral or negative according to each parameter is very low (see Chart # 45):

Chart #45






Evaluate the mediator's professionalism by the following parameters



- ⊖ Very negative
- ⊖ More negative than positive
- ⊖ Neither negative nor positive
- ⊕ More positive than negative
- ⊕ Very positive
- ⊗ Difficult to answer

The statistical analysis of the evaluation of mediator’s professionalism by central tendencies also showed that the mean score (Mean) for each of the indicators ranged from 4.77 to 4.91. This indicates that respondents’ assessment for each parameter is uniquely positive. As for the median, each case is equal to 5 (see Table # 3).

Again, the following parameters are distinguished with the highest mean rates (**when Mean > 4.80**):

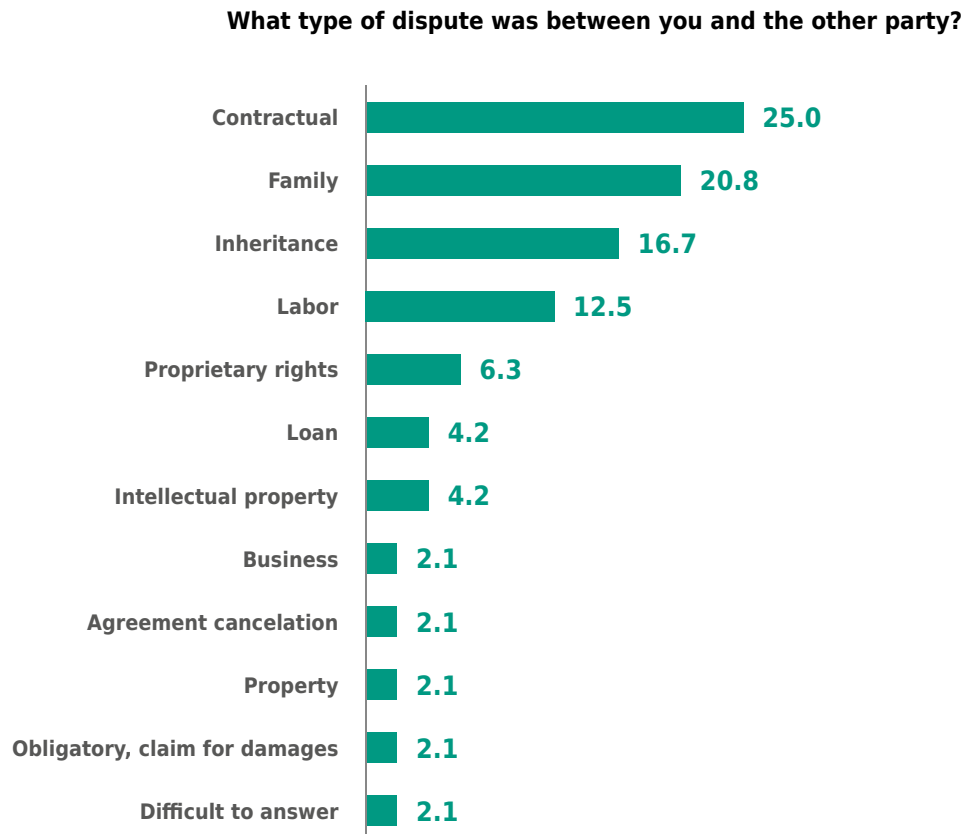
-  Confidentiality throughout the entire mediation process - Mean = 4.91, Median = 5
-  Listening skills - Mean = 4.87, Median = 5
-  Neutrality - Mean = 4.83, Median = 5
-  Focusing on settlement - Mean = 4.83, Median = 5
-  Communication skills - Mean = 4.81, Median = 5

**Table #3**

Parameters for evaluating mediator professionalism	Mean	Median	Std. Deviation	Minimum	Maximum
Communication skills	4.81	5.00	.491	3	5
Neutrality	4.83	5.00	.524	2	5
Listening Skills	4.87	5.00	.397	3	5
Confidence-building skills	4.75	5.00	.729	1	5
Empathy	4.77	5.00	.627	2	5
Negotiation skills	4.77	5.00	.605	2	5
The professionalism of a mediator - field expertise	4.69	5.00	.633	3	5
Informing the parties	4.73	5.00	.610	3	5
Focusing on settlement	4.83	5.00	.476	3	5
Observing confidentiality throughout the mediation process	4.91	5.00	.282	4	5
Efficiency	4.79	5.00	.587	2	5

