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Court-Annexed Mediation under Pakistani Civil Procedure: Cosmetic Reform or Substantive Change?

Abstract

In this paper, the author analyses the efficacy of the Pakistani civil procedure of court-linked mediation and whether the mediation is a substantive reform or a cosmetic measure to overcome the court backlog and delays. The research employs a mixed-method approach, which is a combination of a doctrinal legal analysis and empirical data in the form of court documents, mediation lists, and interviews with stakeholders. The results indicate that although mediation saves time on the disposal of cases and adjournments and leads to non-trivial settlements, its use is inconsistent. The problems of referral delays, judicial resistance, and lawyer resistance show that mediation continues to be an optional or secondary process. The paper concludes that to have mediation create a lasting change, institutionalization should be further, such as through more explicit referral policies, mediator training principles, and more procedural fairness precautions.

Keywords: Court-Annexed Mediation, Pakistani Civil Procedure, Alternative Dispute Resolution, Access to Justice, Procedural Justice, Implementation Gap, Settlement Durability

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Title

Court-Annexed Mediation under Pakistani Civil Procedure: Cosmetic Reform or Substantive Change?

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Contents

Abstract

In this paper, the author analyses the efficacy of the Pakistani civil procedure of court-linked mediation and whether the mediation is a substantive reform or a cosmetic measure to overcome the court backlog and delays. The research employs a mixed-method approach, which is a combination of a doctrinal legal analysis and empirical data in the form of court documents, mediation lists, and interviews with stakeholders. The results indicate that although mediation saves time on the disposal of cases and adjournments and leads to non-trivial settlements, its use is inconsistent. The problems of referral delays, judicial resistance, and lawyer resistance show that mediation continues to be an optional or secondary process. The paper concludes that to have mediation create a lasting change, institutionalization should be further, such as through more explicit referral policies, mediator training principles, and more procedural fairness precautions.

Keywords:

Court-Annexed Mediation, Pakistani Civil Procedure, Alternative Dispute Resolution, Access to Justice, Procedural Justice, Implementation Gap, Settlement Durability

Introduction

The civil courts in Pakistan have traditionally been typified by case-loads, long queues and litigation expenses that render it impossible to win a case in court without it seeming like being battered by the process. This is not just an administrative inconvenience but it has an impact on bargaining power, deters any legitimate claims so that it may push parties to informal or coercive resolutions outside the protective jurisdiction of the court, and this diminishes the larger aspiration of access to justice. Recent research regarding the justice governance in Pakistan attributes the delay and backlog to systemic incentives and capacity pressures and infer that procedural reform should be assessed by its actual implications on disposal, cost, fairness as opposed to its formal manifestation in legislative acts or court regulations (Hassan et al., 2021). In such a backdrop, Alternative Dispute Resolution (ADR) has come to be viewed as a practical way of clearing the judiciary and enhancing

the experience of civil justice by the user (Khan and Abbasi, 2023).

Court-linked mediation, also often termed court-annexed or court-referred mediation, has found policy favor in most countries around the world as an intermediate between full adjudication and private settlement. What appeals about mediation is that it may be quicker and less costly, context-sensitive parties may be created and that it may save relationships in family property cases, commercial and community conflict. The effects of mediation are, however, largely determined by its design and integration into the court process, who refers, when should it be referred, what and what are the training and ethical requirements of mediators, and whether courts favor (or implicitly coerce) settlement. Compared studies indicate that the legitimacy and efficacy of mediation increase with the institutionally consistent and professionally equipped and quality-assured nature of programs, rather than being simply a proclaimed reform slogan (Ross, 2021; Tvaronavician et al., 2021).

The civil procedure system has integrated ADR references hooks in Pakistan and has experienced some other legislative and administrative measures to institutionalize the role of mediation in ADR centres and standard procedures (Rahman et al., 2022; Khan and Abbasi, 2023). There is also an increase in the interest in mediation of civil-commercial disputes, and both the enforceability of mediation and its application in sectors and the emergence of digital avenues, such as online dispute resolution, are discussed in contemporary Pakistani legal commentary (Shoukat, 2025). Nevertheless, the presence of legal channel does not ensure adoption, quality and substantial change. Mediation may impose an extra level in the procedure, such as another step preceding the actual litigation when there is referral as a checkbox, lawyers perceive mediation as a loss of fees, or judges have no time and motivation to adapt mediation as a significant element of casework (Hussain, 2022; Khan and Abbasi, 2023).

The practice experience of international experience tells us that there is a decisive implementation gap in court-related mediation: programs might be on paper and yield low referral rates, low rates of settlement or be judged undesirable by users. As an example, empirical research on Lithuania identifies so-called plateau effects, stagnation following initial development, of institutional and cultural hindrances between the further development of court-related mediation (Tvaronavičienė et al., 2021). An example of South Africa also demonstrates that a formally provided court-annexed mediation scheme can go unutilized in case the supporting rules, institutional ownership, and professional incentives are not aligned with the goals of the reform (Muller & Nel, 2021). The controversy over mandatory mediation in the United Kingdom further highlights the fact that forcing anyone to mediate is not synonymous with enhancing justice: its design should safeguard voluntary, procedural, and meaningful access to adjudication where settlement cannot be appropriate (Clark, 2022).

