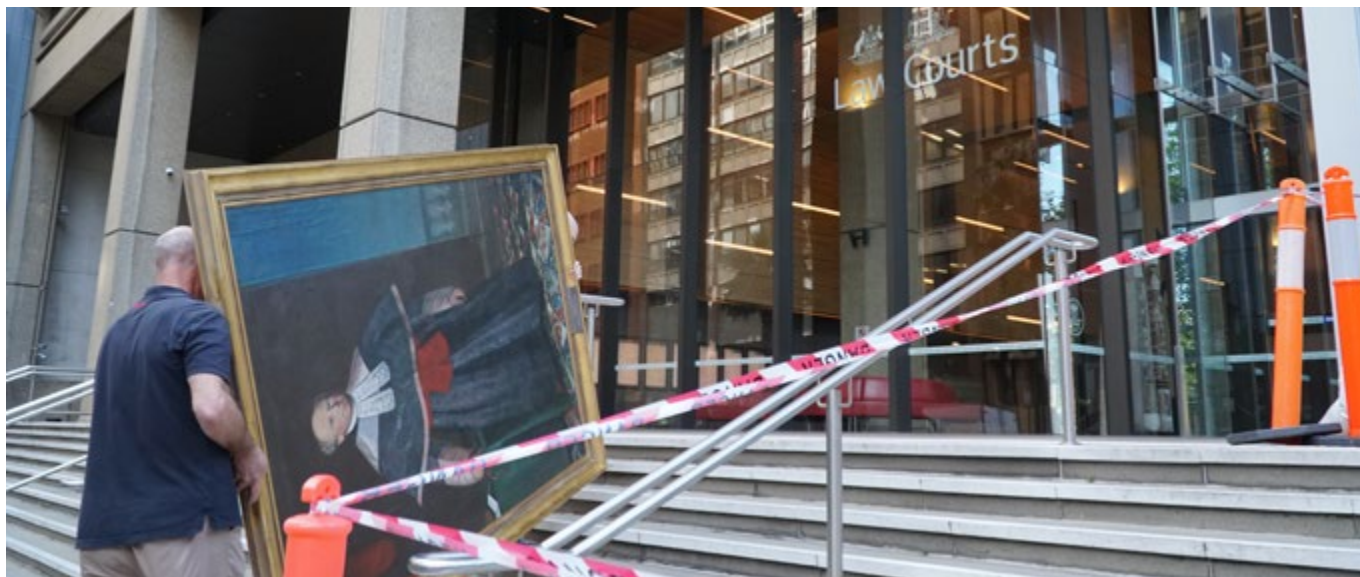


# Alternative Dispute Resolution



In 2024, there was an estimated 4,584 civil cases finalised for which mediation would be considered generally applicable. This is a slight decrease from the estimated 4,641 cases finalised during 2023.

The 'mediation referral index' represents the total number of cases referred for mediation in a given year, expressed as a percentage of the total number of finalisations for cases where mediation is considered generally applicable.<sup>33</sup> The mediation referral index in 2024 was 63.7 percent, an increase from 59.2 percent in 2023. The mediation referral index achieved its highest rate on record in 2024 and an overall increase of 28.8 percent since 2020 when the referral index was 34.9 percent.

The number of court-annexed mediation listings saw a remarkable increase of 90 percent, rising from 414 in 2023 to 788 in 2024, the highest number of mediation sessions ever listed by the Court. Overall, the registry recorded a total of 2,922 referrals to mediation (both court-annexed and private), reflecting a 6 percent increase from the 2,748 referrals in 2023. In line with the growth in mediation listings, referral rates have risen by 48 percent since 2020. However, it is important to note that this total may represent an undercount, as these statistics do not accurately capture the use of private mediation, as it is not essential for litigants to obtain a formal referral for

private mediation, nor to disclose to the Court that private mediation has occurred.<sup>34</sup>

Court-annexed mediations are conducted by Supreme Court registrars who are also qualified mediators. Of the 788 cases listed for court-annexed mediation in 2024, 81 cases did not proceed to their scheduled mediation session. Cases that do not proceed to mediation typically result from the case settling prior to the session or the proceedings being discontinued. Of the 707 cases that proceeded to court-annexed mediation, the settlement rate was 47 percent, which is comparable to the 48 percent settlement rate in 2023. The Court has a stringent convention for recording cases as 'settled at mediation': the parties must have agreed to finalising orders or have drafted heads of agreement by the close of the mediation procedure. In addition to the settled cases, a further 13 percent were recorded as 'still negotiating' at the end of the mediation session, and it is not unusual for some of these matters to subsequently settle.<sup>35</sup> There are no statistics on settlement rates for cases referred to private mediation.

<sup>33</sup> Prior to 2023, the mediation referral index was based on the number of new filings rather than case finalisations.

<sup>34</sup> In cases where a referral order has not been made.

<sup>35</sup> Statistics for the court-annexed mediations are collated independently of the JusticeLink system.

|                                                     | 2020  | 2021  | 2022  | 2023  | 2024  |
|-----------------------------------------------------|-------|-------|-------|-------|-------|
| <b>Court-annexed mediations listed<sup>36</sup></b> |       |       |       |       |       |
| Total                                               | 352   | 285   | 235   | 414   | 788   |
| Common Law Division                                 | 29    | 31    | 33    | 39    | 24    |
| Equity Division                                     | 156   | 149   | 121   | 127   | 216   |
| Succession & Probate                                | 167   | 104   | 79    | 248   | 548   |
| Court of Appeal                                     | 0     | 1     | 2     | 0     | 0     |
| Percentage settled at mediation                     | 42%   | 39%   | 37%   | 48%   | 47%   |
| <b>Referrals to mediation</b>                       |       |       |       |       |       |
| Total referrals recorded <sup>37</sup>              | 1,520 | 1,543 | 1,751 | 2,748 | 2,922 |
| Mediation referral index                            | 34.9% | 37.1% | 40.6% | 59.2% | 63.7% |

<sup>36</sup> This excludes settlement conferences conducted by judges and mediations conducted externally to the court. The statistics refers to court-annexed mediation listings for the year – note that *referrals* to court-annexed mediation that are made late in one year may result in *listings* early in the following year.

<sup>37</sup> Referrals include all cases in which a referral to mediation was made or directions were given that involved mediation, regardless of whether the mediation would be through the court-annexed mediation program or conducted by a private mediator. Extensive audits in 2023 has led to a remediation of mediation statistics, retrospectively recording referrals that were previously overlooked.