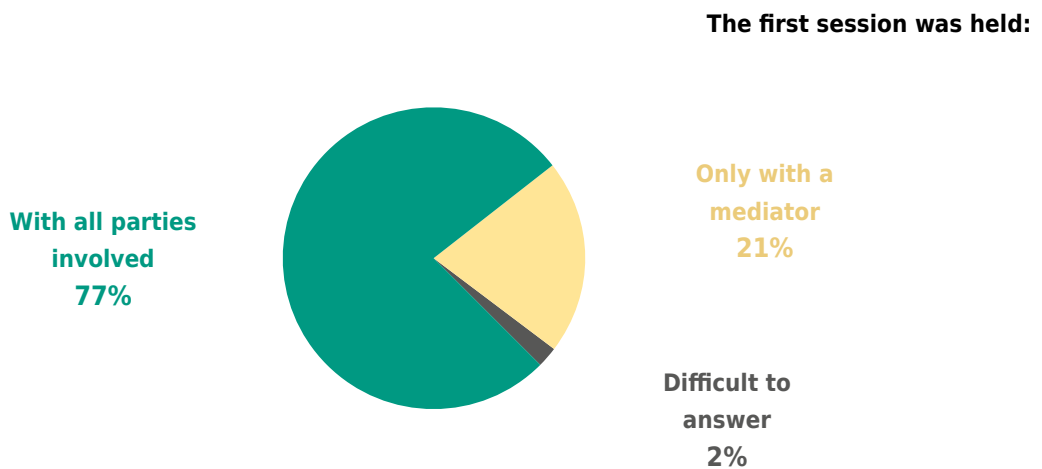
Mediation disputes, based on the experience of the respondents, concerned inheritance, business, family, labor and contractual issues, also involved property, transactions, intellectual property, etc. Contractual (25%), family (20.8%), inheritance (16.7%) and labor disputes were the most frequent disputes (see Chart # 46):

Chart #46



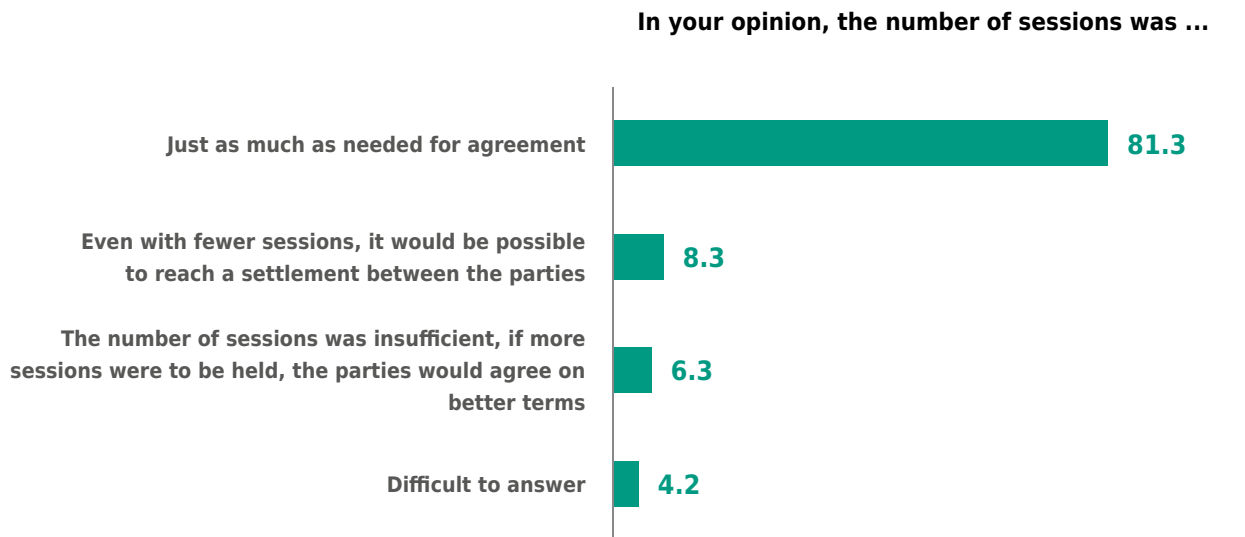
Mediation sessions were conducted in a formal environment in 91.7% of respondents' cases (NB: court mediation center was considered as formal). The share of the respondents who reported that the sessions took place in both formal and informal environments was small (8.3%). 77.1% of respondents said that the first session of mediation was held with the participation of all parties, while a fifth of the respondents indicated that the first session of the mediation process was conducted only with a mediator (i.e. with the participation of only one party) (see Chart # 47):

