

# 2007 Snapshot of ADR in Colorado Courts - Overview

JD	<u>Mandatory*/Voluntary</u>				<u>Frequency</u>			<u>Case Characteristics/Comments</u>
	<u>All Mandatory</u>	<u>All voluntary</u>	<u>Case by case</u>	<u>Differs by Judges</u>	<u>Most</u>	<u>Many</u>	<u>Some</u>	
1			All Courts/cases	All Courts/cases	Permanent Protective Order Conditions, Small Claims	Domestic Relations	District Court Civil, County Court Civil	Some judges have blanket ADR orders for cases going to trial or permanent orders, while others consider it case-by-case. Community Mediation Program does shuttle conference in protective order conditions. Sr. Judge provides some civil and domestic ADR. Family Court Facilitator does initial conferences with pro se parties, magistrate does status conference if one party has an attorney, and judges do initial conference for cases with two attorneys. Agreements can be reached during these initial status conferences. Considering a pilot program for Criminal ADR.
2- Denver District			District Court Civil, Domestic Relations Dissolution and Post Decree	District Court Civil		District Court Civil		Some judges have blanket ADR order; others order case-by-case (i.e., 3-day jury trial cases). Family Court Facilitator refers to ADR (parenting plan facilitation and mediation) case-by-case. Most Post Decree referred to ADR unless emergency.
2- Denver Juvenile	D&N		Paternity (Parenting/Support)			D&N, Paternity (Parenting/Support)	Truancy	D&N cases with issues that require a contested hearing are referred. Paternity cases referred on a case-by-case basis, with an "informal" procedure to refer all paternity cases with modification of parenting time and allocation issues. Some Truancy cases referred to mediation or family group conferencing pre-filing.
2-Denver Probate			Guardianship, conservatorship, will contest, trust action, etc.				Guardianship, conservatorship	New program being developed.
Denver County		County Court Civil						Mediation recommended in civil and small claims cases
3		All Courts/cases			Las Animas County District Court Civil		Huerfano County District Court Civil	
4	District Court Civil, Domestic Relations Dissolution, Custody		Probate, D&N, Protective Orders Conditions, District Court Criminal, County Court Civil and Criminal		County Court Civil Jury Trials	D&N: 40% mediated	District Court Criminal	One Day Jury Trial Program is opt-in by the parties but does satisfy the mandatory District Court ADR. New early neutral custody program is usually a mandatory referral from a district judge or a domestic case manager. District Court Criminal is a case-by-case referral from the judge but usually the parties decide to go to mediation.
5	District Court Civil, Domestic Relations Dissolution and Post Decree, Lake and Summit County Court Civil, Summit County Small Claims				Domestic Relations, Small Claims			Judge Moorhead requires mediation be completed before setting for trial. Summit County Court Civil mandatory when at least one party has an attorney. Summit County: Small Claims-voluntary mediator used on all cases when both parties show. 80% of small claims cases settle with pro bono mediators, when both parties show; prior to mediation only 20% settled before hearing; also parties are more satisfied.

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6	District Court Civil		Domestic Relations				25% of Domestic cases	There is a standing administrative order from the Chief Judge requiring ADR in Civil cases.
7	District Court Civil, Delta and Montrose County Court Civil with \$1,000 or more, San Miguel County Court Civil		Domestic Relations	Domestic Relations, County Court Civil and Small Claims	District Court Civil, Domestic Relations			District Court Civil: ADR is ordered and must be completed in every Civil case before a trial date is set. Some judges do not require ADR in CR or PR cases. Domestic cases are first processed by the Family Court Facilitator and then given to the judge if no settlement. Some judges require ADR in addition to case facilitation in complex DR cases. About 95% of cases use mediation for ADR. On-going discussion of whether to require ADR district-wide in domestic cases that do not resolve under Rule 16.2. The mediation order defaults to ODR mediators if the parties cannot agree on one. San Miguel County Court Civil cases require informal settlement conference with the attorneys or parties. If they can't resolve it and want a jury trial or a civil trial of more than an hour, referred to mediation.
8	District Court Civil, Domestic Relations Dissolution and Post Decree		County Court Civil, D&N Cases		Contested Domestic Relations, Dissolution and Post Decree			
9	District Court Civil, Domestic Relations Dissolution and Post Decree		Probate, D&N, County Court		Domestic Relations		District Court Civil, D&N	Using ODR mediator and other mediators such as retired judges. Before ODR, active judges did settlement conferences on each other's civil and domestic cases (less now). Domestic Relations Dissolution and Post Decree mandatory with rare exception and required prior to setting a contested orders hearing. Now require pre-payment for mediation.
10	New Domestic Relations		District Court Civil, D&N, County Court Civil	Post Decree	New Domestic Relations	Domestic Relations-Post Decree	District Court Civil, D&N, County Court Civil	Mediation required in new Domestic Relations cases. Post Decree: some judges require mediation when parenting time/custody issues involved and others don't.
11			Domestic Relations, D&N, Paternity (Parenting/Support), Fremont County District Court Civil		Domestic Relations		County Court Civil	
12		All Courts/cases					Domestic Relations	