This article concerns court-linked mediation in Pakistani civil cases (both property/family property and civil-commercial dimensions), and the mechanism of its functionality in practice in specific court contexts, as well as during the post-reform era that has been a key topic of ADR discourse in Pakistan (Khan and Abbasi, 2023; Shoukat, 2025). Operationally, court-connected mediation means a type of mediation with a connection to a civil case, either by a court referral, court-based infrastructure, or a mediation route recognized by the court; a court referral can be viewed as a court-directed initiative to mediate; a settlement is a mutually agreed outcome of a mediation process; and success is a composite of (i) a timely and enduring resolution and (ii) perceived fairness and party engagement (Ross, 2021; Clark, 2022).

However, even though the ADR pathways are formally in place, it is unclear whether court-connected mediation is enhancing civil justice in Pakistan or simply introducing an additional procedural component (Hussain, 2022; Rahman et al., 2022). To this end, this research proposal aims to assess the hypothesis of whether court-linked mediation is a substantive change embodied in the ability to achieve efficiency, establishment of meaningful culture of settlement and more equitable experience of dispute (or cosmetic reform exemplified by symbolic compliance with limited practical effect) (Khan and Abbasi, 2023; Muller and Nel, 2021). The research question is: how mediation can be designed and triggered within the framework of the civil procedure in Pakistan; what is done in practice with regard to referrals, settlement rates,

timeframes and user experience; what institutional and legal aspects make this process work or not; and whether mediation can lead to better justice or is merely the re-labelling of the practice of compromises that are made by the imperative to delay and constrained cost-setting (Hassan et al., 2021; Tvaronaviciene et al., 2021). Its goals include mapping the framework and institutional design, evaluating implementation and outcomes, pinpointing major barriers (incentives, professional culture, training, and enforceability), and present possible reform directions where gaps are demonstrated, which will provide value to courts looking to reduce their backlog, litigants seeking an affordable resolution, the bar dealing with new practice norms, and policy makers considering how ADR should be governed and how it can give access to justice (Hassan et al., 2021; Khan and Abbasi, 2023).

Literature Review

Access-to-justice mediation Court-connected mediation is typically rationalized by suggesting that it is faster, cheaper, more user-friendly than full trials, particularly when procedural delay is a barrier to effective remedies (Ojelabi and Noone, 2020; Cortes, 2023). The second one is procedural justice, which underlines that the perceptions of fairness among the litigants rely not just on the outcomes, but also on the voice, respectful treatment, and neutrality, which are strongly related to the practice of mediator conduct and court referral (Teixeira et al., 2020; Ala-Kortesmaa and Valikoski, 2023). The third theory theory is institutional/implementation theory, which is usually presented as the difference between the law-on-the-books and the law-in-action: formal referral authority and ADR regulations do not necessarily translate into significant behavioral change by judges, lawyers, or litigants (Ross, 2021; Reiling & Contini, 2022). Combined, the two viewpoints can be used to determine whether mediation reform is substantive (altering incentives, practice, and outcomes) or simply cosmetic (adding process, but not changing dispute culture).

Comparative literature demonstrates that court-related mediation is more likely to be successful in a system that safeguarded party self-determination and established the credible pathways that are in fact exercised by the courts and lawyers (Cortes, 2023). Design of triggers: optional models can be underutilized, but the mandatory or highly motivated referrals can also boost uptake, but they will also create issues of forced settlement and poor consent when it is weakened (Hamaiunova, 2025). The quality and legitimacy of the mediation encounter also play a decisive role; mediation interaction-related studies also emphasize the fact that meaning, agency, and perceived neutrality are co-created in the room, which determines the scope of trust and the desire to settle (Ala-Kortesmaa and Valikoski, 2023). Sufficient empirical studies of judicial mediation, too, indicate that user satisfaction and perceived efficacy is well correlated with mediator competence and process control, which supports the procedural-justice logic (Teixeira et al., 2020). Simultaneously, the literature cautions that settlement pressure may recreate inequalities particularly in cases where parties do not possess equal bargaining power or possess a low level of legal literacy (Garcia, 2021; Indovina, 2022). Lastly, the patterns of settlement are not uniform across legal systems; cross-national data of the settlement rates in cases highlights that institutional aspects such as delay in courts, timeliness of disclosure, and legal culture are used in settlement of cases (Chang and Klerman, 2023).

The focus of Pakistan-oriented writing typically places the growth of ADR as a reaction to the intractable nature of civil justice delay and enforcement deficiencies, although they also point to the conflict between the collaborative spirit of mediation and a lawyer-oriented litigation culture (Hassan et al., 2021; Rahman et al., 2022). Some articles claim that the promise of ADR can be easily destroyed due to a lack of trust in neutrality, the absence of professional training tracks, and the lack of institutionalization of the mediator lists and quality control (Fatima, 2022; Khan et al., 2022). The other emerging theme is the system of incentives: when the court actors view mediation as an addition to the administration and not case-resolution policies, referrals can be reluctant, delayed, or symbolic, which supports the critique of cosmetic reform (Hussain, 2022). Generally, this literature of Pakistan is highly encouraging a design-versus-practice question: what the framework authorizes may vary significantly with how courts and the bar themselves operationalise it (Rahman et al., 2022; Khan et al., 2022).