Chart #47



81.3% of the respondents are satisfied with the number of sessions and say that in their case there were exactly as many sessions as needed. Only 6.3% indicated that the number of sessions was not sufficient. According to the latter, if more sessions were to be held, the parties would agree on better terms or could have reached the settlement (see Chart # 48):

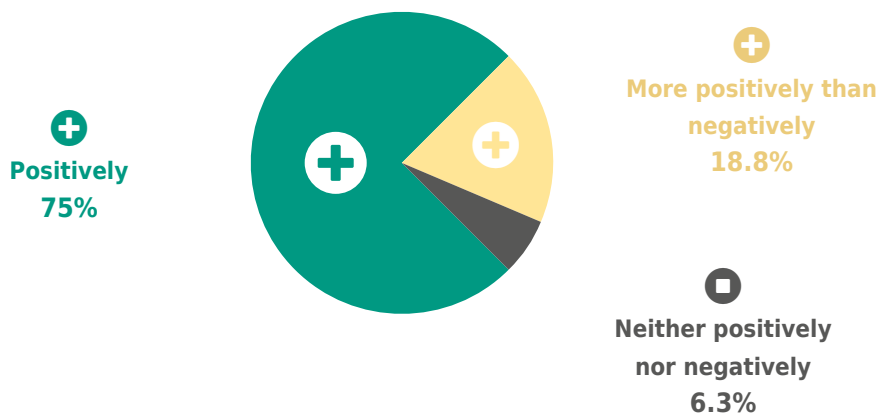
**Chart #48**



The study assessed the environment in which the mediation sessions were conducted. 93.8% of the respondents expressed a positive opinion, with a small number being neutral. If we consider respondents' assessments according to central trends, the mean and median are also in the positive field (Mean = 4.69; Median = 5) (see Chart # 49):

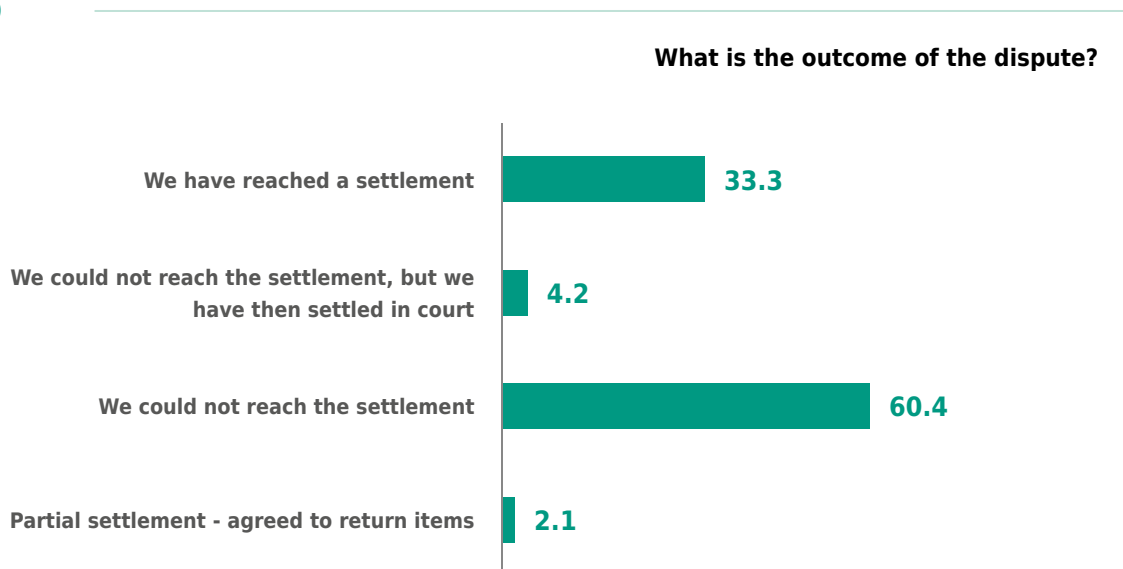
**Chart #49**

**Overall, how would you rate the environment in which the session/sessions were held?**



The majority of the respondents (60.4%) indicated that they could not reach an agreement through mediation, with a third indicating that their case was settled (33.3%). The proportion of respondents who were not able to resolve the dispute through mediation but managed that with the help of the court was very small (see Chart # 50):

