

COLORADO JUDICIAL DEPARTMENT
Office of Dispute Resolution

ODR Policies and Procedures Manual

Date: July 1, 2011

Subject: **The Mediation Process: Appropriateness of Mediation**

APPROPRIATENESS OF MEDIATION

1. Mediation is not appropriate for all cases. Neutrals have the discretion to terminate or refuse to schedule a case based on inappropriateness.
2. Reasons to determine a case is inappropriate may include, but are not limited to:
 - a. the presence of domestic violence;
 - b. incapacity of a party; or
 - c. inappropriate timing of the process.
3. An ODR Neutral shall not advise the court as to the reason that mediation was inappropriate, unless the parties consent to the advisement.
4. An ODR Neutral shall discontinue the mediation if any of the disputants is intoxicated, or otherwise incapacitated. The mediation may be reconvened when the disputants can negotiate knowledgeably and capably on their own behalf.
5. No weapons of any kind may be permitted in the mediation room. If a party is unwilling to remove a weapon from the mediation room, a Neutral shall discontinue the mediation.