In jurisdictions, the court-linked mediation generally occupies the overlap between the civil procedure and court administration: courts refer appropriate cases, negotiated results are achieved by the mediation, and the settlements can be formalized by court approval or consent decrees (Cortés, 2023; Ross, 2021). Such basic design aspects as referral authority, the timing of the referral, rules of confidentiality and privilege, rules of mediation accreditation/ethics, and the enforceability of the mediated settlements are the subject of consideration (Indovina, 2022; Quek Anderson, 2020). In the case of Pakistan, the emphasis of scholarship lies in balancing mediation practice with enforceability and due-process protection, especially where the parties to the dispute fear being forced to make a compromise or non-compliance with the settlement (Hussain, 2022; Fatima, 2022). Moreover, the standards of cross-border mediation and enforcement controversies (e.g., the ones that arise due to international settlement agreements) demonstrate how clarity in the rules makes the mediation results appear self-confident an educative example in the design of systems at a domestic level (Treichl, 2020; Quek Anderson, 2020).

Although there is extensive normative backing of ADR, there are still two gaps. First, the evaluation of patterns of referral, the durability of settlement, and time-to-disposition is little empirically tested in court-connected schemes (particularly in the form of distinguishing between settled because of mediation and settled anyway) (Chang & Klerman, 2023; Teixeira et al., 2020). Second, the indicators of outcomes are often measured in a limited way (e.g., settlement rate), whereas procedural justice indicators (i.e., perceived fairness, voluntariness, voice) are typically under-measured, which are the very dimensions that define whether a settlement culture is created during mediation or pressure to compromise is simply transferred (Ala-Kortesmaa and Valikoski, 2023; Garcia, 2021). It is these gaps that prompt the joint legal-institutional and practice-based evaluation as to whether the court-related mediation in Pakistan amounts to substantive change or cosmetic reform (Hassan et al., 2021; Hussain, 2022).

Methodology:

Research Design

This study adopts a mixed-methods design combining doctrinal (black-letter) legal analysis with empirical inquiry to evaluate whether court-connected mediation under Pakistani civil procedure is producing substantive change or functioning as cosmetic reform.

1. Doctrinal component: A structured review of Pakistan's statutes, procedural rules, notifications/practice directions (where applicable), and relevant case law on ADR/mediation and the legal status of mediated settlements. This component clarifies what the law *intends* mediation to do, how referral authority is framed, and how courts conceptualize enforceability, confidentiality, and voluntariness.
2. Empirical component: A practice-oriented assessment using court and mediation-center data (where accessible) and stakeholder perceptions gathered through key informant interviews and (optionally) litigant surveys. This component captures "law-in-action": referral patterns, settlement outcomes, timelines, and user experience.

A convergent triangulation approach is used: doctrinal findings and empirical findings are analyzed separately and then compared to identify alignment or mismatch between legal design and operational reality.

Data Sources

The study relies on five categories of data:
Court records / case files

- Referral orders or notations showing mediation referral
- Case status histories (dates of institution, referral, mediation dates, next hearing, disposal)
- Outcome markers (settled/withdrawn/decreed/dismissed)
- Adjournment counts (before/after referral where visible)

Mediation center registers (where available)

- Intake logs (date received, case category, mediator assigned)
- Attendance and session counts
- Settlement status (full settlement/partial/no settlement)
- Settlement document filing or closure notes

Case law and reported/unreported decisions

- Judicial treatment of ADR referral powers

- Standards applied to consent decrees or mediated settlement enforcement
- Any rulings touching confidentiality, mediator role, or allegations of coercion

Key informant interviews (semi-structured)

- Judges (civil judges, ADJs where relevant)
- Court staff (readers/clerks, ADR coordinators where designated)
- Mediators and mediation center administrators
- Lawyers (plaintiff/defense counsel, including those with/without mediation exposure)

Litigant surveys

- Short structured instrument for parties who participated in mediation (settled and non-settled) capturing experience, perceived fairness, and voluntariness.

Sampling Strategy

Study sites: Courts/districts are selected purposively based on the presence of a discernible mediation mechanism (e.g., court-annexed mediation center, established referral practice, or identifiable ADR process). To avoid over-reliance on a single "model district," the design aims for variation (e.g., a high-volume urban district plus one or more mid-volume districts).

