



Optimizing Civil Court Dockets through Innovative Dispute Resolution Practices

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MEET OUR PROPOSER

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The Global Arbitration Mediation Academy (GAMA) is a premier institution dedicated to advancing excellence in dispute resolution through high-quality education, training, and thought leadership. GAMA offers a range of online and in-person programs in arbitration, mediation, and negotiation, tailored for legal professionals, business leaders, and aspiring neutrals across the globe. With a focus on both U.S. and international practices, the Academy brings together leading experts and practitioners to foster a deeper understanding of effective dispute resolution strategies in cross-border and domestic contexts.

"In the heart of every conflict lies an opportunity for resolution. ADR is the key that unlocks peace, fairness, and justice without the need for battle."



TABLE OF CONTENTS

A. INTRODUCTION

B. PROPOSED CONFERENCE WITH DETROIT COURT REPRESENTATIVES: ENHANCING COURT EFFICIENCY AND SYSTEM INNOVATION

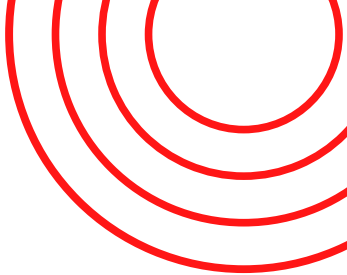
1. Objective
2. Core Themes

C. PROPOSAL FOR DETROIT FORECLOSURE MEDIATION MODEL: LENDER-INITIATED MEDIATION WITH THIRD-PARTY NEUTRALS

1. Lender-Initiated Mediation Process
2. Pilot Program to Test Effectiveness
3. Benefits of the Proposed Model
4. Implementation Steps and Timeline
5. Key features
6. Projected impact metrics
7. Coordination with the Courts: A Public-Private Ecosystem
8. Benefits at a Glance
9. Conclusion

D. INNOVATIVE APPROACHES TO DISPUTE RESOLUTION IN CIVIL LITIGATION

- 1 . Early Dispute Resolution (EDR) Mandates
2. Court-Connected Online Dispute Resolution (ODR) Platforms
3. Integrated ADR and Litigation Process
4. Dynamic Trial Scheduling and Management Technology
5. Advisory Jury Panels for Early Feedback
6. AI and Data-Driven Case Management
- 7 . Innovative Fee Shifting Mechanisms

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8. Incentivized Participation in ADR
 9. Judicial “Settlement Facilitator” Roles
 10. Specialized ADR Hubs for Civil Dockets
 - 11 . Public-Private ADR Partnerships
 12. Case Stakeholder Collaboration Forums
 13. Nationwide ADR Education and Training Initiatives

E. THE IMPORTANCE OF ADR EDUCATION AND TRAINING

F. SUCCESSFUL ADR MODELS: STATE PROGRAMS THAT MADE A DIFFERENCE

1. Case Study: Florida’s Statewide Court-Connected Mediation Program
2. Case Study: New York Commercial Division – Judicial Mediation and ADR Programs
3. Case Study: Multi-Door Dispute Resolution Division – Washington, D.C.
4. Case Study: California's Early Mediation Program (Los Angeles Superior Court)
5. Case Study: Ohio’s Uniform Mediation Act Implementation
6. Case Study: Texas—Alternative Dispute Resolution Procedures Act
7. Case Study: Massachusetts Trial Court – Statewide Dispute Resolution Services
8. Case Study: Oregon Judicial Department – Presumptive Mediation for Small Claims and Family Law
9. Case Study: Tennessee’s Medical Debt Online Dispute Resolution Pilot Program

G. U.S. STATE MODELS FOR FORECLOSURE PREVENTION AND RESOLUTION

1. Connecticut Foreclosure Mediation Program
2. Maine's Foreclosure Diversion Program
3. Nevada's Foreclosure Mediation Program
4. Illinois' 17th Judicial Circuit Court Residential Foreclosure Mediation Program
5. Orange County, Florida Foreclosure Mediation Program



H. LEADING WITH IMPACT: LESSONS FROM OHIO AND NEW YORK

1. Ohio's 11-Step Foreclosure Mediation Model: A Systematic Approach to Resolution

- The 11 step illustration

2. New York's Foreclosure Settlement Conference Program

- Key Features
- Effective steps in New York's Foreclosure Settlement Conference Program

I. OPPORTUNITIES FOR NATIONAL APPLICATION

1. National Court ADR Policy Reform

2. Collaboration Between Courts and ADR Institutions

3. Judicial Training in ADR

4. Public ADR Awareness Campaigns

5. Mandatory ADR Education in Law Schools

J. BUILDING THE JUSTICE SYSTEM OF TOMORROW, TODAY

A. INTRODUCTION

The civil court system in the United States faces increasing challenges with growing case dockets, delays, and rising litigation costs. To address these challenges, there is a need for innovative application of both current and new legal and dispute resolution (DR) best practices. These practices applied before or during trials, can optimize the fair and expeditious resolution of civil court dockets. By adopting such innovations, courts can ensure greater access to justice while reducing case backlogs, and these methods can serve as a model for courts nationwide.

FACT CHECK

The Challenge: Civil Court Congestion

- Over 16 million civil cases are filed annually in U.S. state courts.
- Only 1–2% of civil cases go to trial; the rest are resolved through settlement, default, dismissal, or ADR.
- Civil courts in some states face backlogs exceeding 6–12 months, especially post-pandemic.

