

Are There Other Ways to Work Out the Problem? Mediation

Before you file a case in court, think about whether the problem can be worked out without going to court. For instance, you might want to use mediation.

What is mediation?

Mediation is a way to try to settle disagreements without going to court. Mediations are different from going to court because they are less formal than court and because the parties in mediations are able to play a more active role in making decisions about their disagreements.

When can you use mediation?

A trained mediator can help you sort out issues and maybe resolve your case without having to go to court. You can also use mediation if you do file a lawsuit and then decide to try mediation to resolve the case before you go to a court hearing. **However, mediation is not recommended in cases involving family violence.**

What does a mediator do?

The mediator helps all sides explain their point of view but does not take sides. The mediator asks each side to summarize his or her point of view and helps the parties talk about their problems. The mediator will help the parties decide if they can agree on some or all of the issues between them.

Does the mediator decide how to solve the problem?

The mediator is not a judge. The mediator does not tell the parties how to solve their disagreement. He or she only helps them talk to each other about what the problems are and how they want to solve them.

Will you meet with the mediator alone?

The mediator will meet with everyone together, but he or she may also meet with each side separately. This gives each side the chance to let out their anger or frustration without the other side being there.

What happens if we make an agreement?

In a mediation, you can make an agreement on all of the things you disagree about, or some of them. If you make an agreement, the agreement will be written down, and the people involved must sign it (after getting advice from their lawyer, if they have one).

Where can I find a mediation center?

Some counties have community mediation centers that offer free or low fee mediation services. These centers are sometimes called "dispute resolution centers." There is a list of mediation centers in the Resources section of this website.