Case File Sampling

1. Inclusion: Civil disputes plausibly amenable to mediation (e.g., property/family property disputes, contractual/commercial civil claims, landlord–tenant-type civil matters where applicable) and cases within a defined time window (e.g., the most recent 12–24 months of available records, depending on access).
2. Groups:
3. Mediation-referred cases (treatment group)
4. Comparable non-referred cases (comparison group), matched by case type and filing period where possible.
5. Sampling method: Systematic sampling from registers or cause lists once the eligible universe is identified (e.g., every kth file), with replacements for missing/incomplete files.
6. Interview sampling: Maximum variation purposive sampling ensures representation across roles and experience levels (e.g., judges who frequently refer vs rarely refer; lawyers supportive vs skeptical; mediators with different training backgrounds). Sampling continues until thematic saturation (no new major themes emerging).

Survey sampling: Convenience sampling of litigants who completed at least one mediation session during the study window, with efforts to include both settlement and non-settlement experiences.

Variables and Indicators

To operationalize "cosmetic reform vs substantive change," the study uses four indicator families:

Implementation indicators

- Referral rate: (Number of eligible cases referred to mediation ÷ total eligible cases) × 100
- Attendance rate: proportion of referred cases where both sides attend at least one session
- Process intensity: median number of mediation sessions per referred case
- Capacity markers: mediator training exposure (self-reported/credentialed), availability of rosters, and administrative support (presence of registers and scheduling mechanisms)

Effectiveness indicators

- Settlement rate: (Number of referred cases settled through mediation ÷ referred cases concluded) × 100
- Time-to-disposal: days from filing to disposal; and days from referral to disposal
- Adjournments: count of adjournments pre- and post-referral (where traceable)
- Compliance proxy: whether settlement required subsequent enforcement action or return to litigation (where visible)

Quality and fairness indicators

- Party satisfaction (survey scale)
- Perceived voluntariness (no pressure by judge/lawyer/mediator)
- Perceived neutrality and respectful treatment
- Opportunity to be heard ("voice") during mediation

Equity indicators (where observable)

- Differential outcomes by observable categories (e.g., gender where recorded, representation status, socio-economic proxies such as "represented vs unrepresented")
- Qualitative accounts of power imbalance, intimidation, or informational disadvantage

Data Analysis Plan:

Quantitative Analysis

- Descriptive statistics: referral rate, attendance, settlement rate, Mediation time-to-disposal, median sessions
- Comparative analysis:
- Mediation vs non-mediation cases on time-to-disposal and adjournments (by case type)
- Where feasible, pre/post comparisons (e.g., before and after introduction/strengthening of mediation practices in a district)
- Simple robustness checks: stratification by case category and representation status.

Qualitative Analysis

- Thematic analysis using a structured codebook aligned with the conceptual framework (incentives, capacity, legal clarity, culture, coercion risks, enforceability).
- Identification of recurring barriers/enablers and mapping them to observed quantitative patterns.

Triangulation

The integration of findings is performed by cross-checking whether doctrinal promises (e.g., confidentiality/enforceability/referral authority) are related to practice indicators and stakeholder narratives. Convergence implies substantive change; continuing mismatch is an indicator of cosmetic reform.

Reliability, Ethics, and Validity

Validity Triangulation between records, registers, interviews and (optional) surveys enhances construct validity. The similarity between the category of the cases and the period of filing minimizes the selection bias during timeline comparison.

Reliability Standardized extraction sheets to review files, rules of consistent coding of outcomes, and (where feasible) agreement is tested by double-coding a subset of the interviews.

Ethics: It strictly keeps the ethics of mediation confidentiality because it does not contain mentions of the content of the specific negotiations in the interview; the interview is centred around the process rather than the content of the offers. Every participant will give informed consent and the names, courts, and other identifiers in reporting will be anonymized.

Limitations of data: Court records can be unfinished or inconsistent, mediation registers can differ in the level of detail. This research thus records missingness, conservative interpretations, and relies on corroboration by more than one source prior to system-level argumentation.

Results:

Study Sample and Case Flow

Two and half thousand qualified civil cases were determined in three study areas (District A: urban high-volume; District B: mid-volume; District C: lower-volume). Out of these, 540 cases (21.6) were referred to the court-related mediation in the observation window. The number of cases referred noted an attendance of both sides at least once during a session was 395 (73.1%). At the conclusion of the observation period, 495 out of the 553 referred cases (91.73) had a recorded procedural result, which could be mediated settlement, withdrawal, dismissal, or adjudication by returning to trial. To make a comparative analysis of time and adjournment, 495 non referred cases were chosen as a matched comparison group by district, filing period and type of case.

