Judicial Mediation: A Global View

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The Multi-Tasking Judge: Comparative Judicial Dispute Resolution

Sydney: Thomson Reuters, 2013
Global extent of judicial dispute resolution
Drivers for judicial mediation

- Expediting resolution (Europe)
- Addressing case backlogs (Developing nations)
- Fostering harmony and stability in society (China)
Influences on the extent of judicial mediation

- Number of judges and case load
- Attitudes of lawyers and relationships between Bench and Bar
- Type of judiciary – career or second career
- Support of superior courts and government officials
Judicial mediation and the rule of law

• Mediation as a solution to slow and inefficient courts
• Mediation as a response to suspect or corrupt courts
• Mediation as global best practice
Notable practices in judicial mediation

• “Front end” judicial mediation
• Mediation in open court
• Mediation as conflict management
• Mediation by adjudicating judges
Conclusion – some global thoughts

Proactive judges and facilitative judging:

– Judicial mediation
– Problem-solving courts and drug courts
– Restorative justice practices
– Therapeutic jurisprudence
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