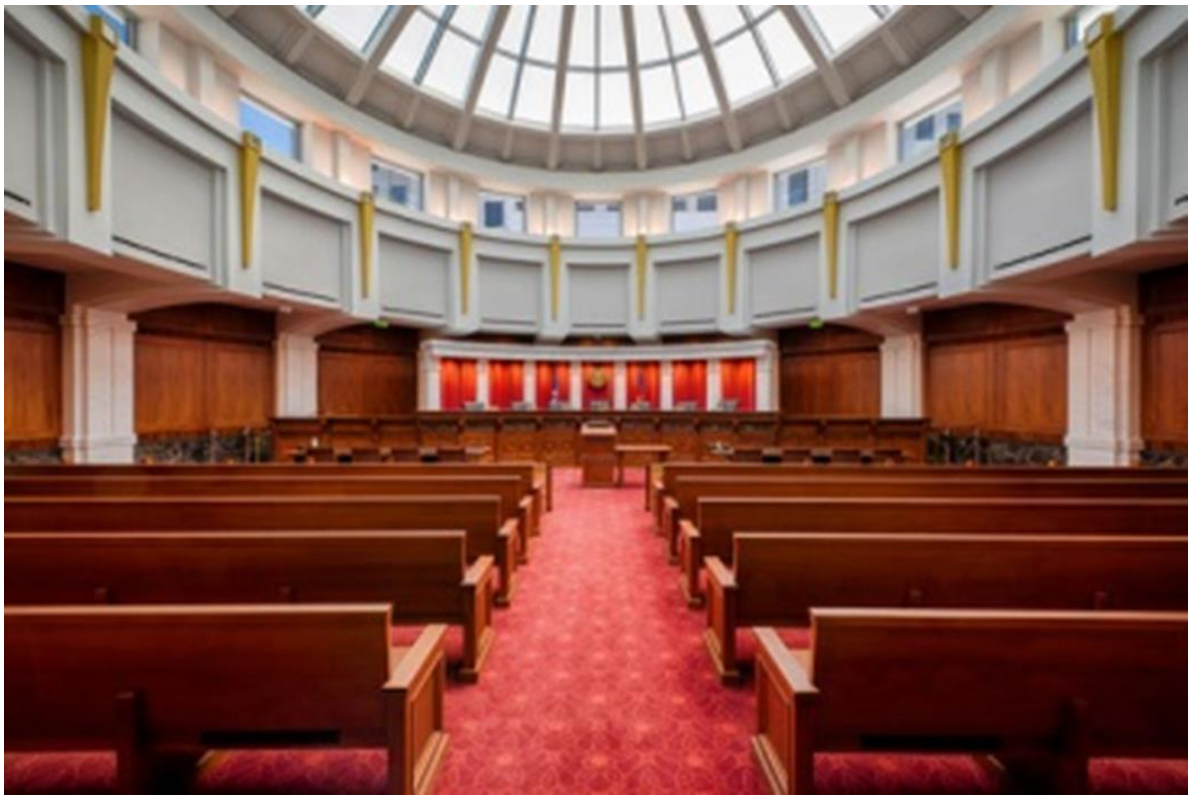
A Party's Guide to Colorado Court-Ordered Mediation



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Introduction: Goal of this Guide

- So, you have been ordered, or anticipate being ordered, by a court to participate in mediation. The purpose of this Guide is to provide you with information about the entire mediation process. The Guide hopes to decrease anxiety and intimidation caused by confronting conflict in an unfamiliar process and setting, while increasing the potential for a satisfactory agreement.

The Guide is written in a "Frequently Asked Questions" format in everyday language. It is organized along the life cycle of the mediation process. It can be easily read in its entirety, or referred back to as needed in each stage. The clickable Table of Contents can direct you to the specific questions and topics of interest as needed.

This Guide is not legal advice but is intended for general information. For legal advice, you should consult with your lawyer; for more detailed advice and information, consult with a professional mediator.

What is Mediation/ADR?

Mediation is a process through which a neutral and knowledgeable person, called the mediator, trained in conflict resolution, assists you in resolving your dispute. The disputing parties meet with the mediator, present their sides of the conflict, and are guided by the mediator to develop their own resolution. The basic premise of mediation is that the parties involved in a dispute are best able to resolve it themselves, rather than relying upon a third person, often a judge or magistrate, to impose a decision upon them. Even if the parties do not resolve any or all of the issues in the mediation, the process helps narrow and clarify the issues, and perhaps helps find some common ground that had not previously existed.

