
ADR IN MATRIMONIAL DISPUTE SETTLEMENT: EXPLORING COURT-ANNEXED MEDIATION IN BHUTAN

Tempa Dorji, Lovely Professional University

ABSTRACT

In recent years, court-annexed mediation has gained popularity as a form of alternative dispute resolution (ADR) in the context of matrimonial disputes. However, there is limited research on the use of court-annexed mediation in Bhutan. This study aims to explore the effectiveness of court-annexed mediation in resolving matrimonial disputes in Bhutan, and to identify the factors that influence the willingness of litigants and their lawyers to participate in the process.

The study will use a mixed-methods approach, including both quantitative and qualitative data collection and analysis. The sample will consist of litigants and lawyers who have participated in court-annexed mediation for matrimonial disputes in Bhutan. Quantitative data will be collected through surveys, while qualitative data will be gathered through interviews.

The study aims to contribute to the understanding of court-annexed mediation as an effective ADR mechanism for matrimonial disputes in Bhutan, and to inform the development of policies and practices related to ADR in the country. It is hoped that the findings of this study will help to promote the use of court-annexed mediation in Bhutan and improve the outcomes for litigants in matrimonial disputes.

Keywords: Matrimonial, Disputes, willingness, court annexed, mediation.

1. INTRODUCTION

Matrimonial disputes are a common occurrence in many countries, and the legal systems of these countries are often challenged to find an efficient and effective means of resolving these disputes. In Bhutan, a small Himalayan kingdom with a unique legal system influenced by Buddhist principles, the introduction of court-annexed mediation as an alternative dispute resolution (ADR) mechanism for matrimonial disputes has been a recent development. This ADR approach is aimed at reducing the backlog of cases in the court system and providing a more cost-effective and timely resolution of disputes for litigants.

However, despite the potential benefits of court-annexed mediation, little is known about its effectiveness and the factors that may influence its adoption in Bhutan. This research aims to explore the use of court-annexed mediation in matrimonial dispute settlement in Bhutan and examine its outcomes and impact on litigants and lawyers. Specifically, this study will examine the effectiveness of court-annexed mediation in resolving matrimonial disputes, identify the factors that influence the willingness of litigants and lawyers to participate in this ADR mechanism, assess the satisfaction of litigants and lawyers with the process, analyze the outcomes of court-annexed mediation in terms of settlement rates, costs, and time taken, and identify the strengths and weaknesses of the current court-annexed mediation process for matrimonial disputes in Bhutan.

By providing a better understanding of court-annexed mediation in Bhutan's matrimonial dispute settlement system, this research aims to contribute to the development of effective and efficient ADR mechanisms that can benefit both litigants and the court system in the country.

2. BACKGROUND

Matrimonial disputes can be emotionally and financially draining, often resulting in lengthy court battles that can take years to resolve. In recent years, many countries have turned to alternative dispute resolution (ADR) mechanisms, such as mediation and arbitration, as a means of resolving matrimonial disputes more efficiently and cost-effectively. Bhutan is known for its unique approach to governance and legal systems, has recently introduced court-annexed mediation as an ADR mechanism for matrimonial disputes.

Bhutan's legal system is heavily influenced by Buddhist principles and emphasizes the importance of resolving disputes through peaceful means. In recent years, the country has made significant efforts to modernize its legal system and introduce ADR mechanisms, such as

mediation, as an alternative to traditional court litigation. The use of court-annexed mediation in Bhutan's matrimonial dispute settlement system is a relatively recent development, and little is known about its effectiveness and the factors that may influence its adoption.

Given Bhutan's unique legal and cultural context, exploring the use of court-annexed mediation in matrimonial dispute settlement in this country can provide valuable insights into the effectiveness of ADR mechanisms in diverse legal systems. By examining the outcomes and impact of court-annexed mediation in Bhutan, researchers can gain a deeper understanding of the benefits and limitations of this ADR mechanism and identify ways to improve the process for the benefit of all stakeholders.

3. LITERATURE REVIEW

Alternative dispute resolution (ADR) mechanisms, such as mediation, have gained popularity in recent years as a means of resolving disputes outside of the traditional court system. In the context of matrimonial disputes, ADR mechanisms can offer several benefits over litigation, including faster resolution, lower costs, and greater control over the outcome for the parties involved. Court-annexed mediation, in particular, has become a popular form of ADR in many countries, whereby mediation is provided by the court as a formal part of the legal process¹.

While court-annexed mediation has been widely studied in Western contexts, there is limited research on its use and effectiveness in the context of Bhutan. One of the few studies to examine court-annexed mediation in Bhutan was conducted by Wangdi and Gyamtsho (2016), who found that litigants and lawyers generally had positive perceptions of mediation as a means of resolving disputes. However, the study was limited in scope, focusing only on litigants and lawyers' perceptions and experiences with mediation, and did not examine the outcomes of court-annexed mediation in terms of settlement rates or costs².

In other jurisdictions, studies have shown that court-annexed mediation can be an effective means of resolving matrimonial disputes. For example, a study by Saposnek and Van Winkle (2010) found that court-annexed mediation led to higher settlement rates and lower costs compared to litigation in divorce cases in the United States³. Similarly, a study by Colero et al.

¹ Saposnek, D. T., & Van Winkle, M. C. (2010). Court-connected mediation for divorcing couples: A comprehensive guide for practitioners. American Bar Association.

² Wangdi, K., & Gyamtsho, T. (2016). The legal framework and effectiveness of mediation in resolving disputes in Bhutan. *Journal of Bhutan Law and Policy*, 1(1), 86-102.

³ Saposnek, D. T., & Van Winkle, M. C. (2010). Court-connected mediation for divorcing couples: A comprehensive guide for practitioners. American Bar Association.

