



**EL PASO AND TELLER COUNTY COMBINED COURTS
FOURTH JUDICIAL DISTRICT, STATE OF COLORADO**

CHIEF JUDGE ORDER 2022-16

RE: FED PILOT MEDIATION PROGRAM

The Fourth Judicial District is piloting a program to assist landlords and tenants mediate eviction cases. This effort is geared toward mitigating economic disruptions to our community based on the COVID 19 epidemic, achieving access to justice goals, and implementing suggestions by the American Bar Association's (ABA) Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or Diversion Programs (ABA Report). The ABA Report suggests that early interventions most efficiently divert cases away from court and connect parties to resources. Of the property owners surveyed in the ABA Report, approximately one-half (46%) expressed a preference for a pre-filing intervention; 71% support mediation programs that occur post-filing but pre-hearing.

The ABA's Report noted the housing crisis in the United States pre-dated COVID-19, in that from 2000 to 2016, 61 million eviction cases were filed in the United States, averaging 3.6 million evictions annually. The impact of this crisis is seen in the courts as noted in the ABA Report: for example, in 2016, seven evictions were filed every minute. Others have observed that on average, these eviction judgment amounts are for non-payment of one or two months' rent and involve less than \$600 in rental debt.

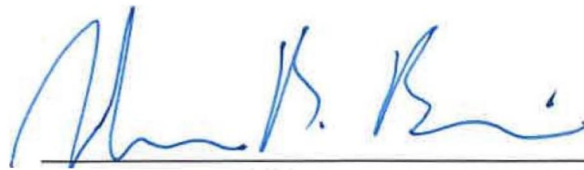
Colorado has not been spared from the disruptive impacts of this housing crisis. In order to help parties mitigate some of these impacts, the Fourth Judicial District, consistent with its constitutional ability to manage its docket, has introduced a pilot program for mediation in forcible entry and detainer (eviction) cases.

Facilitated by a professional, independent Office of Dispute Resolution contract mediator, this eviction mediation program offers an opportunity for landlords and tenants to discuss disputes in a neutral setting. Mediation can provide legal cost savings for the landlord, rental history

protections for the tenant, and a case management tool for the court system. These benefits, along with the demonstrated success of eviction mediation programs and increased access to justice, have prompted this pilot eviction mediation program.

THEREFORE, it is the policy of the Fourth Judicial District to order mediation for forcible entry and detainer (eviction) cases where the fact patterns and circumstances of those cases lend themselves to mediation. Mediation through this program is at no cost to the parties, is conducted virtually, and rarely delays the judicial resolution of the case should a judicial resolution be necessary. This order grants judicial officers the ability to mandate mediation for forcible entry and detainer (eviction "FED") possessory actions.

DONE AND SIGNED ON THIS 6th DAY OF JULY, 2022.



WILLIAM B. BAIN
Chief Judge
Fourth Judicial District