Mediation is one form of Alternate Dispute Resolution (ADR). A skilled neutral mediator often gives the parties the opportunity to tell their side of the issue and then work constructively to resolve it, even if the parties have not been able to resolve the issue in the past. Other forms, such as arbitration, are closer to a court setting and rely on input from a neutral third party.

Mediation offers many advantages over having the Court decide the issues for the parties:

- Mediation is much less expensive

  If the parties hire attorneys, the attorneys do not have to do as much advance preparation for mediation as they would for a trial. The mediation is much more informal, and none of the technical rules of a court hearing apply.

- Mediation is less stressful

A mediation session is usually informal, avoiding the formality and stress of appearing in court. As noted below, a resolution may be reached more quickly in mediation than going to court, thus reducing the stress caused by a lengthy trial and speeding up the time it takes to put the matter behind the parties.

- Mediation can resolve a dispute much more quickly

  A mediation session can be scheduled much more quickly than a court hearing, as a mediator or mediation organization is much more accessible than the single judge or magistrate to whom your case has been assigned.

- Mediation is more efficient

  A mediation session usually addresses one issue at a time, with the parties engaging in a back and forth discussion on each issue, attempting to resolve it before moving on to the next. As a result, time wasting, irrelevant information is avoided.

- Mediation produces a well- coordinated resolution

  A mediator will usually set out an agenda at the beginning of the mediation, listing the issues so that they may be resolved in logical order. The resolution of each issue may be modified to coordinate and complement the resolution of subsequent issues. The whole is often greater than the sum of the parts; the final settlement may be more elegant than the resolution of any one issue or any judgement imposed by a judicial officer.

- Mediation usually produces a resolution much more satisfying and enduring

  Parties are generally more satisfied with, and have greater ownership of, an agreement they have crafted themselves, than with any court order imposed upon them.

- Mediation can transform a relationship for the future

  Court hearings, by their adversarial nature, can be corrosive to the existing relationship between the parties. If the parties anticipate some form of a future relationship, they can discuss transitioning that relationship into a new, positive one during the mediation. As noted above, the basic premise of mediation is developing a resolution through cooperation, coordination, and collaboration.

What is Court-Ordered Mediation?

Colorado law requires or specifically authorizes alternate dispute resolution (ADR) techniques, including mediation, for many types of cases filed in court. In addition,

mediation and other forms of ADR are always available to parties involved in a court case if all parties agree, even if not specifically required by law.

Court-initiated

A court may order mediation or other forms of ADR on its own, even without the parties asking for it. A court may typically order a form of ADR in the following types of cases:

Family and Children

The parties to a DR or APR case are often referred to mediation early to reduce hostility, to resolve issues quickly and amicably, and to build a new relationship enabling the parties to parent effectively in the future. Mediation can be especially effective because it can be done in the early stages of the case (prior to temporary orders), and again later in the case if the issues remain unresolved.

Complex domestic relations cases have many tax, pension, bankruptcy, and related financial issues that can often best be addressed by meditators with significant education and/or experience in these areas, rather than relying upon the discretion of a judicial officer.

However, if there is an allegation of domestic violence by a party, and any party objects to mediation, the court cannot force the parties to mediate. Some mediators have special training in mediating cases with a history of domestic violence, and can be very effective if the parties are willing to attend mediation. Provisions can be included in a Temporary or Permanent Protection Order, allowing limited contact for purposes of mediation.

Probate

As in domestic relations matters, probate disputes can be difficult, time consuming, resource intensive, and highly emotional. Such cases often involve high conflict familial relationships, or unexpected distribution of an estate.

Mediation can resolve the current dispute and can do so in a manner which can begin the healing process. The right mediator can also ensure the involvement of all necessary parties in the decision-making process.

Mediation can also produce highly customized and creative, even quirky, resolutions in contrast to the more constrained and traditional options available to a judge.

Construction Defects

Construction defect cases can be very complex, time-consuming and expensive, with multiple parties, multiple properties, and multiple experts.

Colorado law requires that if a construction contract provides for mediation, mediation *must* be completed before a case can be filed in court. Colorado law also requires specific procedures for filing such cases against a "construction professional."