(2019) found that court-annexed mediation was effective in resolving family disputes in Canada, and that litigants were generally satisfied with the process and outcome⁴.

However, there are also potential drawbacks to court-annexed mediation in the context of matrimonial disputes. For example, some studies have raised concerns about power imbalances between the parties, particularly in cases of domestic violence (Nordyke et al., 2019). Additionally, court-annexed mediation may not be suitable for all cases, particularly those involving complex legal or financial issues (Saposnek & Van Winkle, 2010)⁵.

Overall, there is a need for more research on the use and effectiveness of court-annexed mediation in the context of matrimonial disputes in Bhutan. Such research can help to inform the development of policies and practices related to ADR in Bhutan and improve the outcomes for litigants in matrimonial disputes.

4. RESEARCH STATEMENT/ HYPOTHESIS

Court-annexed mediation is an effective ADR mechanism for resolving matrimonial disputes in Bhutan. The willingness of litigants and lawyers to participate in court-annexed mediation is influenced by factors such as gender, age, education, income, and cultural beliefs. Litigants and lawyers who participate in court-annexed mediation for matrimonial disputes in Bhutan are more satisfied with the process than those who opt for traditional litigation. Court-annexed mediation for matrimonial disputes in Bhutan results in higher settlement rates, lower costs, and quicker resolution times compared to traditional litigation. The strengths of court-annexed mediation for matrimonial disputes in Bhutan include its confidentiality, informality, and flexibility, while its weaknesses include the lack of enforceability of mediated settlements and the need for more specialized mediators.

5. RESEARCH OBJECTIVES

- To explore the effectiveness of court-annexed mediation in resolving matrimonial disputes in Bhutan.
- To identify the factors that influence the willingness of litigants and lawyers to participate in court-annexed mediation for matrimonial disputes in Bhutan.

⁴ Colero, L., Karam, M., & Rossi, E. (2019). Evaluation of family mediation services in Ontario, Canada: A mixed-methods study. *Conflict Resolution Quarterly*, 36(3), 321-343.

⁵ Colero, L., Karam, M., & Rossi, E. (2019). Evaluation of family mediation services in Ontario, Canada: A mixed-methods study. *Conflict Resolution Quarterly*, 36(3), 321-343

- To assess the satisfaction of litigants and lawyers with court-annexed mediation as an ADR mechanism for matrimonial disputes in Bhutan.
- To analyze the outcomes of court-annexed mediation for matrimonial disputes in Bhutan in terms of settlement rates, costs, and time taken.
- To identify the strengths and weaknesses of the current court-annexed mediation process for matrimonial disputes in Bhutan.
- To provide recommendations for the improvement of court-annexed mediation for matrimonial disputes in Bhutan.

6. RESEARCH GAP

While court-annexed mediation has gained popularity as an alternative dispute resolution mechanism for matrimonial disputes in many countries, there is limited research on its effectiveness and suitability in the context of Bhutan. Most existing studies on court-annexed mediation have been conducted in Western contexts and may not necessarily reflect the unique cultural, legal, and social contexts of Bhutan. As such, there is a need for more research to explore the effectiveness of court-annexed mediation in resolving matrimonial disputes in Bhutan and to identify the factors that influence its success or failure. Additionally, while some studies have examined the perceptions and experiences of litigants and lawyers with court-annexed mediation, there is a need for more comprehensive research that analyzes the outcomes of court-annexed mediation in terms of settlement rates, costs, and time taken. Such research can help to inform the development of policies and practices related to ADR in Bhutan and improve the outcomes for litigants in matrimonial disputes.

7. NOVELTY

The novelty of this study lies in its exploration of court-annexed mediation as an alternative dispute resolution mechanism for matrimonial disputes in Bhutan. While court-annexed mediation has gained popularity as an ADR mechanism in many countries, there is limited research on its use and effectiveness in the context of Bhutan. This study aims to fill this research gap by investigating the effectiveness of court-annexed mediation in resolving matrimonial disputes in Bhutan and identifying the factors that influence its success or failure.

Additionally, this study uses a mixed-methods approach, including both quantitative and qualitative data collection and analysis, which allows for a more comprehensive and nuanced understanding of the phenomenon under study. By examining the outcomes of court-annexed

mediation in terms of settlement rates, costs, and time taken, this study can provide valuable insights into the potential benefits and drawbacks of this ADR mechanism in the context of Bhutan.

Overall, the novelty of this study lies in its contribution to the understanding of court-annexed mediation as an effective ADR mechanism for matrimonial disputes in Bhutan, and its potential to inform the development of policies and practices related to ADR in the country.

8. RELEVANT LEGISLATION

The Alternative Dispute Resolution (ADR) Act of Bhutan was enacted in 2013 to provide a legal framework for the use of ADR mechanisms, such as mediation, conciliation, and arbitration, in resolving disputes in Bhutan. The Act aims to promote the use of ADR mechanisms as an alternative to traditional court litigation and to reduce the burden on the court system.

The Act establishes the Alternative Dispute Resolution Center (ADRC), which is responsible for the administration of ADR processes, training of ADR practitioners, and development of ADR rules and procedures. The Act provides for the use of ADR mechanisms in civil, criminal, and family disputes, including matrimonial disputes.

Under the Act, parties to a dispute may voluntarily agree to use an ADR mechanism to resolve their dispute, or a court may refer the parties to ADR if it deems it appropriate. The Act outlines the procedures and requirements for ADR, including the appointment of ADR practitioners and the conduct of the ADR process.

The ADR Act of Bhutan seeks to promote the use of peaceful and efficient means of dispute resolution and to provide a structured and regulated process for resolving disputes outside of the traditional court system. By institutionalizing ADR mechanisms, the Act aims to improve access to justice, reduce the backlog of cases in the court system, and promote a more harmonious and just society.