💡 The Solution: Innovative Dispute Resolution

- Early Neutral Evaluation (ENE): Cuts case time by up to 40% in some pilot programs.
- Court-annexed mediation has led to settlement rates between 60–80%, depending on jurisdiction.
- Online Dispute Resolution (ODR) platforms (e.g., in Michigan and Utah) show:
 - >70% resolution rate without court hearings.
 - Average case resolution time reduced to under 45 days.

⚙️ Technology in Civil Disputes

- Use of AI-driven case triage tools can prioritize urgent matters, reducing judge caseloads by 20–30%.
- Courts with e-filing and virtual hearing systems report 20–50% improvement in docket processing times.

👏 Benefits of ADR Integration

- Saves courts millions in administrative costs annually.
- Frees up judicial time for complex or high-stakes litigation.
- Increases party satisfaction and compliance with outcomes.

B. PROPOSED CONFERENCE WITH DETROIT COURT REPRESENTATIVES: ENHANCING COURT EFFICIENCY AND SYSTEM INNOVATION

As a complementary initiative under the Detroit Bar Association's ADR and Legal Innovation programming, we propose organizing a high-impact Conference with Representatives from the Detroit Courts aimed at fostering collaborative problem-solving and systemic innovation.

Conference Title (Suggested):

"Innovating Justice: Collaborative Solutions for Court Efficiency and Access"

Objective:

To convene a solutions-driven dialogue between Detroit court representatives, bar association members, ADR professionals, and legal technologists to:

- Share real-time insights into current courtroom challenges, especially case backlogs and inefficiencies;
- Examine the case management systems currently in use;
- Explore system improvement tools including AI integration, ADR expansion, and tech-based solutions;
- Identify training and resource needs for judges, court staff, and legal professionals; and
- Co-develop actionable strategies to streamline court processes and improve access to justice.

Core Themes:

Backlog Realities and Operational Bottlenecks

- Real-world experiences from the judiciary
- Causes, impacts, and preliminary solutions

Case Management Systems

- What's working and what's not
- Possibilities for smarter tracking and workflow tools

Technology and AI Integration

- Use cases for generative AI and legal tech
- How AI can assist "not replace—human judgment"

ADR Integration and Court-Connected Programs

- Identifying points of intervention for mediation/arbitration
- Resource sharing and coordination with ADR providers

Judicial & Staff Training Needs

- Areas where continuing education or upskilling is needed
- Proposed collaborative learning models

Shaping the Future of Detroit's Legal System

- Forming a task force or working group
- Recommendations to sculpt an equitable, efficient, and tech-forward judicial environment

Outcomes:

- White Paper or Summary Report with policy recommendations and system-improvement ideas;
- Formation of a Multi-Stakeholder Working Group to track implementation progress;
- Potential creation of a "Detroit Court Innovation Lab"—a pilot platform to test solutions.

Stakeholder Involvement

- Invited participants will include:
- Judges and administrative staff of Michigan courts.
- ADR and ODR professionals;
- Legal tech and AI experts;
- Nonprofit justice organizations and public interest advocates.

Conclusion:

This proposed Conference represents a pivotal opportunity to bridge the gap between courtroom realities and innovative reform. By bringing together key stakeholders from the judiciary, the legal profession, and the technology and ADR communities, we aim to spark meaningful collaboration and co-create practical, forward-thinking solutions. Grounded in shared insights and a commitment to improving court efficiency and access to justice, "Innovating Justice" will serve as a launchpad for transformative ideas, pilot programs, and sustained partnerships that can reshape the future of our legal system in Detroit—and beyond.



✳️ Workshop to White Paper:
The proposed conference could lead to a
Detroit Court Innovation Lab, driving
systemic change statewide.

C. PROPOSAL FOR DETROIT FORECLOSURE MEDIATION MODEL: LENDER-INITIATED MEDIATION WITH THIRD-PARTY NEUTRALS

The proposed model aims to proactively address foreclosure issues in Detroit by allowing lenders to take the initiative in the mediation process. Under this framework, lenders would be empowered to initiate mediation proceedings by appointing third-party neutrals, such as certified mediators or facilitators, to help negotiate possible solutions before foreclosure proceedings advance. This proactive approach ensures that homeowners are given an early opportunity to resolve their issues with their lenders, reducing the chances of foreclosure and promoting a more efficient resolution process.

1. Lender-Initiated Mediation Process

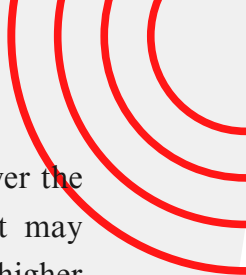
In this model, lenders would play a central role in kickstarting the mediation process by selecting and appointing a neutral third-party mediator to assist in resolving the dispute. This initiative would enable both parties to engage in constructive discussions about potential solutions such as loan modifications, forbearance, or repayment plans. Since the lenders are initiating the process, they would also take responsibility for covering the costs of the neutral's services. This ensures that homeowners are not burdened by additional costs at a time when financial strain may already be an issue.