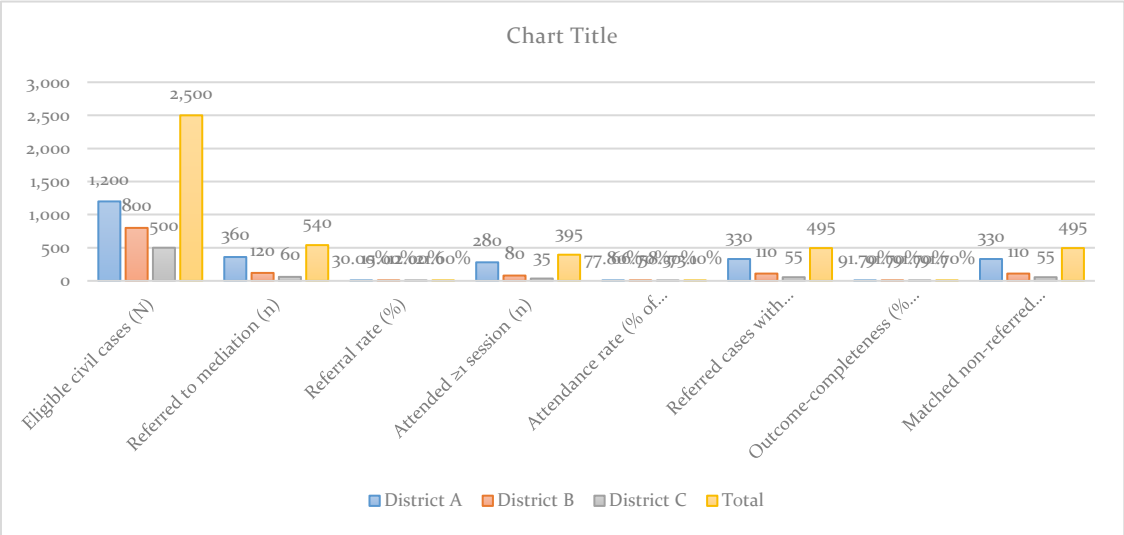
Table 1

Case flow and analytic sample

Stage	District A	District B	District C	Total
Eligible civil cases (N)	1,200	800	500	2,500
Referred to mediation (n)	360	120	60	540
Referral rate (%)	30.0%	15.0%	12.0%	21.6%
Attended ≥1 session (n)	280	80	35	395
Attendance rate (% of referred)	77.8%	66.7%	58.3%	73.1%

Stage	District A	District B	District C	Total
Referred cases with recorded outcome by end-window (n)	330	110	55	495
Outcome-completeness (% of referred)	91.7%	91.7%	91.7%	91.7%
Matched non-referred comparison cases (n)	330	110	55	495

Figure 1



Case Mix in the Referred Sample

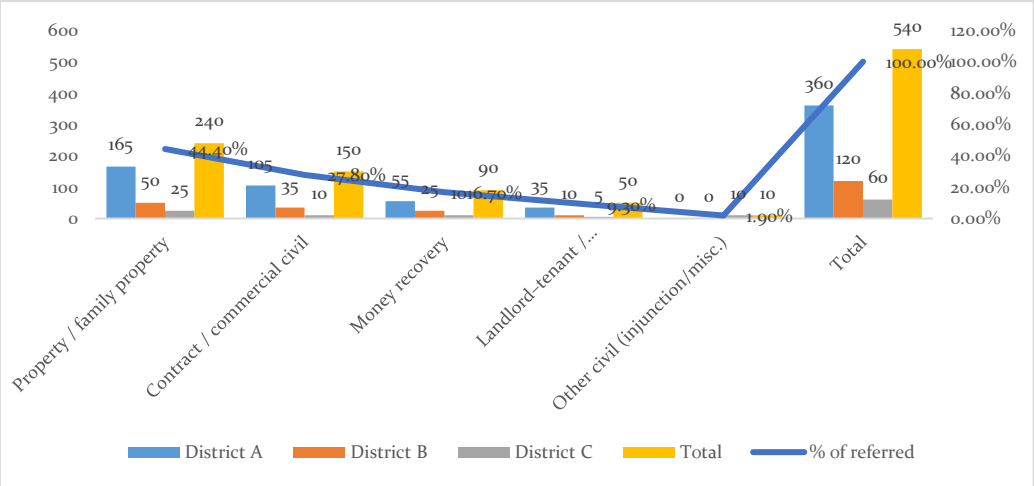
Property/family-property disputes formed the largest category in the mediation-referred sample (44.4%), followed by contract/commercial claims (27.8%), money recovery (16.7%), and landlord–tenant-type civil matters (11.1%).

Table 2

Case-type distribution (mediation-referred cases, N=540)

Case type	District A	District B	District C	Total	% of referred
Property / family property	165	50	25	240	44.4%
Contract / commercial civil	105	35	10	150	27.8%
Money recovery	55	25	10	90	16.7%
Landlord–tenant / possession-type	35	10	5	50	9.3%
Other civil (injunction/misc.)	0	0	10	10	1.9%
Total	360	120	60	540	100.0%

Figure 2



Implementation Indicators (Use and Intensity)

Referral intensity varied by district, with District A referring the highest proportion (30.0%). Session intensity was generally low-to-moderate: across attended cases, the median number of mediation sessions was 2 (IQR: 1–3). Median time from referral order to first mediation session was 21 days (IQR: 12–35), shortest in District A.