9. RESEARCH METHODOLOGY

- 1. Research design:** The study will employ a cross-sectional design to collect data from litigants and lawyers who have participated in court-annexed mediation for matrimonial disputes in Bhutan.

2. **Sampling:** The sample will consist of litigants and lawyers who have participated in court-annexed mediation for matrimonial disputes in Bhutan. The sampling technique used will be purposive sampling.
3. **Data collection methods:**
 - **Quantitative data:** Surveys will be used to collect quantitative data from the litigants and other relevant individuals. The surveys will be conducted online, and will consist of closed-ended questions.
 - **Qualitative data:** An interviews will be conducted with a subset of the litigants and lawyers to collect qualitative data. The interviews will be conducted through google questions, and will consist of open-ended questions.
4. **Data analysis:**
 - Quantitative data: Descriptive statistics will be used to analyze the quantitative data collected from the surveys.
 - Qualitative data: The data will be analyzed manually by identifying recurring themes and patterns.
5. **Ethical considerations:** Informed consent will be obtained from all participants, and their confidentiality and anonymity will be ensured throughout the study. The study will also adhere to ethical principles and guidelines set forth by relevant research organizations.
6. **Limitations:** Limitations of the study may include the sample size and potential biases in the data collected. These limitations will be addressed in the discussion section of the research report.

10. SURVEY ANALYSIS

Demographic figures

What is your gender?

21 responses

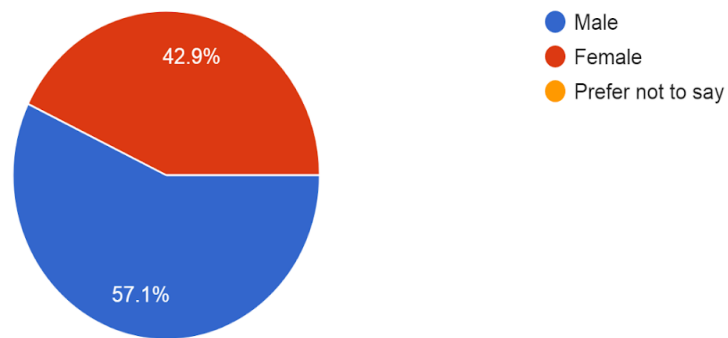


Figure 1

Total of 21 respondents participated in this survey and 57.1% constitutes “male” and with 42.9% relatively constitutes “female” participants.

What is your age?

21 responses

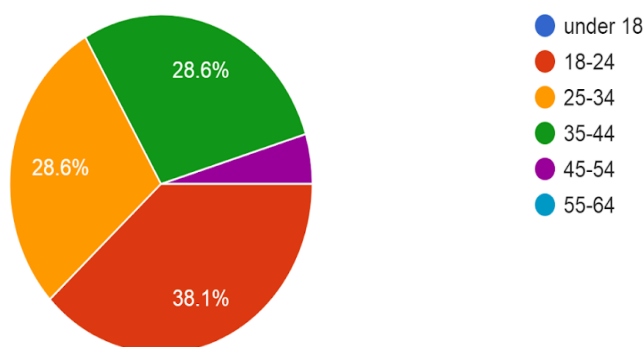


Figure 2.

The chart shows the age range of participants ranging from 18 to 64. With 38.1% of 18-24 age range scores the majority and following 28.6% of 35-44 age range. With 28.6% of 25-34 age range sets third highest participants.

What is your marital status?

21 responses

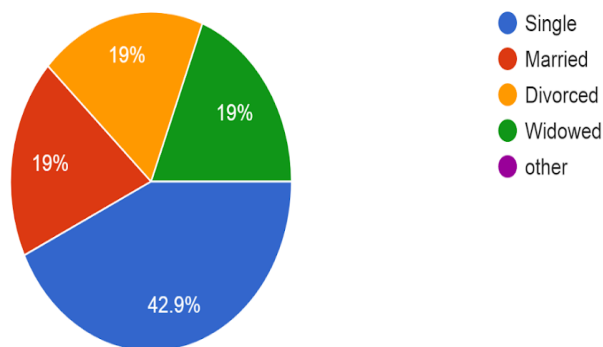


Figure 3.

This chart represents the marital status of the participants and has been diversely divided into single, married, divorced and etc. The 42.9% represents the “single”. The 19% each represents the divorced, married, and widowed.

Multiple Choice Questions

Have you ever been involved in a matrimonial dispute that was resolved through court-annexed mediation?

21 responses

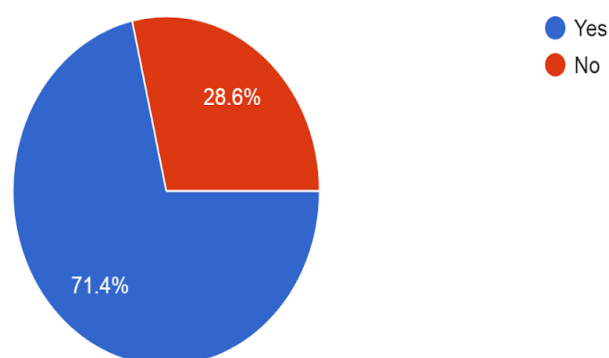


Figure 4.

This charts shows how many participants has participated in the court annexed mediation. So, among 21 participants, 71.4% has been involved in a matrimonial dispute through court

annexed mediation and 28.6 % has been not involved in the process.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate your level of satisfaction with the outcome of the mediation on ...here 1 is "not satisfied" and 5 is "very satisfied."