2. Pilot Program to Test Effectiveness

To assess the feasibility and effectiveness of this model, it is recommended to launch a pilot program with a select group of participating lenders and homeowners. The pilot would involve a smaller set of cases, allowing the program to be tested in real-world conditions without requiring a broad commitment. During this phase, lenders can assess how the mediation process works in practice, and both lenders and homeowners can provide feedback on the experience. This pilot would serve as a critical learning phase, offering valuable insights into the strengths and areas for improvement before potentially scaling the program.

3. Benefits of the Proposed Model

The lender-initiated mediation process has several key benefits. First, it shifts the responsibility for initiating the mediation onto the lenders, creating a more proactive and efficient resolution mechanism. Lenders, by taking early steps to resolve disputes, can potentially avoid costly and time-consuming litigation while preserving the financial health of both the lender and the borrower. Additionally, the inclusion of third-party neutrals ensures that the mediation process remains impartial, fostering a more balanced and fairer environment for negotiation.



Another key advantage is the cost mitigation for homeowners. By having the lenders cover the expenses associated with the neutral, the program reduces the financial barriers that may prevent homeowners from engaging in the mediation process. This encourages higher participation rates and more favorable outcomes for homeowners, who might otherwise feel disenfranchised or unable to negotiate with their lender. Furthermore, this model can lead to better loan modification outcomes, reduced foreclosure rates, and an overall healthier housing market in Detroit.

4. Implementation Steps and Timeline

To implement this model, a clear timeline and set of action steps must be established. Initially, stakeholders, including local courts, lenders, and mediators, should be consulted to ensure alignment on the model's goals and logistics. Next, the pilot program should be designed, identifying the lenders and homeowners eligible to participate. The mediation process would then be officially launched, with regular reviews and adjustments based on feedback from participants.

During the pilot phase, data should be collected on the outcomes of the mediation sessions, including the number of successful loan modifications, the rate of foreclosure prevention, and feedback from both lenders and homeowners. After the pilot period, the program should be evaluated to determine its effectiveness, and any necessary adjustments or improvements should be made before expanding the program to a larger scale.

5. Key Features :

Early-Stage Mediation Triggered by Lenders

- Lenders appoint certified, court-approved mediators to initiate neutral settlement discussions before or immediately after a foreclosure complaint is filed.
- Mediators assist in exploring options such as loan modification, forbearance, repayment plans, or deed-in-lieu resolutions.

Judicial Oversight to Ensure Fairness

- All lender-initiated mediations will be registered with the court, and assigned a settlement facilitator judge or ADR coordinator to oversee process compliance.
- Mediators must file a post-mediation report indicating outcome, procedural fairness, and whether good-faith efforts were made by both parties.
- Borrowers retain the right to request court-appointed review of any mediated agreement before finalization to ensure voluntariness and transparency.

No Cost to Borrowers

- To encourage participation and reduce barriers, all mediator fees will be fully covered by the lender.
- This financial structure promotes equitable access and incentivizes borrowers to engage constructively in resolution efforts.

6. Projected Impact Metrics (Pilot Phase) Metric Target (Year 1 Pilot)

Total Cases Referred to Mediation	500+
Settlement Rate	60–70%
Average Cost Savings per Case	\$3,000–\$5,000 (court + party savings)
Average Time Saved per Case	4–6 months
Estimated Total Court Docket Relief	~6–9% reduction in active foreclosure caseloads

Note: These estimates are based on comparable results from pilot programs in states like Ohio, New York, and California.

7. Coordination with the Courts: A Public-Private Ecosystem

To ensure fairness, legitimacy, and scalability, the Detroit model proposes a collaborative ecosystem involving courts, lenders, and neutral mediators:

- **Court-Approved Roster of Neutrals:** Mediators must be certified under Rule 31 or equivalent standards and trained in foreclosure-specific issues.
- **Standardized Mediation Protocols:** A uniform process will govern timelines, notice requirements, confidentiality, and reporting.
- **Court Monitoring Dashboard:** The court will maintain an internal dashboard tracking cases in the mediation pipeline, outcomes, and red flags for judicial intervention.
- **Feedback Loops:** Borrowers and lenders will complete post-mediation surveys, and quarterly reports will be submitted to court administrators to refine the process.

8. Benefits at a Glance

- **For Courts:** Reduced foreclosure caseloads, docket efficiency, administrative savings, and less motion practice.
- **For Borrowers:** Early opportunity to save homes, avoid litigation, and engage in cost-free negotiation with professional guidance.
- **For Lenders:** Lower litigation expenses, better recovery outcomes, and improved borrower relations.
- **For the Public:** Greater community stability, reduced displacement, and a more trusted legal system.

9. Conclusion

The proposed lender-initiated mediation model offers a promising approach to addressing Detroit's foreclosure challenges. By shifting the responsibility to lenders and ensuring that homeowners are not burdened with the cost of mediation, this model promotes early intervention, better communication, and more equitable outcomes for both parties. The pilot phase will provide critical insights and, if successful, could become a key component in Detroit's broader strategy for foreclosure prevention and financial stability in the housing market.

D. INNOVATIVE APPROACHES TO DISPUTE RESOLUTION IN CIVIL LITIGATION

1. Early Dispute Resolution (EDR) Mandates

Pre-Trial Early Case Assessment (ECA): Mandatory early case assessments are required for complex civil cases within a set time frame after filing. The ECA would involve both parties analyzing the risks, costs, and benefits of litigation vs. alternative dispute resolution (ADR). This would encourage settlement or narrowing of issues early on.