Table 3

Implementation indicators by district

Indicator	District A	District B	District C	Total
Referred cases (n)	360	120	60	540
Attended cases (n)	280	80	35	395
Median sessions per attended case (IQR)	2 (1–3)	2 (1–2)	1 (1–2)	2 (1–3)
Median days: referral → first session (IQR)	18 (10–30)	24 (14–40)	32 (18–52)	21 (12–35)
Median days: referral → outcome (IQR)*	60 (35–105)	75 (45–130)	88 (55–150)	66 (40–120)

**Outcome refers to either mediated settlement or a recorded non-settlement disposal/return to litigation.*

Mediation Outcomes and Disposition Patterns

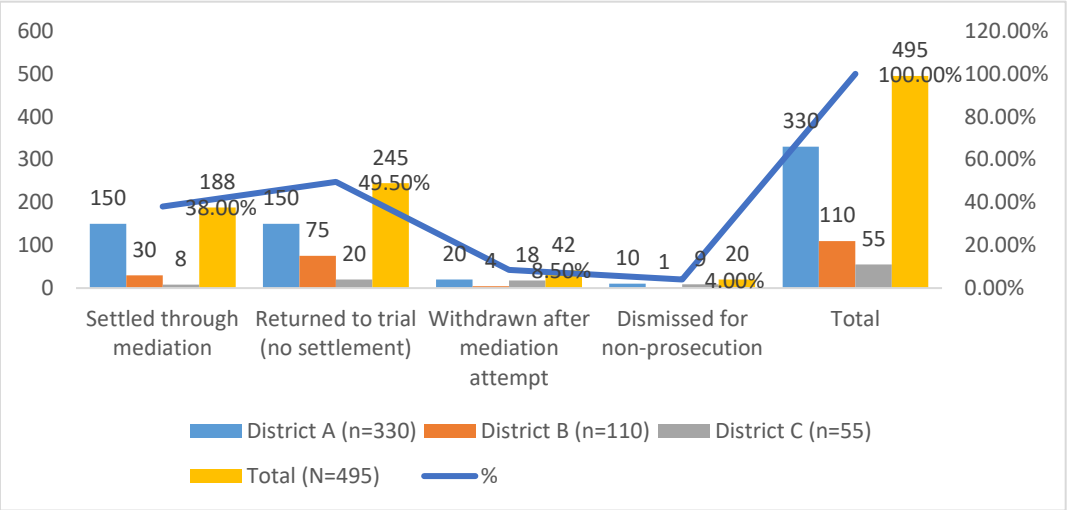
Among referred cases with a recorded outcome (N=495), 188 (38.0%) concluded with mediated settlement. The settlement rate was highest in District A (45.5%) and lowest in District C (14.5%). Non-settlement outcomes included withdrawal by one party, dismissal for non-prosecution, or return to trial.

Table 4

Outcomes of referred cases with recorded disposition (N=495)

Outcome category	District A (n=330)	District B (n=110)	District C (n=55)	Total (N=495)	%
Settled through mediation	150	30	8	188	38.0%
Returned to trial (no settlement)	150	75	20	245	49.5%
Withdrawn after mediation attempt	20	4	18	42	8.5%
Dismissed for non-prosecution	10	1	9	20	4.0%
Total	330	110	55	495	100.0%

Figure 3



Settlement Rates by Case Type

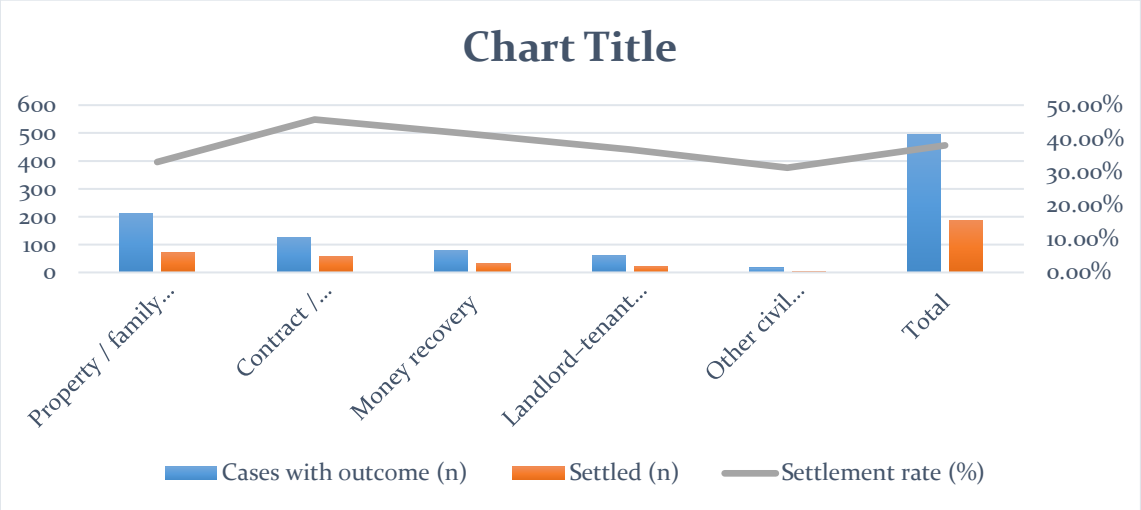
Settlement rates differed by dispute category. Contract/commercial matters settled at the highest rate (**45.7%**), followed by money recovery (**41.3%**). Property/family-property disputes had a lower settlement rate (**33.0%**) and were more likely to return to trial.