The mediator should have experience with the complexities of construction defects, roles of the parties, and facilitation skills for this type of case.

Homeowners' Associations (HOA)

Homeowner and neighborhood association disputes often involve covenant compliance, board improprieties, contractor noncompliance, and construction defects. In addition, Colorado law encourages, and many homeowner association agreements provide, a mechanism using mediation, arbitration or other ADR techniques to solve internal disputes among homeowners.

As parties must continue to live close to each other and within the association, it is important to resolve the current dispute in a manner which does not further damage the relationship and could even begin the healing process.

Personal Injury and Wrongful Death

Mediation can be used in personal injury cases to shorten, simplify and save money in the litigation process. Mediation can resolve the entire case, or be used to reach an agreement on specific issues within a case. Mediation may be employed at several stages of a personal injury case depending upon the complexity of a case, technical expert opinions required and number of disputed facts.

County and Small Claims Court

Mediation can be highly effective in cases filed in both county court and small claims court involving disputes such as evictions, security deposits and other landlord-tenant issues, neighborhood conflicts, debt collection, and breach of contract. Since parties often chose to represent themselves in county and small claims court (called "*pro se*"), mediation may be especially helpful.

Mediation prior to trial can spare the parties the anxiety of appearing in court and can often produce a resolution which is more creative and mutually satisfying than a decision of a judge.

Several Colorado judicial districts provide small claims court mediators in the courthouse, at no cost to the parties, immediately prior to their trial.

Party-Initiated

Not all mediations or ADR events must await the order of a judicial officer. In every case the parties may ask at virtually any time (in district court by motion, orally or informally in county and small claims court). Unless issues exist such as domestic violence, extreme circumstance, or good cause as noted above, the court has the discretion to then order mediation.

Sanctions for Non-Compliance

Judges have the authority to sanction a party or parties for failure to schedule, failure to appear, or a general failure to comply with a Mediation Order. Because mediation is confidential (*see below*), the court cannot inquire into the substance of the mediation, nor should the judge hear or be told any information regarding what occurred in the failed effort. Rather, the court will only assess the facial scope of noncompliance.

Failure to schedule ADR may result in an award of costs and/or attorney fees incurred by the other party, or a delay in the hearing. Wholesale failure to attend a scheduled event in a civil matter may result in sanctions that can include vacating the trial date and/or awarding any costs and fees incurred by the attending party. However, no litigant may be barred from proceeding in court simply for failure to pay its share of mediation fees or expenses.

Settlement in mediation is voluntary, and even if the parties are ordered to mediate, they are never ordered to settle in mediation.

How do I find and select an appropriate mediator?

Unlike going to court, where a judge is assigned to your case, the parties to a mediation and other forms of ADR may select their own neutral.

Mediation Styles

Parties should be aware that there are various styles of mediation. Not all mediations are the same. Each dispute is unique, and no one mediation style is best for all cases. The best style of mediation and the mediator for your case should depend on the nature of your dispute, and the type of result you want the mediation to achieve. There are generally five styles of mediation:

Facilitative Mediation

For facilitative mediation, the mediator uses mediation skills to help the parties exchange ideas and proposals to achieve settlement. The mediator will organize issues to be resolved in a logical manner, actively listen to each side, maintain an environment to allow the parties to feel heard by each other, restate the parties' positions, and reframe the issues based on the exchange of information and perspectives. The mediator may brainstorm with the parties, jointly or individually, and use similar techniques to facilitate the parties' resolving their own disputes to their mutual satisfaction. Facilitative mediation is the style where the parties retain maximum control over their own affairs.

Evaluative Mediation

Evaluative mediation has all the same features as facilitative mediation but goes further in terms of the parties requesting the mediator to provide a perspective on the issues being mediated. If the mediator is a licensed attorney with litigation experience or a retired judicial officer in the subject matter in dispute, the mediator may be requested to offer an evaluation of the strengths and weaknesses of each party's position on the issues. The mediator's legal experience may help the parties evaluate settlement options.

Transformative Mediation

Transformative mediation is a variation of mediation in which the focus is not only on a solution to a current dispute, but also on the continuing relationship of the parties after the

current dispute is resolved. The primary focus of transformative mediation is to empower the parties to resolve future issues before they become disputes, or resolve disputes among and between themselves without the need to go to court in the future. This style of mediation both resolves the current dispute and transforms the ongoing relationship between the parties to prevent and resolve future conflicts constructively. Transformative mediation may be particularly appropriate in cases where the parties will continue to parent together, work together, or live in a community together.

