

**Mediation panel: "Mediation in the U.S.: Multiple Doors to Justice"
Judge Carolyn Miller Parr (ret.), Panelist**

Program Summary

MULTI-DOOR DISPUTE RESOLUTION DIVISION

Superior Court of the District of Columbia

Washington, DC

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During a conference in 1976 about public dissatisfaction with the justice system, Harvard Professor Frank E.A. Sander offered an innovative approach that could ease the growing demands on courts throughout the country. Calling his concept the multi-door courthouse, Professor Sander envisioned one large courthouse with multiple dispute resolution doors or programs. Cases could be diagnosed and referred through the appropriate door for resolution. The programs could be located inside or outside of the courthouse, and could include, but would not be limited to, litigation, conciliation, mediation, arbitration, and social and governmental services.

After a careful study of the multi-door concept, the American Bar Association (ABA) identified three experimental program sites: Tulsa, Oklahoma; Houston, Texas; and the Superior Court in Washington, D. C. The goals of the multi-door experiment were to provide easy access to justice, to reduce or eliminate litigants' frustration with delay, and to develop and improve programs to fill service gaps, thereby making available more doors through which disputes could be resolved. And, of course, the court hoped to cut its own backlog.

The experimental program in the D.C. Superior Court began in 1985. Four years later, in February 1989, former Chief Judge Fred B. Ugast declared the experiment a success and designated the program as a full operating Division of the Court. Today, Chief Judge Rufus King III has made the provision of dispute resolution services a priority as well.

In 1985, the **Intake and Referral Center** was the first multi-door program established in the Superior Court. Trained staff help D.C. residents to consider options to resolve their disputes. If the Intake Specialist is unable to conciliate the

dispute, the resident will be referred to an appropriate legal, social service or dispute resolution organization.

In the same year, the **small claims mediation** program became the first of the multiple doors. Daily, mediators are available in the Small Claims Court to help parties reach a mutually satisfactory resolution of disputed claims of \$5,000 or less. Additionally, in 1991 small claims mediators began to mediate collection cases with claims of \$25,000 or less. In 2005, approximately 42% of the small claims cases entering mediation were resolved with the help of a neutral third party.

The **family mediation** program began operation late in 1985. At first, cases came to the family mediation program on a voluntary basis and involved issues of child support, custody, visitation, spousal support and property division. Mediation is available before or after filing a formal complaint in Court, on the day of trial or at the hearing. **Cases involving the use of weapons, serious injury by one party to the other, a long history of repetitive violence, child abuse, or a lack of parity in bargaining power between the parties will not be sent to mediation.**

Court-annexed, **non-binding arbitration** was initiated in 1987 through a grant from the National Institute for Dispute Resolution and the Meyer Foundation. Approximately 400 cases filed in the Civil Division were randomly assigned to arbitration during a two-phase experimental period between 1989 and 1991. At that time, approximately 75% of the cases arbitrated were dismissed or otherwise disposed of within 120 days, as compared with 10% of the litigated cases. In addition, litigants surveyed responded favorably to the concept of court-ordered arbitration.

In a continuing effort to educate the legal community about ADR techniques and to reduce the number of the Court's oldest pending **civil cases**, the Court initiated another successful ADR experiment. From 1987 through 1989, all civil trials were suspended for one week, during which volunteers mediated between 700 and 900 cases over a five-day period. This week was designated as **Settlement Week**.

In late 1989, the Court began planning a comprehensive **Civil Delay Reduction** Program. To assist with the Civil Delay Reduction Program, the Multi-Door Division **mediated approximately 3,100 of the oldest civil cases between October 1989 and January 1991, resolving approximately half of them.** When the Civil Delay Reduction Program became operational in January of 1991,

the Division began offering mediation, neutral case evaluation, and binding and non-binding arbitration for most civil cases filed in the Court.

Today, approximately **3000 civil cases** every year are referred to dispute resolution by civil judges. **Previously, only 45% of civil cases were disposed of in two years; now, 85% are disposed of in that time.**

Furthermore, the presiding judge of the Probate and Tax Divisions began to refer **probate and tax assessment matters** to mediators who helped to settle more than 75% of the cases referred during the early years of these programs. Most contested residential and commercial tax assessment cases continue to be referred to mediation following a status hearing with the judge, but both the caseload and settlement rates have decreased somewhat. Approximately 45% of these cases now are resolved through mediation.

In order to provide comprehensive ADR services, the Division has developed extensive training and educational programs for its over 300 mediators. The Division has set in place numerous "quality control" mechanisms, such as user surveys, mentorships, and individual peer reviews.

In addition, frequent requests for technical assistance from other states and countries confirm the Court's international reputation for maintaining one of the most comprehensive court-based ADR programs. **In 2005, individuals and delegations from more than thirty countries visited the Multi-Door Division.**

The Present

Today, the Multi-Door Dispute Resolution Division maintains a staff of 22 full-time_employees to administer its recruitment and training programs, intake and referral program, small claims mediation program, family and community mediation program, child protection mediation program, landlord and tenant mediation program, probate mediation program, tax assessment mediation program and civil mediation, arbitration and case evaluation programs. Most actual mediations and arbitrations are done by around 300 outside, court-certified neutrals, who are paid by the court. **The Division provided a neutral forum for dispute settlement in more than 6,100 matters in 2005.**