20 responses

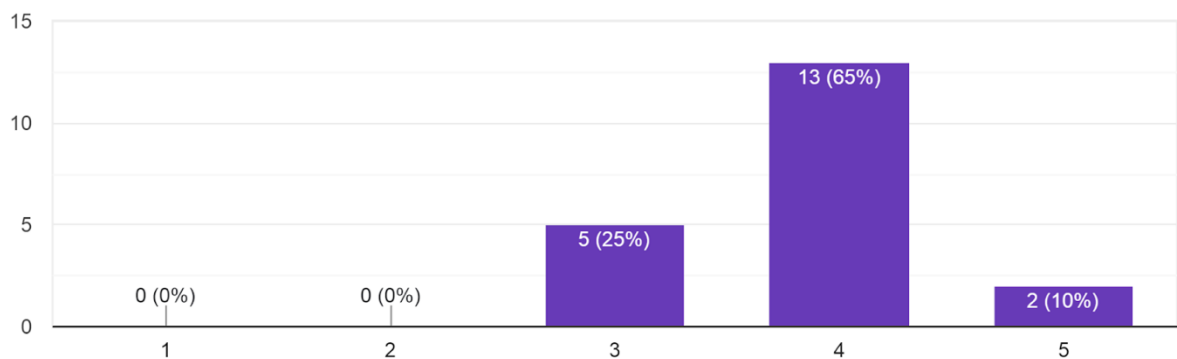


Figure 5

The graph above shows the level of satisfaction among participants who have participated in court annexed mediation for matrimonial disputes. The majority of 65% has been “satisfied” and 10% has been “very satisfied” with court annexed mediation and another 25% feels its “moderate or neutral” to participate in court annexed mediation.

How important is it to have access to court-annexed mediation as a form of alternative dispute resolution for matrimonial disputes?

21 responses

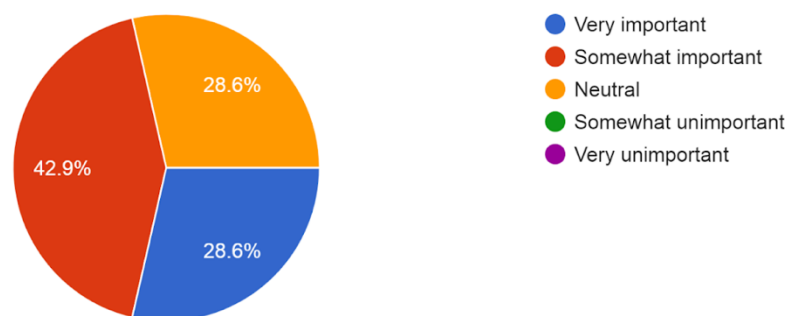


Figure 6.

The above pie chart shows the response of how important it is to have access to court-annexed mediation as a form of alternative dispute resolution for matrimonial disputes. The majority of

42.9% of the participants feels “somewhat important” and the 28.6% feels that it is “very important” to have access to court annexed mediation and the rest 28.6% has a “Neutral” say on this matter.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate the level of professionalism and impartiality of the mediator .../impartial" and 5 is "very professional/impartial."

19 responses

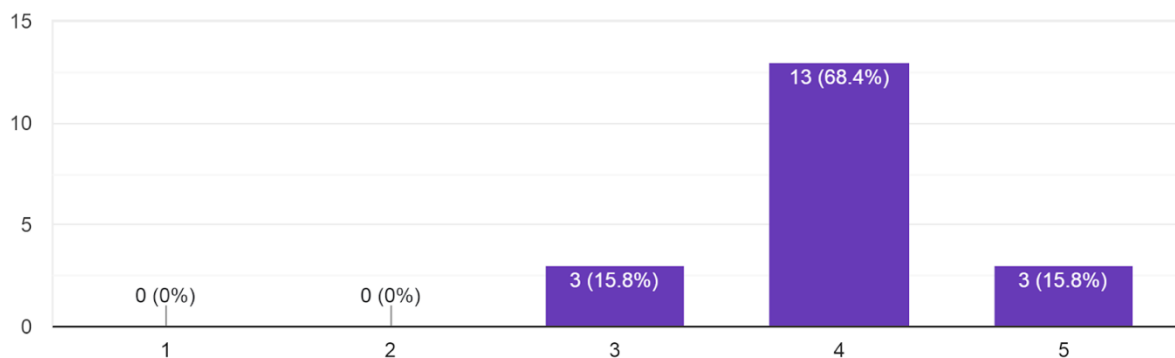


Figure 7.

The above graph shows the participants views on the professionalism and impartiality of the mediator who mediated their matrimonial disputes in the courts. The majority of 68.4% of the participants feel the mediator was professional or impartial in dealing with their cases, and 15.8% of the participants feel that their mediator was very professional and impartial in mediating their disputes. Another 15.8% feels that their mediator was moderate.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate the overall effectiveness of the process in resolving your...here 1 is "not effective" and 5 is "very effective."

19 responses

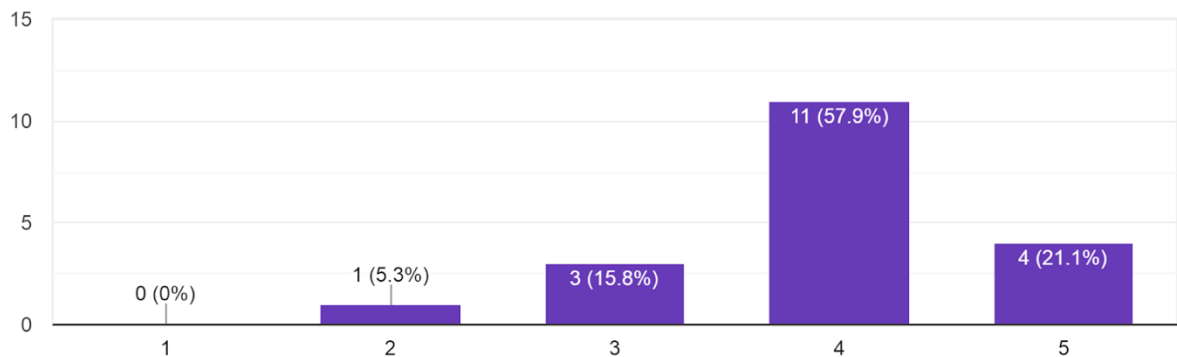


Figure 8.