Collaborative Process

The collaborative process employs a team of experts to advise and assist the disputing parties to settle the current dispute and, where appropriate, transform the future relationship among the parties. The team is led by the collaborative process facilitator/mediator who is assisted by expert neutrals selected by the parties to provide expert advice needed to reach a satisfactory and sustainable resolution. Such experts are often from the fields of tax, finance, and psychology, along with others tailored to meet the particular nature of the dispute. Each party is usually represented by an attorney.

The collaborative process is most frequently used for disputes regarding divorce, parenting, estate and probate, and family businesses, where the parties will likely have an ongoing relationship after the dispute is resolved. Developing better problem-solving skills for the parties to use in their future interactions is among the goals of the collaborative process.

Early Neutral Assessment

Early Neutral Assessment ("ENA") is used in domestic relations matters, particularly parenting disputes, to provide the parents with the benefit of an early assessment by a mental health professional and an experienced family law attorney, in the hope that settlement can be reached between the parents without further Court involvement. ENA is considered inappropriate where there are domestic violence allegations.

Locating Mediators and Mediation Organizations in Colorado

A search of the internet for mediators and mediation organizations in your area will provide the names of individuals and organizations who perform mediation services. Some of the statewide mediation organizations are listed below and can be accessed online by clicking their underlined names.

- The Office of Dispute Resolution ("ODR") is a part of the State Court Administrator's Office and ensures mediation services are available throughout Colorado by contracting with local private mediators as independent contractors. ODR mediators have completed forty hours of general mediation training, have been a lead mediator in a minimum of 20 cases, are familiar with the subject matter for cases in which they mediate, undergo judicial background checks, and complete ten hours of continuing mediation education annually. ODR mediators accept reduced fees for those parties who cannot afford private mediators. Those seeking a reduced rate must fill out a Judicial Department Form 211 to be approved by the court prior to mediation. Ask the Clerk of Court or self-help center of

your district, or click on the blue link above, and then click on "click here to request mediation."

- The Mediation Association of Colorado ("the MAC") is a Colorado professional mediation membership organization consisting of independent, private "professional" mediators. To qualify, members must have submitted to a background check, completed a 40-hour mediation course, completed 100 hours of mediation as a solo or lead mediator, and attended at least 10 continuing education credits per year. The MAC maintains a referral list of trained & experienced mediators. Their phone number is (303) 322-9275.

- Many private mediators have joined together in private mediation practices offering services in more geographical locations or specialty areas. Consult the Yellow Pages online or in your phone book for listings.

- JAMS Denver is a private ADR organization providing broad range of dispute resolution processes including mediation, arbitration, special master, discovery referee, umpire, and Statutory Judge. JAMS provides highly skilled mediators in several specialized areas. JAMS members will travel throughout Colorado and the Rocky Mountain region.

- The Alternative Dispute Resolution Section of the Colorado Bar Association (CBA/ADR) is a voluntary area of interest for attorneys licensed to practice in Colorado. While it is not a mediation association, it does provide a forum for attorneys with common interests to share best practices, perform common research, and develop educational programs.

- Your Judicial District may provide a list of mediators. Ask the Clerk of Court or the self-help center at your courthouse. Remember that any list provided is only a courtesy. Names on a list are not necessarily approved or certified. Also, Judicial Department employees may not give advice or a specific recommendation.

- Better Business Bureau (BBB) – Mediation and Dispute Resolution

- Colorado Small Claims Court Programs – some with mediation

- Tribal Mediation Indigenous Peacemaking Initiative

- The Conflict Center in North Denver - which relies on private donations;

- Jefferson County Mediation Services - funded by Jefferson County.

Other considerations when selecting a Mediator

In Colorado, mediators and professional neutrals are not licensed or regulated. However, the Model Standards of Conduct for Mediators, endorsed for voluntary Colorado statewide use, provide ethical standards and a framework for mediation practice (*See also* the

Association of Family and Conciliation Courts guidelines). Both resources can be found online by clicking their underlined blue links.

