

COLORADO JUDICIAL DEPARTMENT
Office of Dispute Resolution

ODR Policies and Procedures Manual

Date: July 1, 2011

Subject: **Other Mediation Participants: Attorneys in Mediation**

ATTORNEYS IN MEDIATION

1. Attorneys are welcome, but not generally required, to attend any mediation. Attorneys (in consultation with their clients) often choose not to attend mediation in domestic cases. Attorneys are almost always present in district court civil cases.
2. If the attorneys do not attend the mediation session, the Neutral shall encourage the parties to consult with their attorneys before and after mediation sessions and keep their attorneys advised about the progress of the mediation.
3. If an attorney for one party plans to attend mediation, the party/attorney must advise all other parties and their attorneys sufficiently in advance of the mediation session to permit the other parties an opportunity to decide if they want their attorneys to attend or if they want to retain counsel, if they are unrepresented.
4. Any attorney who attends a mediation session will be asked to sign the agreement to mediate.
5. It is the policy of ODR that mediation can go forward where only one party is represented by counsel.