

OFFICE OF DISPUTE RESOLUTION, COLORADO SPRINGS, COLORADO

DEFINITIONS OF SERVICES OFFERED

MEDIATION IS THE MOST FREQUENTLY USED FORM OF ALTERNATIVE DISPUTE RESOLUTION (ADR). MEDIATION IS A CONFIDENTIAL PROCESS CONDUCTED BY A TRAINED AND NEUTRAL PERSON. IT IS A VERY SUCCESSFUL PROBLEM-SOLVING PROCESS WHERE THE PARTIES CONTROL THE OUTCOME AND THE DECISION MAKING. PARTIES ARE ABLE TO AVOID THE EMOTIONAL AND FINANCIAL EXPENSE OF PROTRACTED LITIGATION. STUDIES HAVE SHOWN THAT MEDIATION IS PARTICULARLY HELPFUL IN FAMILY CASES WHETHER THEY ARE JUVENILE, PROBATE, OR DIVORCE AND CHILD CUSTODY OR PARENTING TIME MATTERS. MORE THAN 85% OF PARTIES ARE ABLE TO ACHIEVE FULL OR PARTIAL SETTLEMENTS THROUGH THE MEDIATION PROCESS. THERE IS ALSO EVIDENCE THAT THE PROCESS SAVES PARTIES ATTORNEY FEES AND COSTS EVEN WHEN THEIR CASE HAS TO BE TRIED.

MED- ARB (MEDIATION / ARBITRATION) BEGINS AS A SIMILAR PROCESS TO REGULAR MEDIATION. HOWEVER, THE PARTIES, PRIOR TO THE MEETING STARTING, AGREE IN WRITING THAT THE NEUTRAL MEDIATOR WILL ALSO BE ABLE TO DECIDE THE CASE FINALLY AT THE END OF THE SESSION. IF THE PARTIES CANNOT AGREE THEN THEY LEAVE IT UP TO THE MEDIATOR TO BECOME THE DECISION MAKER. THE MED/ARB FORM OF ADR IS USED BY MANY PEOPLE WHO WANT TO ATTEMPT TO MAKE THE DECISIONS THEMSELVES BUT ALSO WANT THE COMFORT OF BEING DONE WITH THE MATTER QUICKLY IF THEY ARE UNABLE TO REACH A SETTLEMENT THE MEDIATOR SIMPLY BECOMES THE ARBITRATOR AND ISSUES A BINDING DECISION IN WRITING SHORTLY AFTER THE CONCLUSION OF THE MEETING. THE PARTIES ARE ABLE TO PRESENT THEIR RESPECTIVE CASES TO A NEUTRAL, TRAINED PROFESSIONAL BUT DO NOT HAVE TO WAIT FOR CROWDED COURT DOCKETS.

ARBITRATION IS A PROCESS MORE PEOPLE ARE FAMILIAR WITH BECAUSE IN MANY WAYS IT MIRRORS THE ACTIVITIES OF ATTORNEYS AND JUDGES IN THE COURTROOM. LAWYERS PRESENT EVIDENCE, EXAMINE WITNESSES, MAKE ARGUMENTS AND HOLD MUCH THE SAME ROLE AS THEY DO IN THE COURTROOM. INSTEAD OF A JUDGE AN ARBITER MAKES THE DECISION, WHICH IS BINDING AND SUBJECT TO VERY LIMITED APPELLATE RIGHTS. THE ARBITER IS USUALLY A LAWYER WITH EXPERIENCE AND TRAINING IN THE AREA OF THE DISPUTE. THE ADVANTAGE TO THE PARTIES USUALLY INVOLVES THE SPEEDY RESOLUTION OF THE CASE BY AN EXPERIENCED PROFESSIONAL AVOIDING THE OVER-LOADED COURT SYSTEM.

CRIMINAL MEDIATION CONFERENCING IS A PROCESS USING THE PRINCIPLES OF MEDIATION BUT WITH THE APPLICABLE CONSTITUTIONAL PROTECTIONS ALSO HONORED.
