

This pamphlet describes the court-affiliated mediation program in Colorado (Section 13-22-301, et. seq., Colorado Revised Statutes). This program is directed by the Colorado Judicial Branch's Office of Dispute Resolution (ODR). Parties may choose to mediate or they may be ordered by the court to mediate. The parties may select either ODR mediators or private mediators.

### **What Is Mediation?**

Mediation is an informal process in which a neutral third party helps people in conflict negotiate a mutually acceptable agreement.

### **What Are The Benefits Of Mediation?**

- Mediation may be less expensive than going to court.
- Mediation is usually faster than going to court.
- Mediation is private and confidential.
- Mediation gives parties a chance to fashion an agreement which meets their needs.
- Mediation gives parties control over the outcome.

### **What Disputes Can Be Mediated?**

Most conflicts can be mediated if parties are open to the idea of settling the dispute. Mediation has worked well in the following types of cases:

**Domestic Relations**, including divorce, custody, property division, parenting time and support. Mediation may not be appropriate in cases which involve domestic violence.

**Civil**, including contracts, fee disputes, landlord/tenant, employer/employee, money demands, personal injuries, malpractice, and property damages.

**Juvenile**, including parenting time and support, victim/offender restitution, dependency and neglect matters.

**Probate**, including guardianships, conservatorships, and estate distribution.

**Criminal**, including victim/offender restitution.

### **What Happens In Mediation?**

What happens during the mediation may vary depending on the mediator. Generally, the mediator begins by describing the process, and the parties are given an opportunity to tell their side of the story. The mediator then helps identify the issues, suggests a negotiation process, promotes communication, and helps the parties look at possible options for agreement. During the mediation, the mediator may meet with each party separately. These separate meetings provide an opportunity for parties to discuss with the mediator specific concerns or goals that they might not want to disclose to the other parties.

### **What Role Does My Lawyer Play In Mediation?**

In mediation the parties determine their own agreement. The agreement may not be exactly what a court would decide. It is tailored to the specific needs of the parties. It is important, however, for parties to know their legal rights and responsibilities. Mediation works best when the parties know all of the possible options available to them. It is recommended that parties discuss the mediation with their lawyers and keep their lawyers informed throughout the mediation process. In domestic cases, lawyers often do not attend mediation sessions. However, attorneys are always welcome. If your attorney plans to attend, all other parties and attorneys should be notified in advance.

### **Is The Mediation Confidential?**

Colorado law provides that all mediation is confidential. In addition, anything a party tells the mediator in confidence will not be disclosed to other parties unless the party has specifically given the mediator permission. At the start of the mediation, parties are asked to sign an agreement not to call the mediator as a witness in any legal or administrative proceeding concerning the dispute.

### **Who Are The Mediators And How Are They Trained?**

ODR mediators come from a variety of backgrounds and professions. All have received specialized training in mediation and conflict resolution. They also have extensive mediation experience, have demonstrated their skills, and subscribe to codes of professional and ethical conduct.

### **What Happens When We Reach An Agreement?**

When a final agreement is reached, the mediator can help the parties put it in writing. The parties should then take the draft agreement to their lawyers for review, comment, and processing through the court. If the lawyers attend the mediation, the lawyers may draft the agreement.

If the parties do not reach an agreement, they simply notify their lawyers and go back to court.

### **How Do I Schedule An Appointment With A Mediator?**

Contact the ODR office closest to you (offices and phone numbers are listed on the back page). If there is no ODR program in your area, contact the Denver office.

If you have concerns about safety or any other issues, you should raise them when you call to schedule the mediation.

### **What Will The Mediation Cost?**

The Office of Dispute Resolution charges the following fees for mediation and other ADR services effective July 1, 2005. These rates are subject to change without notice.

Free or reduced fees may be available to those who qualify. To see if you qualify, the application form (JDF205) and instructions can be obtained by calling 303-837-3672, and pressing #6, or from your mediator, the court, or online at: [www.coloradoodr.org](http://www.coloradoodr.org). If you do not own a computer, a computer may be available at your local library.

