

COLORADO JUDICIAL DEPARTMENT
Office of Dispute Resolution

ODR Policies and Procedures Manual

Date: July 1, 2011

Subject: **Certificate of Compliance of Mediation Requirement**

POLICY

Pursuant to statute, Section 13-22-311, C.R.S., unless counsel for a party is required to do so by local rule or order of the court, mediators are required to inform courts that the parties have met with the mediator. ODR Neutrals may not inform the court of issues discussed, the outcome of the mediation, or any other mediation communications as defined in 13-22-302 C.R.S., unless the Neutral and the parties consent in writing to the disclosure.

PROCEDURE

Unless otherwise required by court order or local rule, an ODR Neutral shall submit to the court a Certificate of Compliance or Mediation Status Report at the conclusion of each mediation session. The court may also specify in its mediation order that a "Compliance Certificate" is to be filed by the parties or their attorneys.

The Certificate of Compliance or Mediation Status Report shall include:

- a) the title of the form;
- b) the name of the court;
- c) division or courtroom;
- d) the names of the parties; and
- e) the case number.

The Certificate of Compliance or Mediation Status Report may include the following:

- (a) the parties were unable or unwilling to schedule the mediation;
- (b) the parties did or did not attend a mediation session and, if applicable;
- (c) mediation was inappropriate.

The Certificate of Compliance or Mediation Status Report shall not reveal:

- a) whether the parties have reached an agreement (unless the parties and their attorneys have signed and fully executed a Memorandum of Understanding or court-approved form); or
- (b) the nature of any issues resolved or not resolved in mediation

To the extent that the mediator and all parties consent in writing, the Certificate of Compliance or Mediator Status Report may include statements regarding:

- a) whether the parties have resolved their dispute in mediation short of a fully executed agreement;
- b) the identity of any issue resolved or not resolved in mediation; and
- c) any other information regarding the mediation.

The completed form should be forwarded to the appropriate court upon completion of each mediation session, or when mediation is determined to be unworkable or inappropriate. This form should be submitted to the court promptly to ensure that the court receives the information before a scheduled hearing or trial.

Sample certificates and reports can be found on the Contractor page of the ODR website:

[ODR Contractor Site](#)