Pre-Trial Mediation Conferences: Introduce mandatory mediation sessions for cases with high settlement potential, using court-appointed or certified mediators to expedite settlement discussions before parties become entrenched in litigation.

2. Court-Connected Online Dispute Resolution (ODR) Platforms

Implement court-connected ODR systems for lower-value civil claims, allowing parties to resolve disputes without ever stepping foot in court. This can be expanded to medium-value cases, helping to streamline the process and reduce court congestion.

Mediation and Arbitration via ODR: Parties can opt to resolve their disputes through online mediation or arbitration allowing flexibility in scheduling and reduce costs and time for both the courts and the parties involved.


3. Integrated ADR and Litigation Process

Litigation Triage Teams: Courts can introduce specialized triage teams of judges, mediators, and ADR professionals to evaluate cases early in the process, identify those most suitable for ADR, and direct them accordingly. This could include a hybrid model where certain parts of the case go through ADR while others proceed through traditional litigation.

Co-Mediation/Co-Arbitration Panels: Complex cases could benefit from the formation of specialized co-mediation or co-arbitration panels that blend legal and industry expertise, expediting fact-finding and resolution by engaging experts from multiple fields early in the process.

4. Dynamic Trial Scheduling and Management Technology

Real-Time Trial Management Tools: Deploy AI-driven case management software that dynamically allocates courtroom resources based on case complexity, readiness, and priority. Judges and court administrators can use these tools to predict the length of trials and adjust dockets in real time, reducing backlog and improving scheduling.



Virtual Courtrooms and Hearings: Expand the use of virtual hearings for certain pre-trial motions, evidence collection, and witness testimony, especially for lower-stakes matters or geographically dispersed parties saving time and making the legal process more accessible.

5. Advisory Jury Panels for Early Feedback

Implement an “advisory jury” system where, early in the pre-trial phase, a mock or advisory jury hears a preliminary version of the case and provides feedback to the parties. This could help parties adjust their strategies, understand jury perception, and potentially lead to earlier settlements.

6. AI and Data-Driven Case Management

Predictive Case Analytics: Leverage AI and data analytics to predict case outcomes and provide parties with early forecasts about potential case costs, timelines, and likely rulings. This information can push parties toward more realistic settlement negotiations, reducing unnecessary litigation.

Automated Case Triage: Courts can use AI tools to automatically classify cases based on complexity, estimated trial length, and settlement likelihood, routing cases to either ADR or traditional litigation pathways accordingly.

7. Innovative Fee Shifting Mechanisms

Create dynamic fee-shifting rules where the cost burden increases for the losing party the longer a case remains unresolved. This can create strong incentives for early resolution and efficient litigation strategies, promoting settlement or ADR.

8. Incentivized Participation in ADR

Court-Provided ADR Vouchers: Providing parties with financial incentives or vouchers for engaging in court-sponsored mediation or arbitration. Courts can collaborate with ADR institutions to subsidize the cost of ADR for early-stage cases.

ADR Success Bonuses: Introduce a system of financial or procedural rewards for parties that successfully resolve their disputes through ADR before reaching trial, such as fee reductions, expedited docketing for future cases, or tax credits for businesses.

9. Judicial “Settlement Facilitator” Roles

Introduce a new role within the judiciary where designated judges act as “settlement facilitators.” These judges would not preside over the trial but would be skilled in ADR and help guide parties through pre-trial settlement discussions, acting as impartial facilitators.

10. Specialized ADR Hubs for Civil Dockets

Create dedicated court annexes or hubs specializing in ADR for specific types of civil cases, such as commercial disputes, real estate, or healthcare. These hubs would be staffed by experts in both ADR and the legal fields, providing parties with specialized knowledge and faster resolution paths.

11. Public-Private ADR Partnerships

Courts can collaborate with private ADR providers to develop joint programs that funnel complex civil disputes into specialized mediation or arbitration pathways while maintaining court oversight. This could include industry-specific panels of experts, tailored ADR processes, or even expedited “mini-trials.”

12. Case Stakeholder Collaboration Forums

Establish periodic stakeholder forums that include judges, attorneys, ADR professionals, and industry experts to discuss trends, bottlenecks, and areas for improvement in court-connected ADR programs. These forums can also serve as a feedback loop for refining and expanding innovative practices nationally.

13. Nationwide ADR Education and Training Initiatives

Introduce mandatory ADR training for civil litigators to ensure attorneys are well-versed in effective dispute resolution techniques. Courts can partner with bar associations and ADR academies to offer certification programs that foster ADR-friendly litigation practices and support the expansion of ADR into civil courts nationwide.

E. THE IMPORTANCE OF ADR EDUCATION AND TRAINING

As the legal landscape continues to evolve, the success of innovative dispute resolution mechanisms depends heavily on practical education and implementation support. Institutions that specialize in Alternative Dispute Resolution (ADR) education are essential partners in this effort.

The Global Arbitration Mediation Academy (GAMA), a leading provider of ADR training, plays a critical role in equipping legal professionals, court staff, and decision-makers with the tools necessary to apply ADR principles effectively within civil court systems. GAMA's mission aligns with broader national priorities to enhance access to justice, reduce court congestion, and promote early resolution through structured and accessible training.