## **FEE SCHEDULE:**

### **Domestic Relations (divorce and other family issues) and Juvenile**

\$50 per party per hour when both parties are present.

\$100 per hour when only one party is present. Free or reduced cost services may be available to those who qualify.

### **County Court Civil, District and County Court Criminal**

\$50 per party per hour when both parties are present,

\$100 per hour when only one party is present.

### **District Court Civil and Probate Cases**

\$75 per party per hour when both parties are present.

\$150 per hour when only one party is present. One Day Jury Trial process: \$800 fee for the neutral.

### **Small Claims**

\$30 per party per hour when both parties are present,

\$60 per hour when only one party is present.

### **Government Agencies**

\$80 per hour for any case type, including dependency and neglect, truancy, parenting and other issues.

### **Cancellation**

#### **Domestic Relations, Juvenile, County Court Civil & County and District Court Criminal**

If mediation is cancelled with less than three business days notice, the canceling party may be charged \$200 (two full hours of mediation).

#### **District Court Civil and Probate Cases**

If mediation is cancelled with less than 10 days notice, the canceling party may be charged \$300 (two full hours of mediation).

#### **Government Agencies**

If mediation is cancelled with less than 10 days notice, the agency may be charged \$160 (two full hours of mediation).

### **No-Show**

#### **Domestic Relations, Dependency & Neglect, Juvenile, County Court Civil & County and District Court Criminal**

If a party fails to appear for a scheduled appointment, the party may be charged \$200 (two full hours of mediation).

#### **District Court Civil and Probate Cases**

If a party fails to appear for a scheduled appointment, the party may be charged \$300 (two full hours of mediation).

#### **Government Agencies**

If a mediation fails to take place due to failure to appear by one or more parties, the agency may be charged \$160 (two full hours of mediation).

**For further information or to schedule an appointment, please contact:**

### **Denver Metro Area (Main Office)**

Schedulers (303) 837-3672  
(800) 888-0001, x3672

### **Arapahoe, Douglas, Elbert & Lincoln Counties**

Scheduler (303) 649-6275

### **Colorado Springs Area**

Schedulers (719) 448-7777

### **Pueblo Area**

Michelle Flesher (719) 583-7046

Chad Hessel (719) 583-7049

### **Ft. Collins Area**

Julie Kunce-Field (970) 219-5380

### **Ft. Morgan, Sterling & Northeast Colorado**

Deborah Doiel (970) 542-9656

### **Greeley**

Deborah Doiel (970) 351-7300, x4381

### **Grand Junction**

Hanneke Nelson (970) 874-7779

### **Delta, Gunnison, Montrose**

Tricia Winslow (970) 252-4328

### **Aspen, Glenwood Springs, Meeker, Rifle**

Larry Dragon (970) 947-3855

### **Steamboat, Hot Sulphur Springs, Craig**

Susan Jennings (Grand County) (303) 722-5012

Barbara Philip (970) 879-7637 #5

### **Canon City, Salida, Fairplay**

Debra Gobin (719) 269-0111

### **Durango, Pagosa Springs**

Barbara Bratsch (970) 247-0483

### **Breckenridge, Eagle, Georgetown & Leadville**

Lee Gelman (970) 389-5333

Laurie Mactavish (970) 390-5160

Deanna Tuley (970) 748-8673

### **Trinidad, Walsenburg**

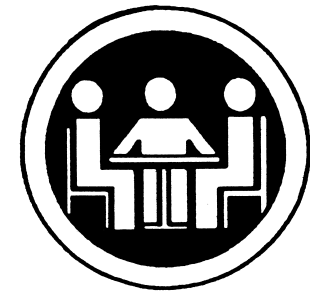
Chad Hessel (719) 583-7049

### **Cynthia A. Savage**

Director, Office of Dispute Resolution

Revised 4/08

# **MEDIATION IN COLORADO COURTS**



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