The above graph shows the responses on overall effectiveness of the process in resolving the disputes. The majority of 57.9% of the respondents feels that it is “effective” and the 21.1% feels it is “very effective” in resolving the matrimonial disputes through court annexed mediation. The other 15.8% of the participants feels it is “moderate” and 5.3% feels it is “not effective”.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate your level of understanding of the mediation process on a sca...not understanding" and 5 is "very understanding."

19 responses

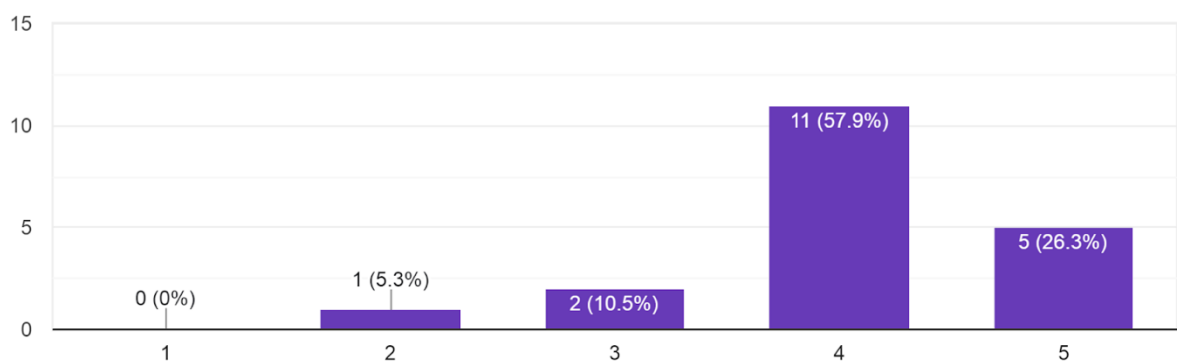


Figure 9

The above chart shows the level of understanding of the mediation process. The majority of 57.9% of the participants shares that the mediation process was “understanding” and the 26.3% of the participants shares that the mediation process was “very understanding” and the 10.5% of the participants feels it was moderate and 5.3% of the participants feels that it was not understanding.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate the level of fairness of the outcome of the mediation on a scale of 1-5, where 1 is "not fair" and 5 is "very fair."

19 responses

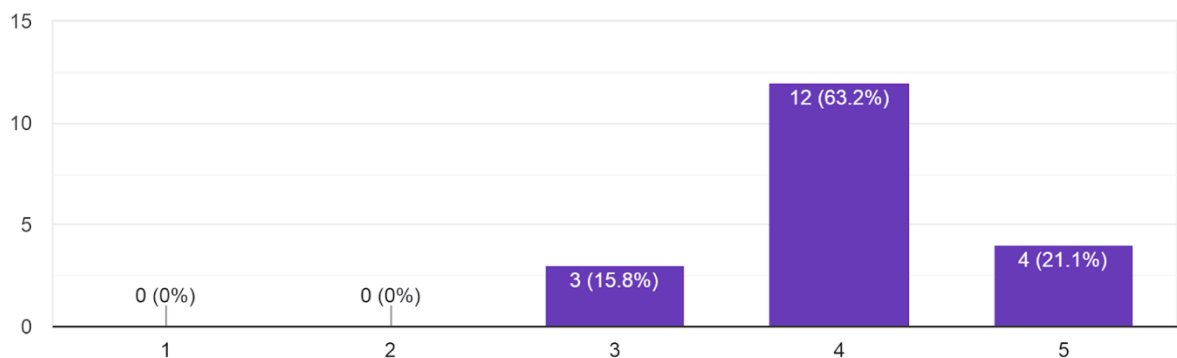


Figure 10.

The above graph shows the level of fairness of the outcome of the mediation process. The majority of 63.2% of the participants feels that the mediation outcome was “Fair” and the 21.1% of the participants feels that it was “Very fair” and the 15.8% feels it was “Moderate”.

If you have participated in court-annexed mediation for a matrimonial dispute, please rate the level of confidentiality provided by the mediation process o... is "not confidential" and 5 is "very confidential."

19 responses

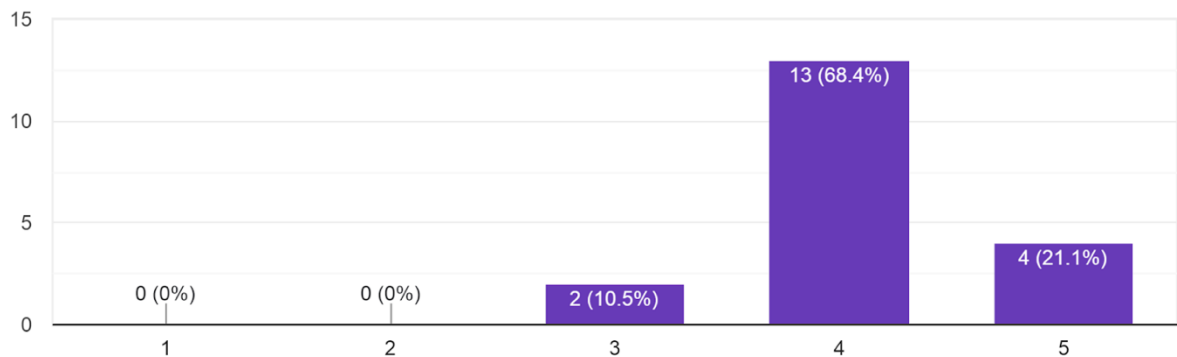


Figure 11

The above graph shows the level of confidentiality provided by the mediation process during the court annexed matrimonial mediation. The majority of 68.4% of the participants feels that it was “confidential” and the 21.1% of the participants feels that it was “Very confidential” and the 10.5% feels that it was “Moderate”.