GAMA's programs are designed with a global and interdisciplinary perspective, ensuring that participants not only gain theoretical knowledge but also practical strategies for real-world dispute resolution. These programs cover a wide range of topics—from mediation and arbitration fundamentals to advanced negotiation techniques and sector-specific conflict resolution—helping build the professional capacity required to scale ADR innovations across jurisdictions.

In supporting civil court modernization, GAMA also collaborates with courts, bar associations, and public interest stakeholders to co-develop customized training modules. These efforts contribute directly to judicial efficiency, professional upskilling, and the long-term sustainability of ADR integration efforts.



A Whole-System Solution:
“From courthouse to classroom, ADR must be embedded across all levels of legal engagement.”

F. SUCCESSFUL ADR MODELS: STATE PROGRAMS THAT MADE A DIFFERENCE

1. Case Study: Florida's Statewide Court-Connected Mediation Program

Florida has been a pioneer in integrating ADR into its judicial system through a statewide court-connected mediation initiative. Implemented under **Florida Statutes §44.102**, this program mandates mediation in various types of civil disputes before proceeding to trial.

The program's effectiveness is evident in measurable outcomes:

- According to data from the **Florida Office of the State Courts Administrator**, over **60% of civil cases referred to mediation result in a full or partial settlement**, significantly reducing the volume of cases that proceed to trial.
- In **Miami-Dade County**, the civil division saw a **25% reduction in trial dockets** within two years of adopting mandatory mediation protocols.
- Judges and court administrators have reported **increased litigant satisfaction**, due in part to faster resolutions and greater party involvement in settlement decisions.

This program demonstrates how structured ADR, supported by legislation and judicial buy-in, can lead to substantial improvements in court efficiency and access to justice.

2. Case Study: New York Commercial Division – Judicial Mediation and ADR Programs

The **New York State Supreme Court Commercial Division** has integrated ADR mechanisms, including judicial mediation, into its standard case management practices. Under **22 NYCRR §202.70**, judges are authorized to refer parties to mediation early in the litigation process.

- A 2020 report from the New York Unified Court System revealed that **nearly 45% of referred commercial cases settled through mediation**, leading to substantial time and cost savings.
- The Commercial Division's ADR program is supported by court-certified mediators and maintains a publicly available **Roster of Neutrals** to enhance party confidence and transparency.

- Judicial mediation has helped reduce motion practice and pretrial proceedings, streamlining the docket and freeing judicial resources.

3. Case Study: Multi-Door Dispute Resolution Division – Washington, D.C.

Launched in 1990, the **Multi-Door Dispute Resolution Division** of the **D.C. Superior Court** is often cited as a model for institutionalized ADR in the U.S.

- The division offers mediation, arbitration, and other ADR services across civil, family, tax, and probate cases.
- In 2018, the program reported an **average settlement rate of 60%** in civil cases referred to mediation.
- The program also collects robust data and participant feedback, making it a valuable source of empirical evidence on ADR efficacy.
- Its holistic model where litigants are triaged and directed to the most appropriate dispute resolution method has inspired replication in other jurisdictions.

4. Case Study: California's Early Mediation Program (Los Angeles Superior Court)

The Los Angeles Superior Court piloted an early mediation program to address rising delays in civil case resolution. The program encouraged **voluntary participation** in mediation within 120 days of case filing, and offered court-funded mediator services.

- According to internal evaluations, the program reduced average case duration by 5–7 months.
- Over **70% of cases settled** through early mediation, often with greater party satisfaction compared to traditional litigation.

The success of the pilot led to similar programs being adopted in other California counties, supporting the effectiveness of early ADR intervention in high-volume courts.

5. Case Study: Ohio's Uniform Mediation Act Implementation

Ohio was one of the first states to adopt the Uniform Mediation Act (UMA), which formalized the use of mediation in both civil and family law contexts. The Ohio Supreme Court supported this with statewide training, certification of mediators, and rules under **Rule 16 of the Rules of Superintendence**.

- In Franklin County, civil filings using mediation have reported settlement rates exceeding 65%.
- The standardized structure under the UMA has led to greater judicial trust in mediation outcomes and smoother enforcement of mediated settlements.
- The program is lauded for improving access to justice in lower-income populations, especially in landlord-tenant and small claims cases.

6. Case Study: Texas—Alternative Dispute Resolution Procedures Act

Texas has long supported ADR through the Texas Alternative Dispute Resolution Procedures Act (Tex. Civ. Prac. & Rem. Code §154), which empowers courts to refer cases to mediation, arbitration, and other settlement procedures.

- Many county and district courts across Texas have institutionalized mediation as a routine part of civil case management.
- In Travis County, mediation programs have contributed to settlement rates exceeding 65%, with significant cost savings for litigants.
- The Texas judiciary has actively supported ADR by certifying mediators, offering judicial training, and creating ADR panels that courts draw from.
- This systemic approach has helped Texas courts handle high case volumes while maintaining timely access to justice, particularly in urban jurisdictions.