**Chart #50**

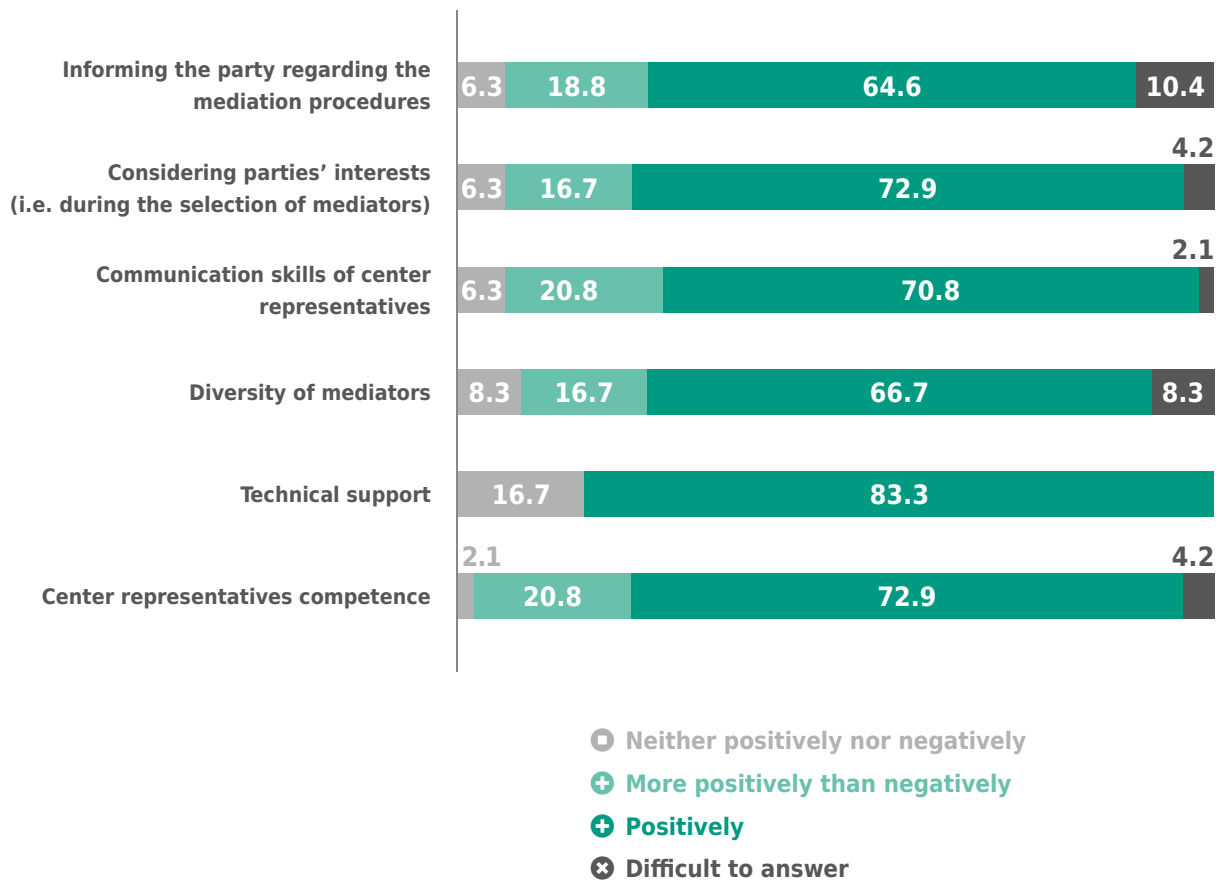


The study showed that as a result of the mediation process, further compliance with the settlement agreement was voluntary (31.3%) in some cases and through official enforcement procedure(4.2%) in rather rare cases.

Respondents also rated the mediation center’s performance on a 5-point scale, according to the following criteria: informing the party regarding the mediation procedures, parties’ interests-oriented (i.e. during the selection of mediators), communication skills of center representatives, diversity of mediators, technical support, center representatives competence. The statistical analysis showed that respondents generally gave positive ratings, and in some cases, neutral ratings. The percentage of respondents who positively assessed the communication skills of the mediation center representatives (91.6%) and the competence of the center representatives (93.7%) was particularly high. Besides, virtually the entire number of respondents positively assesses the infrastructure of the center (see Chart # 51):

**Chart #51**

**Evaluate the activities of the Mediation Center according to following parameters**



The central tendencies of the respondents' feedback on mediation center performance show that the mean ratings (Mean) for each parameter range from 4.64 to 4.83. This again indicates that the assessment is mostly positive. The median for each parameter is 5 (see Table #4)