Mediators can be attorneys, retired judges, as well as non-attorney mediators such as counselors, therapists, psychologists, social workers, ministers, educators, and corporate managers who handle court-ordered mediations in Colorado, with widely varying experience in the process and the subject matter.

The mediator cannot, and will not, give you legal advice. It is your responsibility to obtain independent legal advice if you want it. A mediator who is versed in court rules and procedure may help the parties to understand the limitations imposed on the court by procedure and evidence rules. This is particularly important in domestic and probate cases where official court forms (called JDF forms) are used regularly.

Questions to ask a potential mediator

Mediation in legal areas such as family matters, child support, probate, evictions and other statutorily regulated areas may require particular subject matter knowledge on the part of the mediator. Remember, mediators cannot give you legal advice, but legal knowledge is helpful to fashion a legal and enforceable agreement.

- How long have you been a mediator?
- Are you a lawyer or a non-lawyer mediator?
- What formal mediation training do you have? When and where? Was it specialized?
- What is your experience in mediating my type of case? What is your training and knowledge in this area?
- Are you a member of a professional mediation organization? Does that organization have a code of conduct or code of ethics? Does that organization have other requirements?
- Do you belong to a profession or an organization that requires a fingerprint-background check?
- Do you have any conflicts of interest or appearances of impropriety with the parties or the subject matter?
  A conflict of interest can arise from involvement by a mediator with the subject matter of the dispute or from any relationship between a mediator and any mediation participant, whether past or present, personal or professional, that reasonably raises a question of a mediator's impartiality. The mediator must disclose any conflict of interest or appearance of impropriety in advance. The parties, however, can waive the conflict of interest or appearance of impropriety if they reasonably believe that the mediator's neutrality is not compromised.

- Do you have experience in mediating cases with significant power imbalance between the parties (if appropriate)?

- What experience and training do you have addressing cultural impact upon our dispute (if appropriate)?
  Cultural differences can have a significant impact on mediation. Understanding these differences is important to achieve a balanced and neutral resolution. Some mediators are specially trained to understand how culture and cultural differences impact a dispute, and find ways to overcome them.

- What if one or more parties are non-English speaking?
  Many mediators are bilingual. Ask if the mediator has taken a competency exam.

  Be aware, however, that a bilingual mediator may have an inherent conflict of interest if the mediator acts as the interpreter or if the mediator understands or relates in language to one party more than the other. Such inherent conflicts can be eliminated by the use of an independent interpreter.

  There are numerous resources available for assistance with language interpretation needs. The Office of Language Access, with the Colorado Judicial Branch, provides interpretation services for mediation at no cost to the parties for cases in which the parties use an Office of Dispute Resolution contract mediator. The parties may prefer to hire and pay for a private interpreter service.

- Is there anything about your process that would be helpful for me to know?

- How much do you charge? When and how is payment to be made?
  If a party is represented by an attorney, the attorney will select the mediator, after consultation with the party, using the above criteria. The party should rely upon the expertise and experience of the attorney in the selection process. The mediator's fee agreement is with the parties, though some mediators will expect the representing attorney to also commit to payment. Most mediators require prepayment of the full mediation fee, whether paid by the party or the attorney.

Are the things I say in mediation confidential, or can they be used against me?

General Rule

Colorado law provides some of the most protective confidentiality provisions in the nation, prohibiting any "mediation communication" from being used in court. Any

disclosure which *does violate* confidentiality must be disregarded by any court or administrative proceeding. In addition, the law prohibits a *party*, *mediator*, or *mediation organization*, from disclosing *any* "mediation communication" or communication provided in confidence.

"Mediation Communication" includes:

- any oral or written communication
- prepared or expressed for the purposes of, in the course of, or pursuant to
- any mediation services proceeding or dispute resolution program proceeding.

Exceptions to Confidentiality

The law provides two exceptions to the definition of "mediation communication." That is, the following two documents are *not* confidential, may be used in court, and *may* be voluntarily disclosed:

- the parties' written agreement to enter into the mediation proceeding, and
- any "fully executed," "final written agreement" reached as a result of the mediation proceeding.

In addition, "mediation communications" are rendered *not confidential* and may be disclosed under the following circumstances:

- when all parties *and* the mediator consent in writing;
- when the covered communication reveals an intent to commit a felony;
- when the covered communication reveals an intent to inflict bodily harm,
- when the covered communication threatens the safety of a child under 18;
- when the communication is required by statute to be made public; or
- where disclosure of the communication is "necessary and relevant" to an action alleging "willful or wanton misconduct" of the mediator or mediation organization.