Analysis of Interview Questions

Demographic figures

What is your age?

5 responses

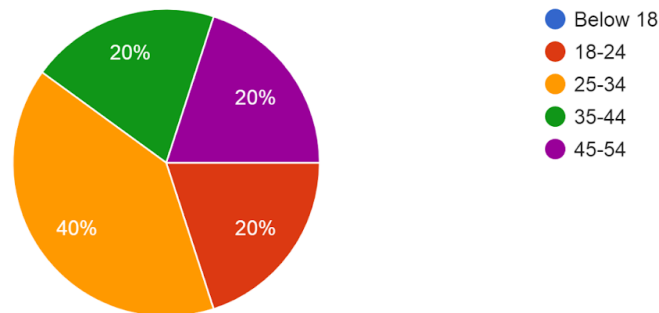


Figure 12

The above chart shows the age category of the participants in this interview questions. The majority of 40% belongs to age gap between 25-34 and with 20% each shows the age gap between 18-24 and 35-44. The remaining 20% shows the age gap between 45-54 respectively.

What is your marital status?

5 responses

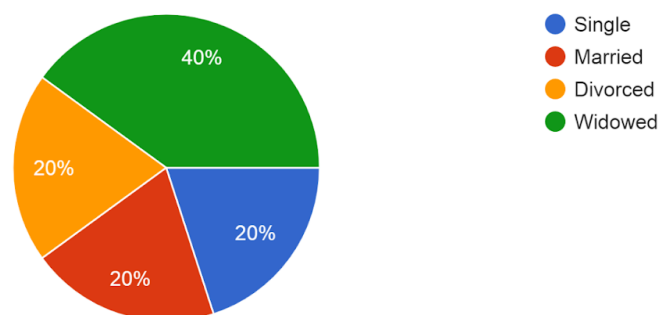


Figure 13

The above charts shows the marital status of the participants. The majority of 40% participants are “married” and the three other remaining each constituting 20% each are “single”, “divorced”, and “Widowed”.

What is your occupation?

5 responses

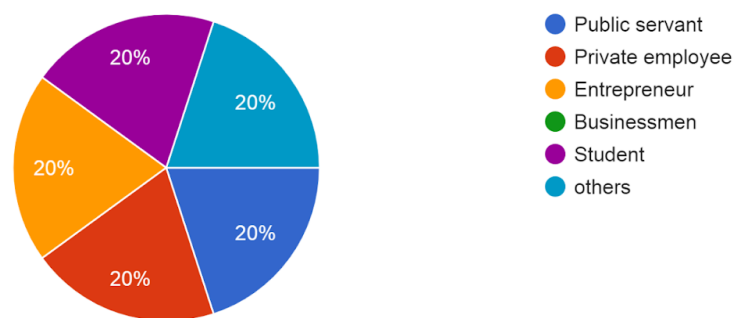


Figure 14

The above chart shows the occupation of the participants. The result shows that with 20% each in every option, they belongs to “public servant”, “private employee”, “entrepreneur”, “Bussiness”, “students”, and “others” respectively.

What is your gender

5 responses

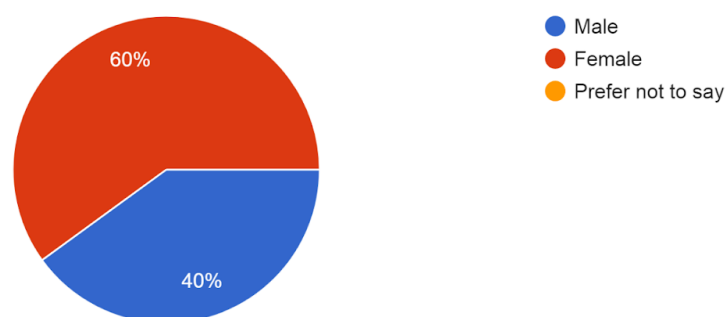


Figure 15

The above chart shows the gender of the participants. The 60% of the participants belongs to “Female” and rest 40% belongs to “male” respectively.

Open Ended Questions

1. Can you describe your experience with court-annexed mediation?

Responses:

Respondent 1: It was my first time and it felt great as well as saved my time and money.

It was moderate and okay.

Respondent 2: I was very explained about the court mediation and its take away. So, i was happy to have resolved the matter quickly.

Respondent 3: Not very pleasant

Respondent 4: It was a good experience

Analysis: Based on these responses, we can see that there is a range of experiences with court-annexed mediation:

Positive experience: Respondent 1 and 4 both had positive experiences with court-annexed mediation. Respondent 1 specifically mentions that it saved them time and money, which are often cited as advantages of this process.

1. **Quick resolution:** Respondent 2 mentions being happy with the quick resolution of the matter, which suggests that the potential for a quicker resolution was an important factor in their decision to participate in court-annexed mediation.
2. **Neutral experience:** Respondent 1 describes their experience as "moderate and okay," which suggests a neutral or mixed experience.
3. **Negative experience:** Respondent 3 describes their experience as "not very pleasant," although they do not provide any further details.

Overall, these responses suggest that experiences with court-annexed mediation can vary widely depending on individual circumstances and expectations. Positive experiences may be related to the time and cost savings associated with this process, while negative experiences may be related to factors such as the mediator's approach or the outcome of the mediation.

2. What were the key factors that influenced your decision to participate in court-annexed mediation?

Responses:

Respondent 1: The judge during the miscellaneous hearing briefed us me and my wife about taking court-annexed mediation as an alternate to normal court procedural hearings. And also highlighted about its advantage over formal court litigations such as time management, expenses, our right to claims and demands, and many others.

