

COLORADO JUDICIAL DEPARTMENT
Office of Dispute Resolution

ODR Policies and Procedures Manual
Subject: **Foundations of Mediation: Voluntary Process**

Date: July 1, 2011

VOLUNTARY PROCESS

1. Most of the mediation cases referred to ODR are court-ordered. However, mediation is always a voluntary process, in that parties are never required to reach agreement.
2. If a mediation client does not want to participate in mediation, the ODR Neutral should explore the party's hesitation to mediate and should assist the party to recognize the value of mediation. If these efforts are not successful, the Neutral shall not force the party to continue with the mediation, although the party will be required to pay for the scheduled mediation time.
3. A party ordered to mediation is only obligated to appear at the initial session. An ODR Neutral is not required to assure that a party makes a "good faith effort" to mediate and should not report to the Court whether the Neutral believes a party made such an effort.