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13	Domestic Relations Dissolution and Post Decree		District Court Civil, County Court Civil, D&N		Domestic Relations Dissolution and Post Decree		District Court Civil, D&N, County Court Civil	
14	Domestic Relations Dissolution and Post Decree		District Court Civil		District Court Civil			
15		All Courts/cases						Starting mediation program
16		All Courts/cases					Domestic Relations	Starting mediation program
17	Adams County Court Civil		Domestic Relations, District Court Civil, Broomfield County Court Civil				Domestic Relations	
18	Arapahoe County District Court Civil, Arapahoe and Douglas Counties Domestic Relations Dissolution and Post Decree, Douglas County Small Claims		Truancy	Arapahoe and Douglas Counties Probate; Other than District Court Civil in Arapahoe County; Other than Domestic Relations in Douglas, Elbert, and Lincoln Counties	Dissolution and child- related domestic issues, Douglas County Small Claims	District Court Civil	District Court Probate, County Court Civil, Truancy	Domestic Relations issues include never-married parents allocation of parenting time, child support, post decree. In Arapahoe and Douglas County Probate current judges mandating ADR. The Delay Reduction Order states "ADR" and then goes on to give the JD18 ODR mediation office phone number if they choose not to use a private mediator. Expect more Douglas County Court Civil; and more Elbert County Court Civil, Small Claims, and domestic cases. Receiving some requests for arbitration, med-arb, PC/DM from Arapahoe and Douglas Counties. Truancy cases: limited funding is available for ADR in truancy cases
19	District Court Civil, Domestic Relations Dissolution and Post Decree		D&N, County Court Civil	County Court Civil			Domestic Relations, D&N	Domestic Relations: exceptions to mediation when court hearing will take one hour or less. D&N referrals include some Family Group Conferences. County Court Civil: one judge mandates all cases to ADR, other judges use much less frequently.
20	District Court Civil, Domestic Relations Dissolution and Post Decree, County Court Civil				District Court Civil, Domestic Relations Dissolution and Post Decree, County Court Civil			ADR mandatory for District Court Civil cases set for trial; Domestic Relations cases set for permanent orders or for hearings more than 2 hours; County Court Civil cases prior to setting for trial where answer filed (excluding collections cases under \$1K). Dissolution and Post Decree: All parties required to attend mediation prior to going into a contested hearing unless obtain waiver. With new Domestic filings after 1/2005, require initial conference. Family Court Facilitator does initial conferences with pro se parties, magistrate does status conference for non-contested hearings. Agreements can be reached during these initial status conferences.

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21	Small claims		District Court Civil, Domestic Relations Dissolutions with children, Post Decree, D&N, County Court Civil Jury Trials		Domestic Relations Dissolution and Post Decree	County Court Civil	D&N	Domestic Relations: Mediation generally ordered if case is contested. Small Claims: mandatory at no charge to parties. Mediation is required in County Court Civil jury trials and other civil cases that have trials set for several hours.
22		All Courts/cases	District Court Civil; Domestic Relations; D&N; Allocation of Parenting Time in Dissolution, Post Decree, Paternity (Parenting/Support)			District Court Civil; Domestic Relations; D&N; Allocation of Parenting Time in Dissolution, Post Decree, Paternity (Parenting/Support); County Court Civil	Probate, Small Claims	ADR generally required in any civil case where it is set for trial. Generally require settlement conference in civil cases which are done by a magistrate or a local attorney. In other types of cases, a general ADR order. Order ADR in D&N cases where a jury trial is requested.