Developing and Funding a Court Dispute Resolution Program

Hon. Diane M. Palos, Cuyahoga County Domestic Relations Court
Brian C. Farrington, Supreme Court of Ohio

Session Overview
1. Brian C. Farrington – Ohio’s current landscape, Principles of Judicial Administration
2. Hon. Diane M. Palos – A practical view from the courts

Ernie Friesen’s Purposes of Courts

Purpose No. 3
“To provide a forum for the resolution of legal disputes”
Court-Annexed Mediation

...not exactly a new idea

- Mesopotamia, c. 2000 BC
- The role of the Mashkim

Dispute Resolution Programs in Ohio's Courts

- Mediation (all types of courts; 236 of 384) 61%
- Early Neutral Evaluation (trial courts; 3 of 370) 1%
- Parenting Coordination (domestic, juvenile; 20 of 161) 12%
- Eldercaring Coordination (probate; 3 of 88) 3%
- Child Protection Mediation (juvenile; 5 of 88) 6%

National Center for State Courts

Principles of Judicial Administration

Principle 9: Court leadership should make available, within the court system or by referral, alternative dispositional approaches. These approaches include:

A. The adversarial process.
B. A problem-solving, treatment approach.
C. Mediation, arbitration or similar resolution alternative that allows the disputants to maintain greater control over the process.
D. Referral to an appropriate administrative body for determination.
National Center for State Courts
Principles of Judicial Administration

Principle 24: Courts should be funded at a level that allows their core dispute resolution functions to be resolved by applying the appropriate dispositional alternative.

Hon. Diane M. Palos

Mediation Services
Integrating Mediation Services into the Court

- Needs assessment
- Resource assessment
- Funding
  - County Commissioners
    - The reasons are not only about saving money
  - Grant funds
  - Volunteers

Start Small?

- Economies of scale with other courts
  - Share within the county
  - Share with other counties
- Part-time or on call
- Create dual jobs:
  - Marion County ENE
- BUILD BUY-IN

Community Volunteers

- “Settlement Day”
- Lawyer to lawyer exchange
- Nonprofits
Dispute Resolution Community

The Center for Principled Family Advocacy
- 501(C)(3)
- Created 1999
- Mission: to educate attorneys, allied professionals and families on dispute resolution processes
- Requires dispute resolution training
- Created local legal culture
- www.famad.com

You have alternatives to court hearings and a lifetime of hostility
Practice Groups
- Mediation
- Collaborative
- Cooperative
- Arbitration
- Parenting Coordination

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