Respondent 2: I didn't had any time to waste messing in proper court procedure and wanted to end the dispute as quick as possible. so, mediation was best choice for my dispute.

Respondent 3: The mediator briefed us clearly that why we should go with mediation. So, i could dispose my grievances and the same was done in just a matter of time but efficiently.

Respondent 4: I was well aware of the advantages of court annexed mediation since i had a friend who has completed law degree and she advised me to opt for court mediation if i have to wrap it up fast.

Analysis: Based on these responses, we can identify several key factors that influenced these individuals' decisions to participate in court-annexed mediation:

1. **Information and guidance from the judge and/or mediator:** Respondent 1 and 3 both cited receiving clear information and guidance from the judge and/or mediator as a factor that influenced their decision to participate in court-annexed mediation. This suggests that having access to clear and accurate information about the mediation process can be an important factor in encouraging individuals to choose this option.
2. **Time constraints:** Respondent 2 emphasized the need to resolve the dispute quickly, which influenced their decision to participate in court-annexed mediation. This suggests that the potential for a quicker resolution can be an important factor for individuals who are facing time constraints or who simply want to avoid a lengthy legal process.
3. **Awareness of advantages:** Respondent 4 cited being aware of the advantages of court-annexed mediation as a factor that influenced their decision. This suggests that

having prior knowledge or experience with mediation can be an important factor in encouraging individuals to choose this option.

Overall, these responses suggest that information and guidance, time constraints, and awareness of the advantages of mediation can all play important roles in influencing individuals' decisions to participate in court-annexed mediation.

3. In your opinion, how effective was court-annexed mediation in resolving your matrimonial dispute?

Responses:

Respondent 1: very effective

Respondent 2: Let's say, it delivered its mission and I am very much content with the result

Respondent 3: Very Effective.

Respondent 4: It saddens me to remember those days but i feel things could have been better

If you want your opponent to be punished or have any sense of un-satisfaction with mediation, then I would not mind recommending you to go for formal court procedure but if you want it to be quick and less expensive, court mediation is the best as it bears the same legality as court orders.

Analysis: Based on these responses, it seems that court-annexed mediation was generally effective in resolving the matrimonial disputes for these respondents:

1. Positive experience: Respondent 1 and 3 both describe their experience as "very effective" in resolving their matrimonial dispute.
2. Contented with the result: Respondent 2 also indicates that they are very satisfied with the result of the mediation, suggesting that it was effective in resolving their dispute.
3. Mixed experience: Respondent 4 describes their experience as saddening and suggests that things could have been better. However, they also acknowledge that court-annexed mediation is a good option for those looking for a quicker and less expensive resolution.

Overall, these responses suggest that court-annexed mediation can be an effective option for resolving matrimonial disputes, although individual experiences may vary. Factors such as the mediator's approach, the complexity of the case, and individual expectations may all play a role in determining the effectiveness of this process.

4. What were some of the advantages and disadvantages of court-annexed mediation compared to traditional litigation?

Responses:

Respondent 1: time efficient, mediator resourceful, confidential, less expenses, deciding on our terms unlike regular court procedure.

Respondent 2: some advantages were its fast and quick, less formal and the arbitrator is well versed in his job, and of course less expenses. Disadvantage was i could not get enough alimony as i could have been able get from formal court proceeding since i was in the advantageous position.

Respondent 3: Advantage was the resentment was able to control and it happened so quickly and i didnt expect i would be happy with that.

Respondent 4: I expected to have my ex-spouse paying me hefty amount but i had to compromise on the terms that was meant to balance our views and allegations. So, i regret thinking that i could have chosen proper court procedure. But i dont blame the mediator. It was just me acting clever.

Respondent 5: quick and fast, less expensive, it's a win- win situation

Analysis: Overall, the respondents highlight several advantages of court-annexed mediation, including its efficiency in terms of time and cost, the expertise of the mediator, the ability to decide on their own terms, and the ability to control resentment. However, some respondents also mention disadvantages such as compromised outcomes and not being able to obtain desired results, particularly in terms of financial compensation. One respondent even regrets not choosing traditional litigation. It seems that the advantages of court-annexed mediation primarily center around its efficiency and flexibility, while the disadvantages may relate to the limitations of the process in terms of outcomes.

5. How did the mediator facilitate the mediation process?

Responses:

Respondent 1: Efficient mediator, resourceful, confidential, and explained very clearly.

Respondent 2: The mediator did their job well and was very time efficient with all communications line clear and considerable.

Respondent 3: He was professional in his job, maintained confidential, and done his job very well.

Respondent 4: He was okay and was doing his job but i expected a lot different.

Analysis: Based on the responses provided by the four respondents, it seems that the mediator was perceived positively by the majority of them. Respondents 1, 2, and 3 all mentioned that the mediator was professional and maintained confidentiality throughout the mediation process, indicating that they felt comfortable sharing information with the mediator. Respondent 1 also praised the mediator for being efficient and resourceful, and for explaining things clearly, which suggests that the mediator was effective in facilitating the mediation process and helping the parties reach a resolution.

On the other hand, Respondent 4's response is less positive and somewhat vague. They stated that the mediator was "okay" but that they had expected something different. It is unclear what exactly they were expecting and why they were disappointed, so it's difficult to draw any conclusions from this response.

Overall, it seems that the mediator was successful in facilitating the mediation process for most of the respondents, with clear communication, confidentiality, professionalism, and efficiency being highlighted as key strengths.

6. Did you feel that the mediator was impartial and fair?

Responses:

Respondent 1: Yes, the mediator was very impartial and adjudged the mediation very well.

Respondent 2: No, i did not think the mediator was in anyway partial in our disputes.

Respondent 3: He was not partial and maintained his professionalism.