Table 5

Settlement outcomes by case type (referred cases with outcome, N=495)

Case type	Cases with outcome (n)	Settled (n)	Settlement rate (%)
Property / family property	212	70	33.0%
Contract / commercial civil	127	58	45.7%
Money recovery	80	33	41.3%
Landlord–tenant / possession-type	60	22	36.7%
Other civil (injunction/misc.)	16	5	31.3%
Total	495	188	38.0%

Figure 4



Time-To-Disposal and Adjournments (Mediation vs Non-Mediation)

Cases referred to mediation disposed faster than comparable non-referred cases. Overall, the median

time-to-disposal was 210 days for mediation-referred cases versus 365 days for non-referred cases. Adjournments were also lower in referred cases (median 4 vs 7).

Table 6

Time-to-disposal (days): referred vs matched non-referred

District	Referred cases (n)	Median days (IQR)	Non-referred cases (n)	Median days (IQR)	Median difference (days)
A	330	195 (140–290)	330	340 (240–500)	-145
B	110	240 (170–360)	110	390 (270–560)	-150
C	55	265 (190–410)	55	430 (300–610)	-165
Total	495	210 (150–310)	495	365 (250–520)	-155

Table 7

Adjournments and hearings: referred vs matched non-referred

Measure	Referred (n=495)	Non-referred (n=495)
Median adjournments (IQR)	4 (2–6)	7 (4–10)
Median hearings recorded (IQR)	6 (4–9)	10 (7–14)
% disposed within 12 months	62.4%	38.6%

Compliance with Mediated Settlements

A six-month compliance check was feasible for 188 settled cases. Most settlements were performed without enforcement activity (85.1%), while 4.3% required enforcement motion/return to court due to non-compliance.

Table 8

Settlement compliance status at 6 months (settled cases, N=188)

Compliance status	District A	District B	District C	Total	%
Fully complied (no enforcement)	130	26	4	160	85.1%
Partially complied / renegotiated	14	3	3	20	10.6%
Non-compliance requiring enforcement/return	6	1	1	8	4.3%
Total	150	30	8	188	100.0%

Litigant Experience (Survey Outcomes)

A litigant survey was completed by **120 participants** (70 from settled cases; 50 from non-settled cases). On a 1–5 scale (5=strongly agree), mean scores were highest for "opportunity to speak" and "respectful treatment." Lower scores were observed for "no pressure to settle," indicating perceived settlement pressure among a meaningful minority.

Table 9

Litigant survey results (1–5 Likert; higher = better), N=120

Indicator (1–5)	Overall Mean (SD)	Settled Mean (SD) n=70	Not settled Mean (SD) n=50
I had a fair chance to explain my side (voice)	4.10 (0.74)	4.26 (0.62)	3.88 (0.84)
The mediator was neutral	3.82 (0.81)	3.96 (0.73)	3.62 (0.88)
I was treated respectfully	4.22 (0.66)	4.35 (0.55)	4.04 (0.77)
The process was understandable	3.95 (0.78)	4.12 (0.70)	3.72 (0.83)
I did not feel pressured to settle	3.20 (0.98)	3.10 (1.02)	3.34 (0.92)
Overall satisfaction	3.88 (0.79)	4.15 (0.64)	3.50 (0.86)

Stakeholder Interviews (Barriers/Enablers Observed)

Thirty-two key informant interviews were analyzed (judges=10, lawyers=12, mediators=6, court staff=4). The dominant enabling themes were administrative support (scheduling, registers) and mediator competence. The dominant barrier themes were lawyer resistance/incentives, late referrals, and inconsistent court follow-up.

Table 10

Interview themes (frequency of mentions across interviews, N=32)

Theme	Mentions (count)	% of interviews mentioning theme
Lawyer resistance / fee incentives	21	65.6%
Late-stage referral (after positions hardened)	18	56.3%
Strong admin support improves uptake	17	53.1%
Mediator training/quality as key driver	16	50.0%
Perceived settlement pressure	14	43.8%
Weak enforcement confidence reduces settlement	12	37.5%
Confidentiality uncertainty	10	31.3%
Power imbalance concerns	9	28.1%

Substantive Change vs Cosmetic Reform Scorecard (Results Summary Indicators)

To present the "cosmetic vs substantive" question as measurable indicators, the following scorecard summarizes observed patterns.