**Table #4**

<b>Mediation Center Activity Assessment Parameters</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>	<b>Minimum</b>	<b>Maximum</b>
Considering parties' interests (i.e. during the selection of mediators)	<b>4.70</b>	<b>5.00</b>	<b>.591</b>	<b>3</b>	<b>5</b>
Communication skills of center representatives	<b>4.66</b>	<b>5.00</b>	<b>.600</b>	<b>3</b>	<b>5</b>
Diversity of mediators	<b>4.64</b>	<b>5.00</b>	<b>.650</b>	<b>3</b>	<b>5</b>
Technical support	<b>4.83</b>	<b>5.00</b>	<b>.377</b>	<b>4</b>	<b>5</b>
Communication skills of center representatives	<b>4.74</b>	<b>5.00</b>	<b>.491</b>	<b>3</b>	<b>5</b>

It is noteworthy that 90% of those who were actual parties and 100% of those who were lawyers in mediation positively assess the activities of the mediation center in terms of consideration of party interests. It should be noted that the relationship between the positions of the participants in the mediation process and the satisfaction with the mediation center's activity, according to the mentioned parameter is statistically reliable.

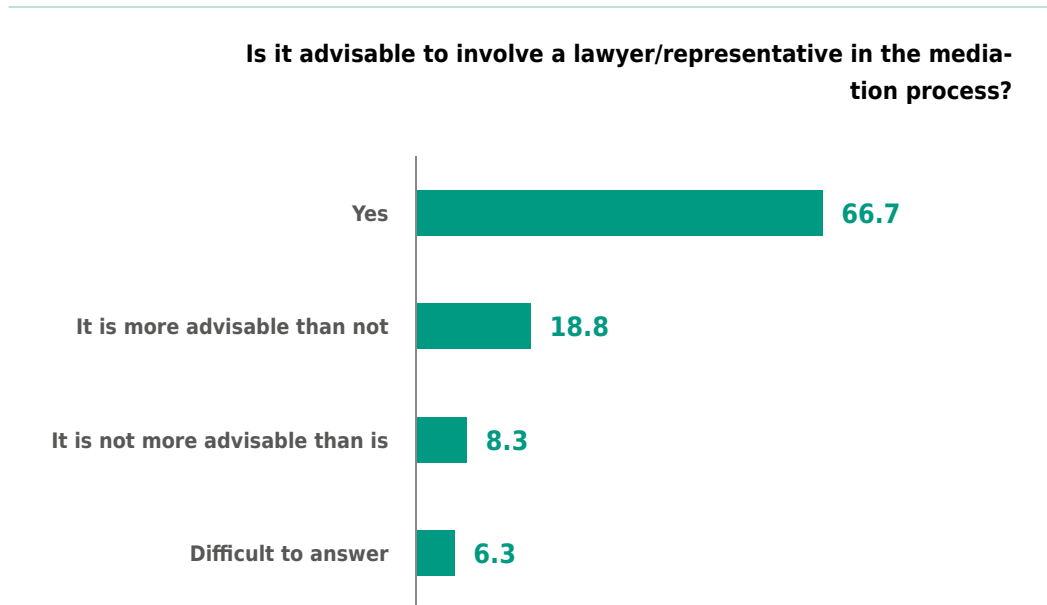
**Table #5**

<b>Activities of the Mediation Center - taking into account the interests of the parties</b>	<b>In mediation you were</b>	
	<b>Party</b>	<b>Party Representative / Lawyer</b>
Neither positively nor negatively	<b>20.0%</b>	<b>0.0%</b>
More positively than negatively	<b>20.0%</b>	<b>16.1%</b>
Positively	<b>60.0%</b>	<b>83.9%</b>

## General Assessment of Mediation

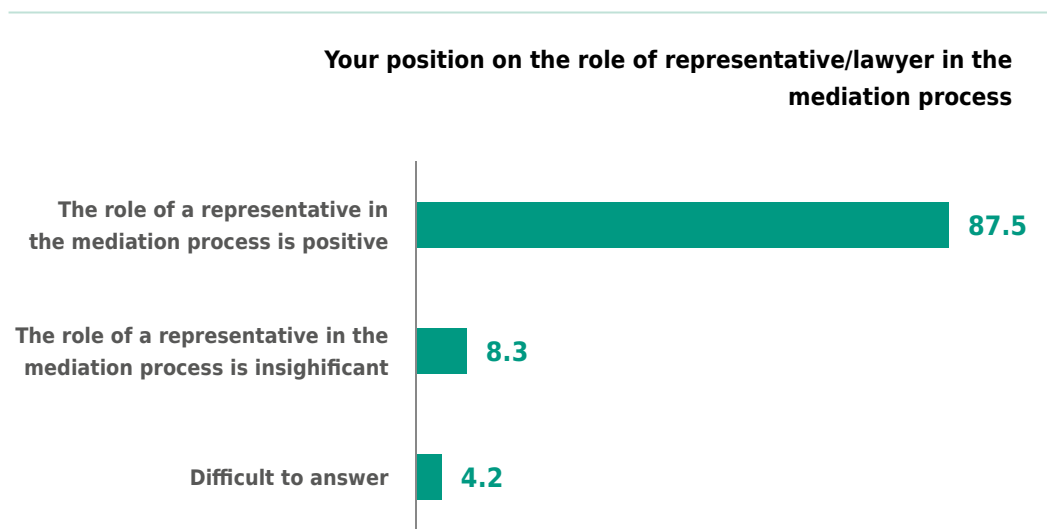
Respondents generally assessed mediation in light of several aspects. 85.4% of the respondents think that the participation of a lawyer/representative in the mediation process is advisable (18.8% of them think it is more advisable than not). Only 8.3% found participation of a lawyer to be not advisable (see Chart # 52):