7. Case Study: Massachusetts Trial Court – Statewide Dispute Resolution Services

The **Massachusetts Trial Court** has institutionalized dispute resolution through its Standing Committee on Dispute Resolution, promoting consistent ADR practices across various court departments (civil, probate, housing, etc.).

- Under Uniform Rule on Dispute Resolution (Rule 8), the court refers appropriate civil cases to mediation or conciliation at early stages.
- Evaluation reports show that nearly 50% of cases referred to mediation settle, often saving months of litigation time and reducing docket congestion.
- The court also maintains an approved roster of neutrals, with mandatory training and ethical standards, improving ADR quality and trust in the process.
- Massachusetts' model is notable for its statewide coordination, judicial training programs, and focus on integrating ADR seamlessly into judicial workflow, offering a replicable model for other jurisdictions.

8. Case Study: Oregon Judicial Department – Presumptive Mediation for Small Claims and Family Law

Oregon has taken a progressive approach to ADR through its Presumptive Mediation Programs, particularly in small claims and family law cases across multiple judicial districts.

- Courts like the Lane County Circuit Court have implemented mandatory mediation for specific civil case types, with opt-out only for good cause.
- According to the Oregon Judicial Department's 2021 ADR Program Report, more than 60% of small claims cases referred to mediation result in settlement without trial.
- The use of trained community mediators and court-employed ADR coordinators has helped ensure equitable, accessible, and culturally competent mediation services.
- Oregon's approach is a model for balancing judicial efficiency with party autonomy, especially in lower-value civil cases that make up a large portion of court dockets.

9. Case Study: Tennessee's Medical Debt Online Dispute Resolution Pilot Program

The Tennessee Administrative Office of the Courts (AOC) initiated the **Medical Debt Online Dispute Resolution (ODR) Pilot Program** in 2020 to address the escalating issue of medical debt in the state. Launched in Hamilton County in collaboration with Erlanger Health System, this program offers an online platform enabling residents to negotiate and resolve medical debt disputes before any court filings occur. The platform allows asynchronous communication, permitting individuals to engage with hospital representatives at their convenience to discuss payment plans, financial assistance, or dispute resolutions. Additionally, participants can request assistance from **Rule 31-trained mediators**, who facilitate impartial negotiations to achieve mutually acceptable solutions.

The pilot has demonstrated promising outcomes. During its initial phase, Erlanger Health System sent 238 email invitations to patients with outstanding debts, resulting in a 28% engagement rate. Among those who engaged, 70% successfully resolved their debts through lump-sum payments, payment plans, or financial assistance, collectively addressing approximately \$79,775 in medical debt. These results highlight the program's potential to alleviate court burdens and provide accessible, efficient solutions for medical debt disputes. Encouraged by this success, the AOC aims to expand the program statewide, offering a scalable model for resolving various types of debt collection issues.

G. U.S. STATE MODELS FOR FORECLOSURE PREVENTION AND RESOLUTION

Several court programs across the United States integrate ADR methods, such as mediation, to address foreclosure cases. These programs aim to facilitate communication between homeowners and lenders, potentially leading to mutually agreeable solutions and avoiding lengthy litigation. Notable examples include:

1. Connecticut Foreclosure Mediation Program

Established under Public Act 08-176, this program assists homeowners and lenders in achieving amicable resolutions through mediation. It provides resources and forms for both parties, aiming to streamline the foreclosure process and explore alternatives to foreclosure.

[Connecticut Judicial Branch](#)

2. Maine's Foreclosure Diversion Program

Since 2010, Maine's Foreclosure Diversion Program has offered mediation services to homeowners facing foreclosure on their primary residence. The program reports that approximately 60% of mediated cases have been dismissed without foreclosure, highlighting its effectiveness. [Maine Courts+1Maine Courts+1](#)

3. Nevada's Foreclosure Mediation Program

Managed by Home Means Nevada, Inc., this program allows eligible homeowners to meet with their lender's representative and a state-approved mediator to discuss alternatives to foreclosure. Homeowners must act promptly after a Notice of Default to participate. [Home Means NevadaOrange County Bar Association+1Home Means Nevada+1](#)

4. Illinois' 17th Judicial Circuit Court Residential Foreclosure Mediation Program

Serving Winnebago and Boone Counties, this program provides a platform for borrowers and lenders to communicate and explore options with the assistance of a trained mediator. The goal is to facilitate discussions that may lead to loan modifications or other resolutions, potentially avoiding foreclosure. [IL Foreclosure Program](#)

5. Orange County, Florida Foreclosure Mediation Program

Approved by the court, this program brings together residential homeowners and lenders with a trained, impartial mediator to negotiate fair agreements in foreclosure cases. It offers step-by-step instructions and workshops to assist homeowners through the mediation process. [Orange County Bar Association](#)

H. LEADING WITH IMPACT: LESSONS FROM OHIO AND NEW YORK

1. Ohio's 11-Step Foreclosure Mediation Model: A Systematic Approach to Resolution:

The Supreme Court of Ohio developed an 11-Step Foreclosure Mediation Program Model as a comprehensive guide for local courts seeking to implement effective foreclosure dispute resolution programs. Launched in response to the 2008 housing crisis, the model aims to foster early, meaningful communication between homeowners and lenders, with the goal of avoiding foreclosure through negotiated outcomes. The process begins with early case identification and outreach, ensuring borrowers are informed of mediation options as soon as a foreclosure complaint is filed. The court assigns a dedicated mediation coordinator, ensures proper screening of eligible cases, and sets structured timelines to promote timely resolution. The model also emphasizes clear communication, document exchange protocols, and pre-mediation preparation to ensure both parties come to the table ready to engage.