How do I prepare for a Mediation?

Prior to the mediation session, each party should:

- exchange all information requested by the mediator and relevant to the issues being mediated.
- clearly understand the issues being mediated.
- define goals of the mediation.
- have attempted to submit a settlement offer to the other party.
- If requested by the mediator, submit a confidential statement to the mediator which may include a history of the conflict, information about previous attempts to settle, an assessment of the strengths and weaknesses of each party's position.

In order to maintain a positive atmosphere for open discussion and creative thinking, each party should strive to:

- listen respectfully to others without interruption
- allow the mediator to control the direction of the discussion and ensure all participants are heard
- tackle the hard questions
- focus on solutions (on what can be done as opposed to what can't be done)
- stay engaged during each session

Remember, everything said in the mediation session is completely confidential and cannot be used or even referenced outside of mediation. The parties can therefore feel free to be open and candid while exploring solutions to each issue and reaching an overall settlement of the dispute.

Who does what in the mediation process?

The Role of the Mediator

A mediator is an impartial and objective facilitator attempting to assist the parties in creating a solution to their dispute outside of the litigation process. Mediators do not act as judges or arbitrators; a mediator does not impose a solution upon the parties. Rather, the mediator will facilitate the parties themselves reaching their own solution through the guided use of problem-solving analysis and techniques.

The mediator will usually ask each party to review their side of the dispute to be mediated. After evaluating the appropriateness of the issues and the ability of the parties to participate, the mediator will reframe the issues and ensure the parties agree on the agenda. The mediator will then draw out the core, underlying issues through open-ended questions and follow-up questions as necessary.

Ideally, proposals for solutions and settlement should come from the parties themselves. However, the mediator may use his or her background knowledge and experience in developing creative solutions not previously considered. Mediators should never advocate one solution over another or direct the parties away from any particular solution, unless such positions are illegal or unethical.

The mediator may suggest outside resources which might help facilitate solutions to the dispute. The mediator will assist the parties and their attorney(s) in drafting a Memorandum of Understanding ("MOU") reflecting the points agreed to during the mediation. The mediator can suggest language, but cannot impose such language upon the parties. In the event the parties do not come to agreement, or only partial agreement, the mediator may

ONLY report to the court that settlement was not reached, or was partially reached. The mediator may not discuss nor comment upon the mediation proceedings.

The Role of a Party

The parties are engaging in the mediation to reach an amicable solution to the dispute, not to perpetuate it. Their role is not to convince the other side of the errors of their position and the virtue of their own, but to reach a common ground with which each side can be satisfied. The parties must go into a mediation with an open mind and an intent to negotiate in good faith.

To do so, the parties should attempt to enter the mediation in a candid, professional, and fact-driven state of mind. Anger, hatred, and strong emotions can often interfere with clear thinking and sound judgment.

The parties or their attorneys (if present) will initially state their side of the dispute. It is important that the opening statement stick to the facts, avoid exaggeration, name calling, or stating assumed motives of the other side.

If a party is being advised by an attorney, whether or not the attorney is present at the mediation, the party should always obtain the advice of the attorney throughout the mediation process, and before agreeing to any solution or an overall resolution. Remember though that the dispute is that of each party, and not the lawyer; the party is not required to follow the advice of the attorney. However, a party should be very cautious and confident with the resolution if proceeding against the advice of the attorney.

Pro Se

A party may want to represent him or herself in the mediation, known as appearing *pro se*, to save money or to maintain control of the mediation. Before deciding to proceed without an attorney, the party should consider the potential of power imbalances in the negotiations. Such power imbalances may be caused by differing financial resources, each side's understanding of the legal process and the law, a party's ability to communicate under stress, and the past relationship between the parties including domestic violence or criminal actions. An attorney can offset any power imbalance.

If a party decides to proceed with the mediation *pro se*, the party is always well-advised to consult with an attorney before finalizing any agreement or signing a Memorandum of Understanding in the mediation. The party should review with the attorney the issues on both sides, the alternatives which were considered, and the agreement on each of the disputed issues. The attorney will have the opportunity to review the legality of the entire agreement and advise the party of the underlying law. An attorney's advice is never required but can avoid later dissatisfaction with the agreement reached.