Chart #52



Regarding the role of the representative/lawyer in the mediation process, the vast majority of the respondents (87.5%) say that the lawyer is a positive contributor to the process and helps the party to complete the settlement with the result they want. The number of respondents who consider that the role of the representative is not important and cannot significantly influence the mediation process and outcome is considerably lower (see Chart # 53):

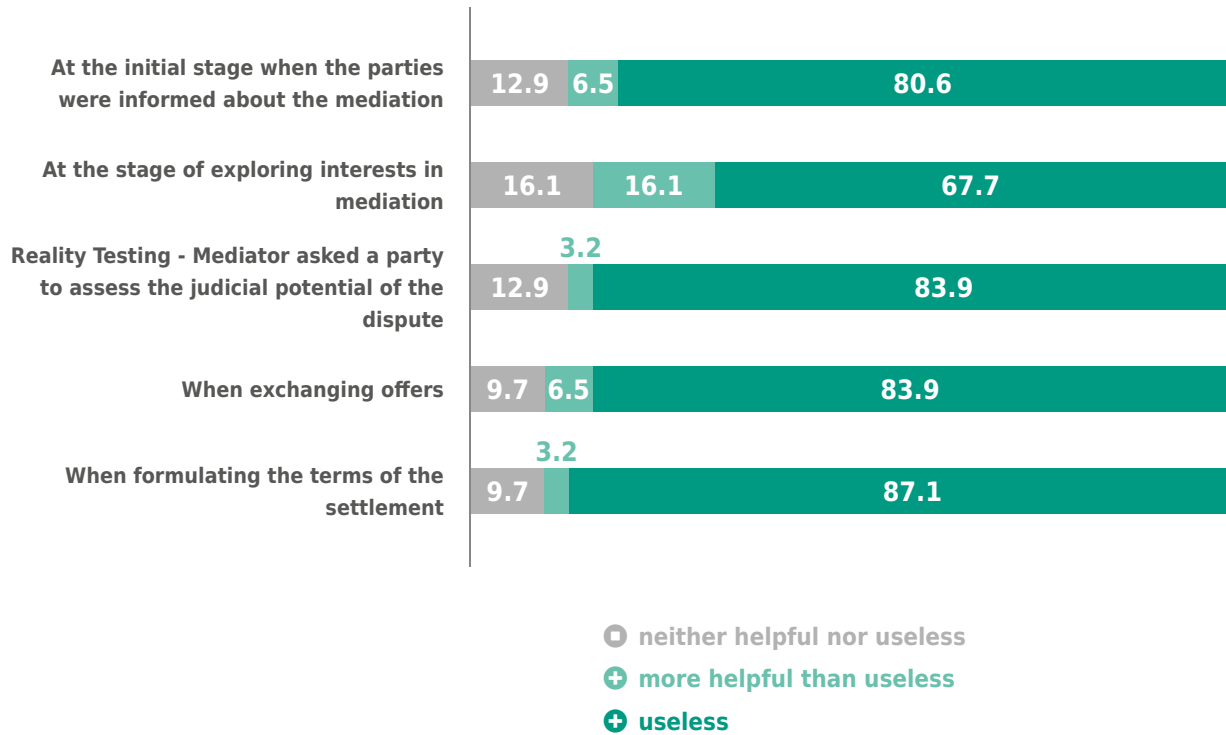
Chart #53



Respondents also were asked to rate the usefulness of the involvement stages of lawyers during mediation on a 5-point scale. The statistical analysis revealed that respondents' ratings varied from positive to neutral. It should be noted that they do not make negative assessments. 80.6% of the respondents believe that the involvement of a lawyer has been useful at the initial stage of mediation when the parties were briefed about the process. 87.1% of respondents favor the involvement of a lawyer during drafting of the settlement, while exchanging offers and testing reality (when the mediator asked the party to assess the judicial potential of the dispute). Overall, 83.9% of the respondents rate the involvement of a lawyer as favorable **(in each parameter)**. More than half of the respondents also found it helpful to have a lawyer engaged in the mediation process at the stage of exploration of interests. The proportion of respondents who give a neutral assessment of this issue varies from 3.2% to 16.1% (see Chart # 54):

