

On-site Family Mediation Services in the Dublin Courts

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Dublin Circuit & District
Courts



An tSeirbhís Chúirteanna
Courts Service

Dolphin House Mediation

- District Family Courts
- Courts deal with Custody, Access, Guardianship, Maintenance & Domestic Violence applications as well as Childcare
- 5 Courts sitting 5 days per week



Dolphin House Mediation

- Tripartite approach between Family Support Agency, Legal Aid Board and Courts Service
- Opportunities
 - Space in Dolphin House
 - An interested local management team
 - Existing links with state organisations – persuasive in allowing space to be set aside
 - Litigants in District Court – many unrepresented or represented by Legal Aid Board

Dolphin House Mediation

PREPARATIONS

- Project commenced 21 March 2011
- Worked hard at determining roles, responsibilities and measurement
 - Scripts for staff
- Marshalled political support to provide resources
 - Judicial support from the start
- Brought Courts Service staff on Board
 - Public counter unique in Irish court offices

Dolphin House Mediation

Performance indicators - tangible

- 1217 concluded agreements to end September 2014
- Averages per month – 2014
 - 1st party information sessions – 93
 - 2nd contact information sessions – 52
 - mediated sessions attended – 66
 - agreements – 26.9

Dolphin House Mediation

- Estimated percentage of court sitting time saved – 14.5%
- Estimated annual savings
 - Courts Service - €138,284
 - Staff and judicial time
 - Legal Aid Board - €340,248
 - Solicitor time
- Annual Costs - €230,976
 - 4 Full time mediators plus clerical support
- Estimated net savings to the exchequer - €247,556

Dolphin House Mediation

Performance indicators - Intangible

- Benefits for families and their relationships
- Year round service delivering mediation that works
 - Few agreements required to be ruled upon
 - Legal Aid Board report parties do not need services of a solicitor after mediating agreement
- Awareness of success of project in wider political sphere
- Support for and interest in initiative among the Judiciary

Circuit Family Law – the one that got away!

- Provided a weekly service to provide mediation information on demand
- Mediators Institute of Ireland / Friary Law / Family Mediation Service agreed rota
- Extremely low take up so project discontinued

Reasons for lack of success

- Callers to office are not the Litigants
- Litigants are already committed to court process
- Divorce, Judicial Separation require a Court Order
- Litigants have legal representation
- Perhaps timing was not right – Mediation Bill

Reflections on timeliness

- Mediation is delivering tangible savings and reducing waiting times for courts users
- Timeliness – mediation is providing justice rather than access to justice
- Providing an option for Courts for cases with a realistic prospect of agreement
- Sustainable solutions from mediation for families and impact on timeliness

Reflections on timeliness

- Cultural barriers: Court is still an adversarial process – over 200 years of history
- Recession has impacted legal profession in Ireland hard
 - Perceptions of mediation
- No regulatory or professional standards regime for mediators in Ireland so far
- Lack of awareness of what mediation is – perception that it is to do with reconciliation

Thanks for listening

- Tom Ward