The Role of the Attorney

Unlike court proceedings, mediations are party driven. The parties actively participate in all discussions and consult with their respective attorneys to help craft creative solutions and, ultimately, make the final decision on the outcome.

Parties should be aware that their respective attorneys may have seemingly conflicting roles between advocating for their interests, yet honoring the cooperative nature of the mediation.

Attorneys attending Mediation

In "facilitative" and "transformative" mediations, the attorney takes a much more active role with the party *prior* to mediation, than during the mediation session. In advance of the mediation, the attorney will advise the party of the legal issues in dispute, and work with the party to develop clear statements of the factual disputes. The party and his or her attorney will discuss satisfactory solutions, and may even brainstorm creative ideas. During the mediation, the party leads the settlement discussion with the consultation and advice of the party's attorney.

In "evaluative" mediation, the attorney takes a much more active role throughout the entire mediation process, mirroring a court setting. In advance of the mediation, the mediator may ask the attorney to submit materials such as fact summaries, exhibits, and briefs of legal issues. During the mediation, the attorney leads the presentation, in consultation with the party. The attorney offers the legal and factual issues, the party's side of the dispute, and responds to the concerns of the mediator. The party corrects and augments the attorney's presentation, ensuring an accurate and complete picture is provided to the evaluative mediator.

Attorneys not attending Mediation

A party represented by an attorney may want to attend the mediation session without the attorney in order to save money, or to avoid the perceived "posturing" of counsel. In this case, the attorney should prepare the party more extensively than if the attorney were attending the mediation. Any agreement reached during mediation should be tentative and made final only after approval by the attorney. The party should not sign any Memorandum of Understanding of Settlement Agreement without first presenting it to the attorney for review.

The Role of Court Staff

Every judicial district in the State of Colorado has a Family Court Facilitator ("FCF") and a Self-Represented Litigant Coordinator ("SRLC"). The FCF and the SRLCs have the important role of explaining the mediation process to litigants. They will explain the general mediation process to the litigants, as well as the judge's mediation policy in particular, and assist the parties with (but not suggest or dictate) a referral to an ODR or private mediator or service.

What do we do about reaching an agreement?

When Agreement is Reached

An agreement reached in mediation is reduced to writing, known as a Memorandum of Understanding ("MOU"). To be enforced by the court, the MOU must be signed by the parties, and their attorneys if represented. The MOU is then filed with the court, and if approved, becomes the enforceable court order. Please note: Mediators typically do not file documents with the court.

If the parties are not represented, an experienced mediator can assist the parties to draft the MOU in a form acceptable to the court. If the parties are represented by an attorney, the attorneys will draft the MOU.

When no Agreement is Reached

If no agreement is reached, the parties should file a status report, either by themselves or through their attorney, informing the judge that the parties mediated on a specific date, but no issues were resolved. If the mediator has determined that mediation was not appropriate and did not occur, the mediator may provide a document to you to file with the court to verify you complied with a mediation order.

If some of the issues are resolved, but others remain unresolved, then the parties should let the court know the specific details of what was resolved and what the parties want the court to decide.

Helpful Links to mediation forms

For easy access, below are clickable links to several court forms used throughout the state, as well as the overall link to the state court website.

Colorado Court ADR Forms – Links to PDF and Word Documents
https://www.courts.state.co.us/Forms/By_JDF.cfm

JDF 607	**ADR/Mediation Order (Civil Case)**
JDF 608	**Motion Re: Exemption from Mediation/ADR Order**
JDF 609	**Order Re: Exemption from Mediation/ADR Order**
JDF 1118	**Mediation/ ADR Order (Domestic Case)**
JDF 1307	**Motion Re: Exemption from Mediation**
JDF 1308	**Order Re: Exemption from Mediation**
JDF 1337	**Certificate of Mediation/ADR Compliance**
JDF 211	**Request to Reduce Payment for ODR Services -Instructions**

ACKNOWLEDGEMENTS

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As mediation and conflict resolution is an evolving field, some inaccuracies in the Guide may exist. Please report any corrections to Sharon A. Sturges, Director, Office of Dispute Resolution, Court Services Division, State Court Administrator's Office, sharon.sturges@judicial.state.co.us

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