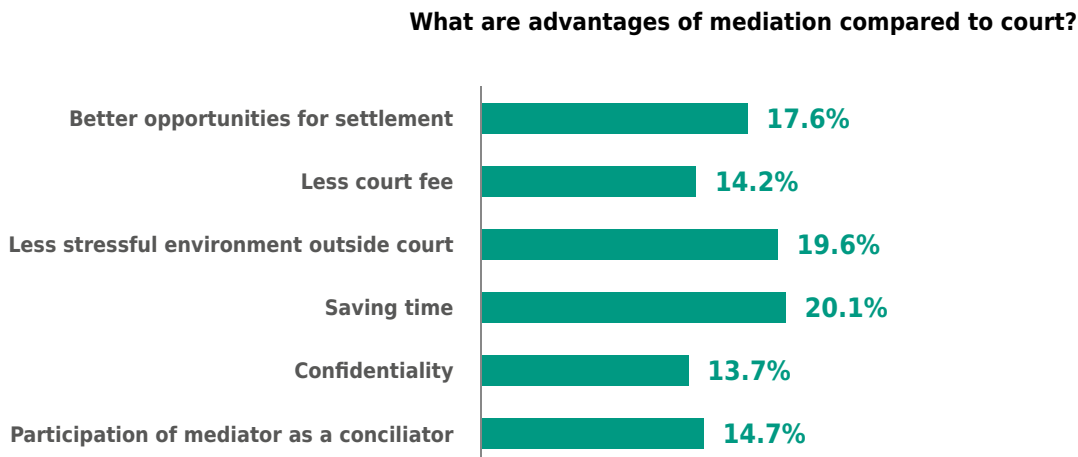
**Chart #54**

**At what stage of the mediation process was the involvement of a lawyer helpful or useless?**



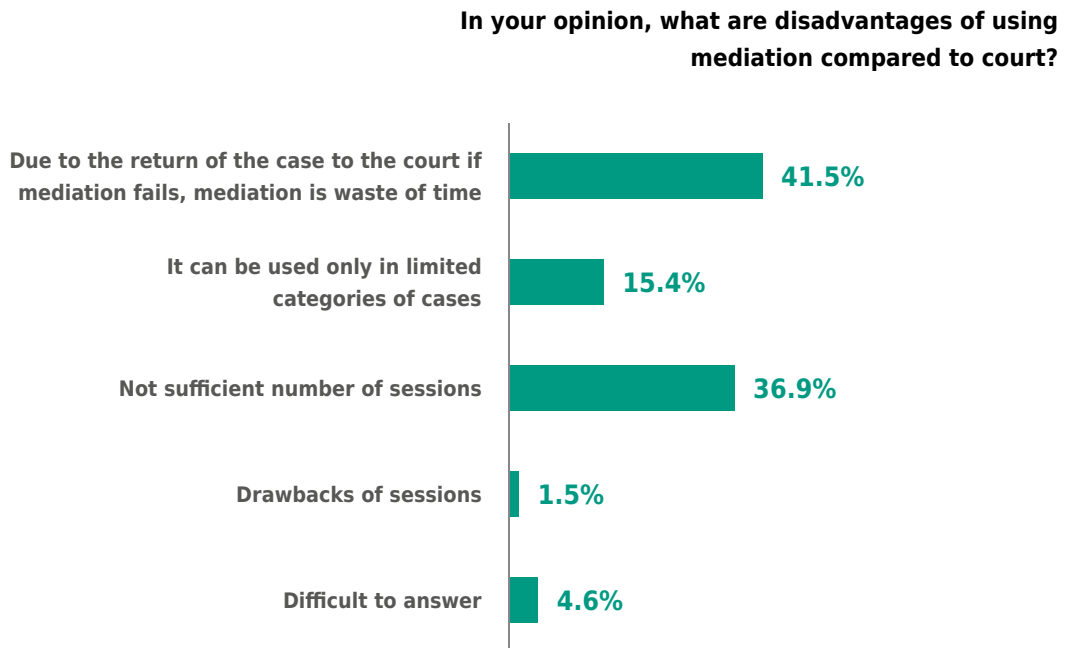
Respondents talked about advantages of mediation compared to the court. The overwhelming majority of the respondents (19.6%) say that in case of mediation the matter is considered outside the court in a less stressful environment; 20.1% stress the time factor and think that this method saved time. 17.6% cite better opportunities for settlement provided by mediation. The percentage of respondents who think that the use of the mediation is preferable in terms of confidentiality, mediator involvement and the amount of payable court fee vary from 13% to 15% (see Chart # 55):