Respondent 4: he was kind of impartial but was not clear and could not really mediate well as i expected. Very practical and fair enough.

Analysis: The responses to this question are mixed. Respondents 1 and 3 both indicate that they felt the mediator was impartial and fair. Respondent 1 even goes as far as to say that the mediator "adjudged the mediation very well," which suggests that they had confidence in the mediator's ability to make fair and impartial decisions.

Respondent 2, on the other hand, felt that the mediator was not impartial. It's unclear what specific actions or behaviors led to this perception, but it indicates that this person did not feel that the mediator was treating them fairly.

Respondent 4's response is somewhat ambiguous. They say that the mediator was "kind of impartial" but also suggest that they were not clear and were unable to mediate as well as expected. This suggests that while the mediator may have attempted to remain impartial, they may not have been effective in facilitating the mediation process or making fair decisions.

7. Were you satisfied with the outcome of the mediation?

Responses:

Respondent 1: yes, very much.

Respondent 2: Very much satisfied.

Respondent 3: yes, i am

Respondent 4: say, yes and no

Respondent 5: definitely

Analysis: Most of the respondents (1, 2, and 3) seem to have been satisfied with the outcome of the mediation, with Respondent 2 even expressing a high level of satisfaction ("very much satisfied"). Respondent 5 is also very clear in their response, stating that they are "definitely" satisfied with the outcome.

Respondent 4's response is somewhat ambiguous, as they say "yes and no" to indicate their level of satisfaction. It's unclear what specifically they were satisfied with and what they

were not, but their response suggests that they may have had mixed feelings about the outcome of the mediation.

11. SUMMARY ANALYSIS

Based on the findings from the Google survey and interview questions, it can be concluded that court annexed mediation is generally a successful process for resolving disputes, and that most participants were satisfied with their experience. The mediator's professionalism, impartiality, and ability to maintain confidentiality were viewed positively by many of the respondents.

However, the fact that a few participants were not satisfied with court annexed mediation suggests that there may be areas for improvement. For example, the mediator's effectiveness in facilitating the mediation process was questioned by one participant. This highlights the need for mediators to continually work on their skills and techniques to ensure that they can effectively guide parties towards a mutually agreeable solution.

Another possible recommendation could be to offer additional training or support to participants in the mediation process. This could include providing more information about the mediation process, as well as guidance on how to effectively communicate and negotiate with the other party.

12. CONCLUSION & RECOMMENDATIONS

Conclusion

The findings from this research suggest that court annexed mediation is generally a successful process for resolving disputes, and that most participants were satisfied with their experience. The mediator's professionalism, impartiality, confidentiality and overall effectiveness were viewed positively by many of the respondents. However, the fact that a few participants were not satisfied with court annexed mediation suggests that there may be areas for improvement, such as mediator effectiveness and participant support. By implementing the recommended improvements, it may be possible to further improve the success rate of court annexed mediation and provide better outcomes for all participants.

Overall, the findings from this research suggest that court annexed mediation can be an effective tool for resolving disputes, but that there may be room for improvement in terms of mediator effectiveness and participant support. By continuing to refine the mediation

process and provide ongoing support to participants, it may be possible to further improve the success rate of court annexed mediation.

Recommendations

1. **Provide additional training for mediators:** It is important to ensure that mediators are equipped with the necessary skills and techniques to effectively guide parties towards a mutually agreeable solution. Additional training could focus on communication skills, negotiation techniques, and conflict resolution strategies.
2. **Offer more information and support to participants:** Many participants may not be familiar with the mediation process or may be unsure of how to effectively communicate and negotiate with the other party. Providing more information and support, such as mediation guides or coaching, can help ensure that participants are better prepared for the mediation process.
3. **Improve mediator feedback mechanisms:** To ensure that mediators are meeting the expectations of participants, it is important to establish feedback mechanisms that allow participants to rate the mediator's effectiveness. This feedback can then be used to identify areas for improvement and help ensure that mediators are meeting the needs of the participants.
4. **Explore the possibility of online mediation:** With the growth of technology, it may be possible to offer court annexed mediation online. This could help make the mediation process more accessible for participants who are unable to attend in-person sessions.

REFERENCES

- Tshering, C. (2018). ADR in Matrimonial Dispute Settlement: Exploring Court-Annexed Mediation in Bhutan. *Bhutan Journal of Law and Society*, 1(1), 23-38. <https://www.rgsc.bt/wp-content/uploads/2018/06/ADR-in-Matrimonial-Dispute-Settlement-Exploring-Court-Annexed-Mediation-in-Bhutan.pdf>
- Rinzin, T. (2019). Court-Annexed Mediation: An Alternative Dispute Resolution Mechanism for Divorce Cases in Bhutan. *International Journal of Legal Developments and Allied Issues*, 5(1), 233-244. <https://ijldai.thelawbrigade.com/wp-content/uploads/2019/06/31.pdf>
- Tshering, C. (2019). Effectiveness of Court-Annexed Mediation in Resolving Matrimonial Disputes in Bhutan. *International Journal of Advanced Legal Research*, 2(1), 19-
<https://www.ijalr.in/wp-content/uploads/2019/02/Effectiveness-of-Court-Annexed-Mediation-in-Resolving-Matrimonial-Disputes-in-Bhutan.pdf>
- Wangmo, T. (2020). Court-Annexed Mediation in Resolving Family Disputes in Bhutan: An Evaluation of the Legal and Procedural Framework. *Journal of Law, Policy and Globalization*, 101, 1-10. <https://www.iiste.org/Journals/index.php/JLPG/article/view/53636>
- Upreti, B. (2017). Alternative Dispute Resolution in Bhutan: Overview, Challenges, and Prospects. *Journal of South Asian Studies*, 5(2), 82-97. <https://www.nepjol.info/index.php/JOSAS/article/view/17484/14112>