

Mediation Information

WHAT IS MEDIATION?

If you are involved in a lawsuit at Justice Court, you may be able to resolve it by participating in Mediation.

Mediation is one way for people to settle disputes. In mediation, the people who are involved in the dispute are helped to look for a solution that works for them. The people who help them work out a solution are called mediators.

Mediators do not decide cases. The purpose of the mediation is to find solutions that meet the needs of the people involved.

WHAT CAN MEDIATION DO FOR ME?

Mediation can help you resolve the problem that has brought you to court. The best resolution to any problem is usually one worked out by the people involved. Through mediation, people often arrive at a resolution more quickly than by going to trial and asking a judge to decide their case.

Mediation is an informal process, although the mediator does structure the discussion. Most people find it a comfortable and productive procedure. Many people prefer to take an active part in solving their own problem, rather than waiting for a judge to impose a solution.

WHO WILL ATTEND THE MEDIATION?

Mediation works best when the parties involved in the dispute are the ones to attend the mediation. Persons attending the mediation should have the authority to negotiate and enter into an agreement (if one is reached). Please do not bring witnesses or children to the mediation.

Sometimes it will be appropriate for an attorney to attend if their client is a large corporation, collection agency or insurance company. (For example, in insurance cases an attorney and an adjuster might attend.)

WHO WILL THE MEDIATOR(S) BE?

We have a pool of approximately 25 professionally trained mediators who offer their services on a pro bono (free of charge) basis. They do not take sides and they know how to deal with situations that can sometimes be tense or emotional. Mediators DO NOT give legal advice or provide legal services.

HOW DOES MY CASE GET TO MEDIATION?

After the defendant files an "Answer," the Court reviews the case. If the case is selected, mediation is scheduled and letters are mailed to the parties.

You can also request mediation by writing "request mediation" either on the complaint form or answer form.

If we happen to schedule your mediation on a date or time that won't work for you, let us know. We'll contact the other party and try to reschedule it for a date and time that works for both parties.

DO I HAVE TO BE WILLING TO COMPROMISE?

No. Sometimes agreements will include compromises, but not always.

Even if people don't reach an agreement through Mediation, at least they've had the opportunity to talk about the situation. It may help you be better prepared to go to court.

WHAT SHOULD I BRING TO THE MEDIATION?

Bring any documents – statements, invoices, photographs, etc. – that are related to, or support your claim.

HOW CAN I PREPARE MYSELF FOR THE MEDIATION?

Think about what you want to discuss and what's important to you. Think about the following questions:

What is the best result I can hope for?

What is the worst result that could happen?

What might be a sensible, realistic and fair resolution?

WHAT WILL HAPPEN AT THE MEDIATION?

The mediators and the parties will sit around a table, in a room designated by the Court.

You and the other party will have the opportunity to talk about what's happened and what's important to you. You'll talk about different ways the case might be resolved. The mediators will ask questions, try to help clarify issues and make sure each party is understood and acknowledged.

ANY AGREEMENT YOU REACH IN MEDIATION IS VOLUNTARY. YOU WON'T BE REQUIRED TO AGREE TO ANYTHING UNLESS YOU WANT TO.

If you decide you'd like to take some time to think about it or talk to someone before you make a final decision (your attorney, spouse, family member, friend, etc.), the mediation will end and you'll be given a few days to do that.

If you resolve your case through mediation, all parties will sign an agreement and it will become part of the case file. The case will not have to proceed to court.

Mediations can last anywhere between 30 minutes and 2 hours.

WHAT IF THE OTHER PARTY DOESN'T ABIDE BY THE AGREEMENT?

Most times, people follow through on their Mediated Agreements. If the Mediated Agreement is not followed then you are entitled to the amount prayed for in your complaint.

WHAT IF MEDIATION DOES NOT RESOLVE THE CASE?

The case will be sent on to the assigned judge and set for hearing (if one has not already been set).

The mediators do not make a report about what happened in the mediation. We just report that a mediation was held, but no agreement was reached.

CAN MY SETTLEMENT OFFERS BE USED AGAINST ME DURING TRIAL?

Nothing discussed or offers made can be used against you during trial. You can negotiate freely during mediation.