**Chart #55**



In addition to the advantages, the respondents also talked about the main disadvantages of using mediation compared to the court. More than a third of the respondents (36.9%) believe that in the case of mediation, a party may not consider compulsory to comply with the terms of the settlement. 41.5% believe that return of the case to the court if mediation fails is a waste of time. 15.4% of the respondents think that mediation can be applied to specific cases and not to any category (see Chart # 56):

**Chart #56**



The central trends show that in future most of the respondents, will use the mediation rather than the court if such necessity emerges. The average response rate of respondents, in this case, is 3.24 (Mean = 3.24), which confirms the above. As for the median, it equals 4 (Median = 4), see Table # 6:

**Table #6**

	Mean	Median	Std. Deviation	Minimum	Maximum
<b>If necessary, would you choose to use mediation compared to the court?</b>	3.24	4.00	.994	1	4

As for the satisfaction with the mediation process, more than half (56.3%) of respondents said they were satisfied with the process, with slightly more than a fifth of respondents reporting a neutral assessment, indicating that they were **neither satisfied nor dissatisfied**. The share of dissatisfied respondents is very low (4.2%). According to the central trends, respondents' satisfaction ratings tend to be positive (Mean = 3.83, Median = 4), see Table # 7:

**Table #7**

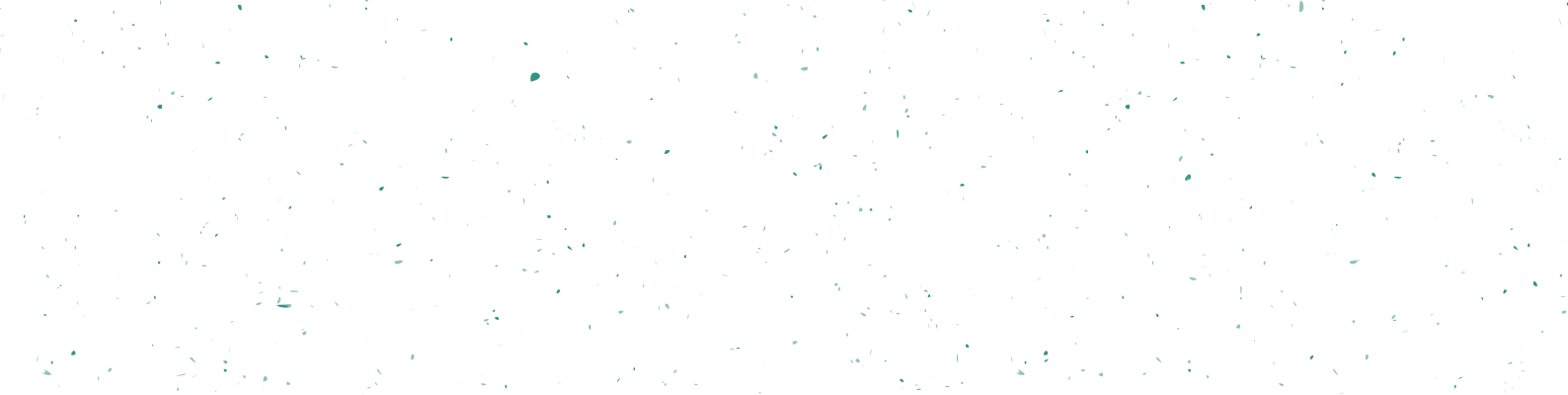
	Mean	Median	Std. Deviation	Minimum	Maximum
<b>Overall, how satisfied are you with the process of mediation?</b>	<b>3.83</b>	<b>4.00</b>	<b>.808</b>	<b>1</b>	<b>5</b>

85.4% of the respondents said that they would recommend/advise others to seek an alternative dispute resolution - mediation in case of necessity. Only 6.3% said they would not recommend it. Central trends show that respondents will give recommendations to other people (client, relative, friend, etc.) about mediation use in the future (Mean = 3.68, Median = 4), see Table # 8.

**Table #8**

	Mean	Median	Std. Deviation	Minimum	Maximum
<b>Would you advise others to use mediation when necessary?</b>	<b>3.68</b>	<b>4.00</b>	<b>.601</b>	<b>2</b>	<b>4</b>





•

•

•

•

•

•

•