What sets Ohio's model apart is its integration of procedural efficiency with human-centered dispute resolution. Trained mediators facilitate structured sessions that allow borrowers and lenders to explore alternatives such as loan modifications, forbearance, or deed-in-lieu arrangements. The program includes built-in accountability through status reporting to the court and data collection for performance evaluation. By institutionalizing mediation as part of the foreclosure case process—not as an afterthought—Ohio's courts have improved outcomes for both parties while reducing the strain on judicial resources. This model has served as a national example of how a court-led, ADR-centered approach can deliver stability, access to justice, and economic resilience in vulnerable communities.

The 11-Step Foreclosure Mediation Program Model is a detailed framework typically used to guide foreclosure cases through a structured mediation process. While the exact steps may vary slightly depending on the jurisdiction, here is an overview of the core 11 steps often included in this model, inspired by Ohio's program:



 **Keeping Homes, Reducing Court Load:**
This settlement program resulted in thousands of families keeping their homes and avoiding court litigation.

OHIO'S 11 STEP MODEL



1. CASE IDENTIFICATION

At the initial filing of a foreclosure action, the case is reviewed to determine whether it is eligible for mediation. The court assesses whether the borrower is entitled to participate based on the nature of the dispute.

2. NOTIFICATION TO BORROWER

The borrower is notified of their eligibility to participate in mediation. This typically involves the court sending an official notice that outlines the borrower's right to request mediation and the steps they need to take to initiate the process.



3. BORROWER REQUESTS MEDIATION

Once the borrower receives the notification, they can request to participate in the mediation program. This is usually done by submitting a request form to the court, indicating their willingness to enter into a mediation process.

4. CASE REFERRAL TO MEDIATION

Upon the borrower's request, the court refers the case to mediation. The case is assigned to a neutral third-party mediator, often selected by the court or a mediation provider.





5. DOCUMENT EXCHANGE

Both parties—the lender and the borrower—are required to exchange relevant financial and legal documents prior to mediation. This ensures that all parties have the information necessary to engage in meaningful discussions and facilitate fair negotiations.

6. PRE-MEDIATION CONFERENCE

A pre-mediation conference is scheduled to prepare both parties for the upcoming mediation. During this session, the mediator explains the mediation process, clarifies expectations, and ensures that both parties are ready to engage in good-faith negotiation.



7. MEDIATION SESSION

The core of the program is the mediation session itself. Here, both parties meet with the mediator to discuss potential solutions, such as loan modifications, repayment plans, or other alternatives to foreclosure. The mediator facilitates the discussion, ensuring fairness and neutrality.

8. RESOLUTION OR PARTIAL AGREEMENT

If both parties reach an agreement during the mediation session, it is documented and signed by both parties. In some cases, the parties may come to a partial agreement and agree to continue negotiations after the mediation session.





9. POST-MEDIATION REVIEW

After the mediation session, the court conducts a post-mediation review to assess the outcomes. This review helps determine whether an agreement was reached and what actions need to be taken to finalize the resolution.

10. FINALIZATION OF AGREEMENT

If a resolution was reached during mediation, the agreed-upon terms, such as loan modifications or repayment schedules, are formally documented. The court approves the settlement, which may involve a consent decree or other legal documents that bind both parties to the agreed terms.



11. EVALUATION AND REPORTING

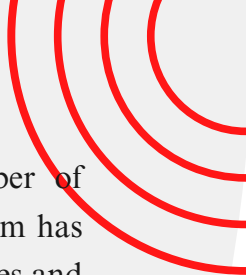
After the conclusion of the mediation process, the court or mediation program evaluates the success of the mediation process and the outcomes. This evaluation helps in assessing the program's effectiveness, refining future processes, and reporting to stakeholders on success rates, challenges, and opportunities for improvement.

2. New York's Foreclosure Settlement Conference Program

Launched in 2010, New York's Foreclosure Settlement Conference Program was implemented by the New York State Unified Court System as part of an effort to address the increasing number of foreclosures in the wake of the housing crisis. The program mandates that all residential foreclosure cases be referred to settlement conferences, where homeowners can meet with their lender's representatives and a neutral court-appointed mediator. This model integrates ADR by focusing on mediation, which provides a forum for negotiations and settlements outside of a traditional courtroom setting. One of the most successful court foreclosure models that integrated Alternative Dispute Resolution (ADR) is New York's Foreclosure Settlement Conference Program. This program has been highly praised for its effectiveness in preventing unnecessary foreclosures while providing a structured, accessible way for homeowners and lenders to find solutions through mediation.

