

10 - Sue, Settle or Mediate - The Choice is Up to You

Mediation

Many matters filed in court can be resolved through the use of mediation. The type of cases include:

- Landlord/Tenant Disputes
- Small Claims Actions
- Civil Cases
 - * consumer/merchant disputes
 - * contract disputes
 - * neighborhood disputes

Mediation is a process where two or more people settle their problems without going to court. A neutral person called a mediator will work with all parties to assist them in reaching a mutually satisfactory and successful solution to the problem. In Crawford, Kankaska and Otsego Counties, there is a community dispute resolution program that provides assistance to people who want to resolve their disputes without having a court hearing.

A mediator is not a judge; he/she will not decide who is right or wrong in a disagreement. Mediators do not force people to reach an agreement. They do help the disputing parties discuss the problem and reach a realistic and workable solution.

Why Should I Use Mediation?

The decision-making process belongs to you. You decide how to best resolve your dispute and you participate in reaching an agreement that you can live with.

It works. Thousands of cases have been successfully mediated to all parties' satisfaction. Mediation is a "win/win" rather than a "win/lose" solution. In court, someone wins and someone loses. The goal of mediation is to have all parties arrive at a mutually satisfactory agreement.

It's inexpensive. The service is usually free, or is provided at a low cost.

It's quick. Most mediation sessions are scheduled within ten days of both parties' agreement to mediate and usually last no longer than two hours.

It's effective. Approximately 80% of all mediation ends in agreement. In fact, the likelihood of settling a dispute to both parties' satisfaction through mediation is much higher than in small claims court.

It's convenient. Mediation can be held at your local dispute resolution center on weekdays, Saturdays and/or evenings to accommodate both parties' schedules.

It's voluntary. Both parties must want to resolve the dispute. If they are unwilling or unsuccessful, the court can still hear the matter.

It's private. All discussions related to the subject of mediation remain confidential and cannot be used in a law suit.

Mediation gives the individuals involved in a dispute the power to achieve justice. In court, the power to

dispense justice is with the judge.

Mediation also helps protect and enhance relationships between people by providing a non-adversarial setting.

Mediation reduces the likelihood of recurrence of the problem.

What happens when I call a Community Dispute Resolution Center?

You will speak with a worker who will take down some basic information and answer questions about the process. The other party to the dispute is then contacted by letter or telephone by the dispute resolution center to obtain consent for participation in mediation. If both parties agree to use the service, a mediation session is scheduled.

During the session, each person has the opportunity to explain the dispute from his or her point of view. The mediator will help the parties to define the issues or problems involved in a dispute. Possible solutions are explored to resolve the conflict. When an agreement is reached, the terms are put in writing and each person receives a copy.

What happens if an agreement is not reached or mediation is not successful?

No one will force you to reach an agreement. If an agreement cannot be reached between the disputing parties, or if one or more of the parties fails to follow through with the mediation session, program staff will assist parties in exploring other options for resolving the dispute. Additional options may include filing a legal case in court, such as a small claims action or a civil case, or there may be an attempt at a second mediation session.

Community Mediation Services

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