

—

(.)

*

1

,

—

.

,

.

,

,

.

.

,

,

,

2.

,

,

,

,

3.

,

,

.

,

,

,

,

,

.

,

.

.

,

,

,

.

.

,

,

,

,

,

,

.

,

(

)

XXI

.

,

,

(ADR)

—

—

,

»

3 :

- (ang. *negotiation*),
- (ang. *mediation*),
- (ang. *arbitration*)⁴.

5

6 (. *Mediatio* –) „
 () ,
 () « »
 (.) ADR

7

8

),⁹

10

11

12

ADR

13

ADR)¹⁴,

ADR,

ADR.

ADR
Carol Liebman¹⁵.

ADR,

(),

17.

18.

(
) (12

BAR¹⁹.

3

Horizon²⁰.

Safe

Safe Horizon,²¹

(Manhattan Civil Court, Harlem Small Claims Court)²²

EEOC²³.

1.

12

()

5 10

2.

2

3.

Safe Horizon,

5000

(EEOC)²⁵.

2006

McAdams

. C. Liebman J.

27

28

29

*

PILI 2006/2007

1

PILI (

: www.pili.org),

«

»

2006

C. Liemban,

P. Genty,

E. Rekosh)

(

B. Schatz,

2

C. Liemban,

2006

: R.H. Mnookin, L. Kornhauser, Bargaining in the Shadow of the Law: The Case of Divorce, 88 Yale L.J., 1979, p. 950–970.

³C.B. Liebman, Mediation as Parallel Seminars: Lessons from the Student Takeover at Columbia University's Hamilton Hall, „Negotiation Journal”, April, 2000.

4

: www.nycourts.gov/ip/adr/What_Is_ADR.shtml

: www.en.wikipedia.org/wiki/Alternative_dispute_resolution.

5

: M. Deutsch, The resolution of conflict. Constructive and destructive processes, New Haven and London: Yale University Press, 1973..

6

: (), 2004, . 364.

2004 .; . , -
" , 2004 .; . ,
(ADR), " 2004 .; . ,
" 12/2001, . 29 ; .231 § 1
:"
7 ,
8 , 2003, . 5
J. Epstein,
Mediating Wrongful Death Cases, Conflict Resolution Services Inc., www.crs-
adr.com/articles/Mediating_WrongfulDeath.html; C. Guthrie, Principles of Influence in negotiation, 87 Marquette L.
Rev., 2004, p. 829–837; L.L. Riskin, Toward New Standards for the Neutral Lawyers in Mediation, 26 Arizona L. Rev.,
1984, p. 329–361.

www.law.columbia.edu/focusareas/clinics/mediation 20.01.2007.

10 Partners : www.mediacja.org/podstrona.php?id_strony=11
20.01.2007

11
12
13
www.law.columbia.edu/center_program?&main.ctrl=contentmgr.detail&&main2.view=static.null&main.view=program.s.detail&main.id=11197 20.01.2007

14
www.law.columbia.edu/center_program/adr 20.01.2007

15 *Carol Liebman*,

1992 ,

Carol Liebman

Carol Liebman
16 : www.law.columbia.edu/focusareas/clinics/faculty#4189 20.01.2007

www.law.columbia.edu/focusareas/clinics 20.01.2007

17 8

18

19

: www.abanet.org/

20 : www.en.wikipedia.org/wiki/Bar_examination.
Safe Horizon

21 : www.safehorizon.org/ 20.01.2007.

22

5000 \$ *New York City Small Claims Court*:

www.courts.state.ny.us/courts/nyc/smallclaims/nyadmin.shtml

<http://www.courts.state.ny.us/courts/nyc/smallclaims/civilhistory.shtml>. Small Claim
Courts . C.A. McEwen, R.J. Maiman, Mediation in Small Claim Court: Achieveing Compliance Through
Consent, 18 Law and Society, 1984, p. 19–49; J.M. Nolan-Haley, Court Mediation and The Search for Justice through
Law, 74 Washington University Law Quarterly, 1996, p. 47–52, 56–103.

23 EEOC (. Equal Employment Opportunity Commission -
) -

: www.eeoc.gov.

24

14

25

23

26

: L. Riskin, Mediation and Lawyers, 43 Ohio ST.L.J.29, 1982, s. 43–44.

: R.A. Baruch Bush, *Mediation and Adjudication, Dispute Resolution and Ideology: An Imaginary Conversation*, 3 *J. of Contemp. Leg. Issues* 1, 1989; L. Bernstein, *Understanding the Limits of Court-Connected ADR: A Critique of Federal Court-Annexed Arbitration Programs*, 141 *U. Pa. L. Rev.*, 1993, p. 2169; O.M. Fiss, *Out of Eden*, 94 *Yale L.J.*, 1985, p. 1669–1673; O.M. Fiss, *Against Settlement*, 93 *Yale L.J.*, 1984, p. 1073; M. Galanter, M. Cahill, *Most Cases Settle: Judicial Promotion and Regulation of Settlements*, 46 *Stan. L. Rev.*, 1994, p. 1339; T. Grillo, *The Mediation Alternative: Process Dangers for Women*, 100 *Yale L.J.*, 1991, p. 1545–1610; A.S. Kim, *Rent-A-Judges and the Cost of Selling Justice*, 44 *Duke L.J.*, 1994, p. 166; A.W. McThenia, T.L. Shaffer, *For Reconciliation*, 94 *Yale L.J.*, 1985, p. 1660–1668; C. Menkel-Meadow, *Pursuing Settlement in an Adversary Culture: A Tale of Innovation Co-Opted or The Law of ADR*, 19 *Fla. St. U.L. Rev.* 1, 1991.

28

: J.J. Alfani, *Evaluative Versus Facilitative Mediation: a Discussion*, 24 *Fl. ST. U. L. Rev.*, 1997; L.P. Love, *The Top Ten Reasons why Mediators Should Not Evaluate*, 24 *Fl. ST. U. L. Rev.*, 1997, p. 937–948; J.W. Stempel, *Beyond Formalism And False Dichotomies: The Need For a Flexible Concept of The Mediator's Role*, 24 *Fl. ST. U. L. Rev.*, 1997, p. 949–984.

29

. *The Community Board Program, Cross-Cultural Dispute Resolution: Areas for Mediators to Consider*, developed by Kenneth Hawkins for Community Board Program, 1988; J.W. Breslin, *Breaking Away from Subtle Biases [w:] J.W. Breslin, J.Z. Rubin, Negotiation Theory and Practice*, Cambridge: PON Books, 1991, p. 247–250; R. Cohen, *Negotiating Across Cultures*, 2nd Edition, Washington, D.C.: U.S. Institute of Peace, 1997, p. 9–43, 215–226; Ch. Hampden-Turner, A. Trompenaars, *The Seven Cultures of Capitalism*, New York: Doubleday, 1993, p. 1–102.