Key Features:

- **Mandatory Mediation:** Unlike many other programs that make mediation voluntary, New York's program requires that a settlement conference take place within 60 days of the initial court filing. Both parties are required to engage in good faith negotiations during these sessions.
- **Neutral Mediators:** Court-appointed mediators help guide the discussions between the homeowner and the lender, with the aim of finding mutually agreeable solutions such as loan modifications, repayment plans, or other alternatives to foreclosure.
- **Increased Homeowner Engagement:** The program helps homeowners better understand their options, especially when they may be unaware of potential foreclosure defenses or loan modification programs.
- **Resolution Rates:** The program has successfully prevented foreclosures and facilitated loan modifications. Many homeowners have been able to keep their homes or settle their debts, with statistics showing that a significant percentage of cases result in an agreement, either through loan modifications or other alternatives.
- **Court Oversight:** New York's courts play an active role in overseeing the progress of each case, ensuring that mediations are conducted in a timely and efficient manner. This active monitoring helps to keep both parties accountable and encourages a fair and balanced resolution process.



Since its implementation, New York's program has significantly reduced the number of foreclosures, helping both homeowners and lenders find equitable solutions. The program has also been credited with providing stability to the housing market by preventing forced sales and giving families more time to recover financially. New York's Foreclosure Settlement Conference Program serves as a strong model for other states and municipalities seeking to integrate ADR into foreclosure processes. The program's emphasis on early mediation, active court involvement, and high rates of successful loan modifications showcases the potential for ADR to create beneficial outcomes for both homeowners and lenders.

Effective steps in New York's Foreclosure Settlement Conference Program that have contributed to its success:

- **Mandatory Settlement Conference:** Every residential foreclosure case is automatically referred to a settlement conference, ensuring that homeowners have the opportunity to explore alternatives to foreclosure through mediation.
- **Timely Scheduling:** The court schedules the settlement conference within 60 days of the initial filing, ensuring that foreclosure proceedings do not advance before homeowners have had a chance to negotiate.
- **Court-Appointed Mediators:** A neutral, trained mediator is appointed to facilitate the discussion between the homeowner and the lender, helping both parties navigate the process and explore potential resolutions.
- **Required Lender Participation:** Lenders are required to attend the mediation session with the necessary representatives who have the authority to negotiate and modify loan terms, ensuring meaningful dialogue.
- **Mediation Focused on Resolution:** The mediation sessions aim to identify solutions such as loan modifications, repayment plans, or other alternatives to foreclosure, allowing homeowners to retain their property whenever possible.
- **Court Oversight and Accountability:** The court monitors the progress of the case, ensuring timely and effective mediation. Regular check-ins encourage both parties to engage in good faith.
- **Higher Resolution Rates:** By offering homeowners a structured opportunity to engage in mediation with their lenders, the program achieves higher rates of successful outcomes, such as loan modifications and debt resolution, thereby preventing unnecessary foreclosures.

I. OPPORTUNITIES FOR NATIONAL APPLICATION

To ensure the broad application of these best practices across the country, the following strategies can be implemented:

1. National Court ADR Policy Reform:

Federal and state courts can establish policies that mandate or encourage ADR as a first step in civil litigation, with exceptions for cases involving certain constitutional or criminal issues. ADR programs can be integrated into the fabric of court operations rather than treated as an alternative.

2. Collaboration Between Courts and ADR Institutions:

Courts can partner with organizations such as the American Arbitration Association (AAA) or JAMS to expand court-connected ADR programs. Such partnerships would help courts maintain control over case outcomes while offering the expertise and flexibility of private ADR providers.

3. Judicial Training in ADR:

As ADR practices become more prevalent, judges should receive comprehensive ADR training to effectively manage cases that involve mediation or arbitration. Courts can establish "ADR liaisons" who are experts in dispute resolution to help guide parties toward settlement before trial.

4. Public ADR Awareness Campaigns:

A coordinated national campaign, possibly led by bar associations and ADR academies, can educate the public and businesses about ADR's benefits. This campaign could include online resources, webinars, and local workshops.

5. Mandatory ADR Education in Law Schools:

To ensure the next generation of lawyers is well-versed in ADR, law schools should incorporate ADR modules as part of their core curriculum. This will foster a culture where ADR is a primary consideration in the dispute resolution process, not a last resort.

J. BUILDING THE JUSTICE SYSTEM OF TOMORROW, TODAY

To realize the full potential of ADR in transforming the civil justice system, comprehensive ADR education, training, and the establishment of specialized ADR hubs must be prioritized. ADR education and hands-on training for judges, lawyers, and court staff will equip them to effectively integrate ADR methods, encouraging a shift toward resolution pathways that prioritize efficiency and accessibility. Creating dedicated ADR hubs staffed with trained ADR specialists can further amplify these efforts, providing parties with expertise-driven, industry-specific support for resolving disputes.

This approach offers unique advantages: by focusing on specialization, ADR hubs can address the nuances of various types of civil disputes—from commercial to healthcare—ensuring that disputes are handled with both legal and sector-specific insight. Additionally, ADR hubs can serve as innovation centers, continually refining ADR techniques and processes based on real-time feedback from stakeholders. Such diversification paves the way for a more adaptable, responsive legal system that meets the evolving needs of civil society.

The integration of ADR education and specialized hubs is the starting point for the broader success of ADR diversification, setting the groundwork for a dispute resolution system that is not only efficient and fair but also scalable and responsive. Through such initiatives, we lay the foundation for a civil justice system that embodies the principles of swift, equitable conflict resolution—ultimately enhancing public trust and accessibility to justice on a national scale.



★ The ADR Advantage:
Better outcomes. Faster
resolutions. A more trusted legal
system.