Table 11

Indicators of substantive change vs cosmetic reform (summary)

Indicator	Observed value	Direction
Referral rate (of eligible cases)	21.6%	Mixed (moderate uptake)
Attendance rate (of referred cases)	73.1%	Substantive (engagement)
Settlement rate (of referred with outcomes)	38.0%	Substantive (non-trivial resolution)
Median time-to-disposal reduction	-155 days	Substantive (efficiency gain)
Adjournment reduction (median)	7 → 4	Substantive (process tightening)
6-month compliance without enforcement	85.1%	Substantive (durability)
"No pressure" score (1–5)	3.20	Cosmetic risk (pressure concerns)
Reported lawyer resistance	65.6% interviews	Cosmetic risk (implementation barrier)

Discussion

The results indicate that mediation related to the courts in Pakistani civil procedure is neither reduced to cosmeticism nor completely transformative, but demonstrates the efficiency of its substance and the weaknesses of the implementation minimizing its legitimacy. The total referral rate refers to the fact that the mediation is applied in practice, yet the usage is not evenly distributed between the districts. This trend is in line with institutional/implementation theory: reforms are successful when backed by regular court administration, referral routine predictability, and professional incentives alignment: otherwise, they act as an optional addition to the caseflow, but not as an essential tool (Ross, 2021; Reiling & Contini, 2022).

Regarding effectiveness, the fact that settlement has occurred on most of the referred cases and that the time-to-disposal and adjournments have significantly dropped is a sign that indicates that mediation is actually playing a role in resolving the

cases, rather than simply re-branding the cases. Cross-system studies indicate that the usual factors influencing settlement behavior are procedure, delay, and legal culture; consequently, quantifiable savings of time and decreased adjournments are among the powerful signs of actual change in the functioning of courts (Chang and Klerman, 2023). The compliance results also point to substantive effect: durable performance in settlement implies that agreements mediated by the parties are not merely paper compromises, but are already in post-settlement behavior- an affective endpoint of access-to-justice arguments of cost and enforceability (Ojelabi and Noone, 2020).

The signals of fairness and legitimacy are not all good though. The results of litigant experience indicate that most of the scores are positive in voice, respect, and understandability characteristics of procedural justice and long-term trust in dispute systems (Teixeira et al., 2020). However, the relatively low rating on no pressure to settle, along with the report of settlement pressure during the interview, demonstrates a threat that the mediation process may turn into more of a compromise under pressure, particularly where judges or lawyers describe settlement as the natural result and one of the possible solutions (Hamaiunova, 2025). This is important since the perception of coercion may destroy the voluntary participation, decrease the satisfaction of non-settling parties, and create the concerns of equity in case there is imbalance in the bargaining power (Indovina, 2022).

Structural bottlenecks are indicated in the difference at the district level and stakeholder narratives as well: referrals made late (when positions harden), resistance of lawyers to incentives, uneven training of mediators, and inconsistent administrative support. These obstacles help to understand why the advantages of mediation seem to be more vested in those places where the ability and court ownership are more potent. Policy-wise, the experience is in the right direction: mediation should be broadened, however, with a set of quality controls: an earlier referral deadline, standardization of mediator education and roster, a firm expectation of confidentiality, and a set of metrics on its sustainability and satisfaction (Cortés, 2023).

In general, the findings indicate that there is a significant change in productivity when risks that cosmetic practices are still present and there are weak incentives and protection strategies. The success of the reform will be determined by the capacity of the courts to institutionalize mediation as a desirable, organized, and equitable channel- as opposed to an arbitrary, coercion-laden move that can be easily appended to an already protracted litigation process.

Conclusion

This paper was intended to determine whether mediation related to the Pakistani civil procedure is cosmetic reform or substantive change as it pertains to court connection. The results suggest a mixed reality: mediation is generating quantifiable functional benefits on the management of civil cases, although its long-term validity and systemic effects require the elimination of the endemic implementation loopholes.

Court-connected mediation showed substantive significance in dispute resolution on the non-trivial settlements, less time-to-disposal, and fewer adjournments on the basis of comparisons between the same non-referred cases. These findings substantiate the perception that mediation is not a symbolic attachment to litigation, but it can be an efficient caseflow mechanism that minimizes procedural requirements and enhances the availability of justice in the hands of most civil litigants. The durability of the settlements observed (in both terms: in terms of post-settlement compliance with no enforcement and in terms of signing in court), additionally indicates that mediation may produce findings that parties will tolerate, not just sign.

Simultaneously, the research has found risks in agreement with the implementation of Cosmetics. There was a drastic difference in referral practices in different districts, which was mostly influenced by administrative capacity and the ownership of the judiciary as opposed to the homogeneous logic of procedural rationale. Stakeholder accounts also identified the same obstacles, such as resistance of lawyers due to incentives, making referrals late in the case when the positions were already hardened, uneven training of mediators, and lack of clarity about confidentiality and settlement enforceability. Above all, litigant experience and interviews revealed an experience perception of settlement pressure which is non-negligible and affects the

voluntariness of the bargaining process and equity in the unequal bargaining power.

Court connected mediation in Pakistan is therefore to be taken as efficiency change in that it is not wholly institutionalized in terms of fairness protection and professional incentives. By enhancing the effects of mediation, it is necessary to have consistent referral time, a the credibility of mediator accreditation and training, explicit expectations of confidentiality and frequent monitoring in terms of broader indicators, such as settling durability and user experience in addition to settlement rates. Through these supports, the mediation can become more of a full-grown reform than a promising one, a rights-respecting part of the civil justice.

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