



## MEDIATION

### What is Mediation?

Mediation is an opportunity for you and the other person in your dispute to sit down in a safe and neutral environment to look for a solution to your conflict. An impartial person called a mediator will be there to assist you in reaching a mutually satisfactory settlement.

The mediator will help you reach a written agreement which is admissible as evidence in court should either of you fail to keep the agreement. However, studies indicate that people are more likely to keep an agreement which they help create themselves.

### Benefits of Mediation

- Fast
- Free or Low Cost
- Voluntary
- Effective
- Confidential
- Empowering
- Flexible
- Stress-Reducing
- Win-Win
- Strengthens Relationships
- Enforceable

### What is the Role of the Mediator?

*The mediator will:*

- assist you in your negotiations by guiding you through a structured process
- help you identify your interests and the interests of the other person
- assist you in exploring and evaluating options which meet both your needs

*The mediator is an expert, trained in:*

- helping to identify interests
- maintaining a future-oriented, problem-solving focus
- breaking negotiation deadlocks
- framing settlement options
- reaching satisfying settlements

*The mediator will not:*

- act as a judge or impose a settlement
- act as an attorney or offer legal advice
- act as a counselor or therapist

## **What is necessary for mediation to work well?**

- The right people need to be in the room. This means the people directly involved and necessary in order to make and implement a decision.
- All the parties need to be willing to negotiate in good faith. That means being willing to:
  1. Share all important information.
  2. Listen to the other person with an open mind.
  3. Consider moving from your original position.
  4. Keep any agreements that you make.

## **How can you prepare for mediation?**

- Begin by thinking about what you want the other person to understand; what is really important to you. Ask yourself what you would need to happen in order to feel that the dispute has been resolved. You may want to write down the issues that you know you want to address.
- Also, think about what the other person wants in order to settle the dispute. Are you willing to try to address his or her concerns?
- It is not necessary to bring witnesses or legal counsel. Mediation is not a trial or a hearing. You are encouraged to seek legal review of your settlement agreement if this seems appropriate to you.
- Try to arrive at your mediation session on time and well rested. Having something to eat before a session or bringing snacks can be helpful.
- If you have any special needs, let the DRC know in advance. Our Center is wheelchair-accessible, and we can arrange for language interpretation.