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COMMUNICATE INNOVATE COLLABORATE FACILITATE NEGOTIATE MEDIATE EDUCATE

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COURT ANNEXED MEDIATION: Successes, Challenges and Possibilities

“Where am I going and what will I find?”

**Court Annexed and Ordered Mediation in
Australia**

“The Causes of Popular Dissatisfaction with the Administration of Justice.”

Roscoe Pound

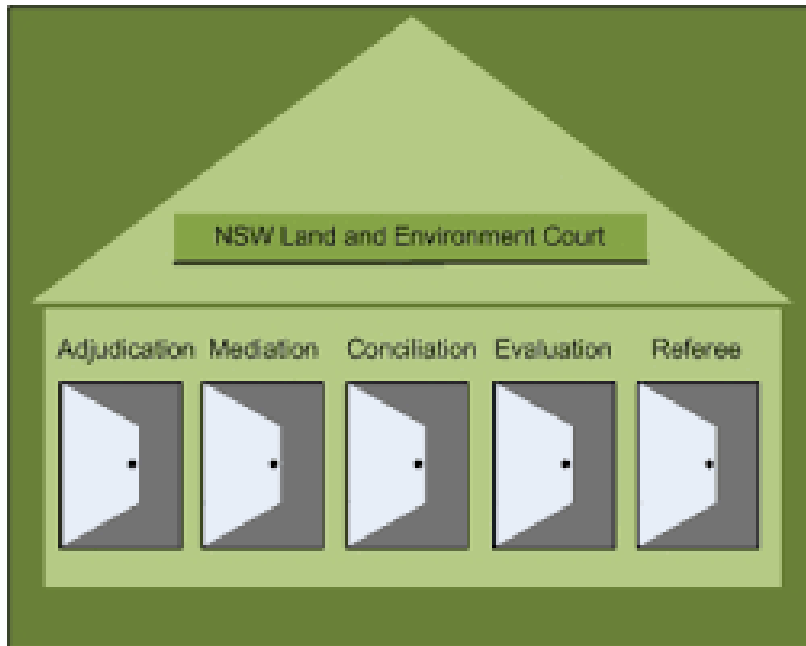
The message...The US legal system was in need of comprehensive reform! *(IMI Website)*



"Varieties of Dispute Processing"

Professor Frank Sander

The Multi Door Court House




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The Rationale for CAM

1. To save the time and costs of the Courts
2. To save the time and costs of the Parties
3. It is better for the Court to hear less cases
4. It is better for the Parties not to have a trial
5. We are all better off if only the *right* cases go to trial

The Rationale for CAM

We are all better
off if only the *right*
cases go to trial

1. THEN WE NEED A FILTER
2. Filter needs to be in the *right place* by the *right people*
3. Parties in dispute (and the Courts that try disputes) have a predetermined *filter*.
4. Filtering through the lens of litigation does not make logical sense
5. It is about cultural/behavioural change
6. We can learn as we mediate, to collaborate, to focus on interests, the benefit of compromise



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CAM

Disputes

Mediation TRIAGE
(Filter)



Characteristics

1. ADR before filing
2. Specialist, qualified mediators
3. Mediators sanctioned by the legislative or executive
4. Legislative imperative to mediate
5. Quick
6. Informal
7. Manageable costs (not front end loading of legal costs)
8. Opt out / Opt in



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Additional Characteristics

1. Consistency in approach to
 - a) Immunity
 - b) Privilege
 - c) Confidentiality
2. Measure outcomes.
 - a) satisfaction,
 - b) costs to resolution and
 - c) time of resolution
3. Ensure that mediators have STATUS (process)

The ultimate goal of Court Annexed Mediation must be that there is *no need* for Court Annexed Mediation.



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