



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA**

Alternative Dispute Resolution Programs Office • P.O. Box 911 • Martinez, CA 94553
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HOW MEDIATION WORKS

In mediation, an impartial person (mediator) helps the parties reach a mutually acceptable resolution. The mediator helps the parties communicate so they can settle the dispute themselves. Mediators do not make decisions. Agreements can only be reached if the parties agree.

- ▶ **Choosing a Mediator:** Parties must get a current list of mediators from the ADR Programs office. To see information about our panel members visit, www.cc-courts.org/adr or email adrweb@contracosta.courts.ca.gov. To choose a mediator, one party (such as the plaintiff) may circle the names of panel members they want to choose, or cross off names of panel members they do not want to choose, before sending that list to the other party.
- ▶ **Mediator Style:** Mediators help parties focus on important issues, and often ask for ideas about settling the conflict. Some mediators will tell the parties what they think might happen if the case went to trial. Others help the parties decide for themselves.
- ▶ **Mediation Statement:** Before mediation, each party must write a statement (no more than 5 pages) explaining the dispute. Send this to the other parties and the mediator at least 5 court days before the mediation.
- ▶ **Attendance:** Unless excused by the assigned judge, ALL parties must attend the mediation in person.
- ▶ **Confidentiality:** Mediation gives you an opportunity to talk openly and explore a full range of ideas for resolving your conflict. To encourage this, the information prepared for or discussed in the mediation cannot be used as evidence in court, and the mediator cannot be forced to testify about what happened or was said in the mediation. The mediator will only report to the court whether or not an agreement was reached.
- ▶ **Fees:** Mediators on the Contra Costa Court panel do not charge for the first half hour of scheduling and preparing for mediation. They also do not charge for the first two hours of the mediation session. If the parties choose to continue working with the mediator longer than two hours, they must pay the mediator's regular fees. If the mediator charges a deposit, they must give back whatever is left after counting all the time spent preparing for or doing the mediation. Parties can ask for mediation fees to be waived (cancelled) if their court fees have also been waived.

MEDIATION CHECKLIST

CHOOSE A MEDIATOR.

All parties must agree to the same mediator. When you choose a mediator, make sure:

1. The mediator **is informed** that it is a court referred case, will accept the case and does not have a conflict of interest.
2. The mediator can help you finish mediation before the court's **COMPLETION DATE:**
3. You know how the mediator approaches mediation, and what he or she will charge if you need more time.

RETURN THE SELECTION FORM.

1. One party must return the *Selection of ADR Panel Member* form.
2. Return the form by Email or Fax by the **SELECTION DUE DATE:**
(Email to request an extension. We must notify the court if your form is not back in time.)

KEEP THE COURT INFORMED.

1. **If this case settles** (either before, as a result of, or after mediation); the parties must file the appropriate forms needed to **inform the court clerk, the mediator, and cancel any unnecessary court appearances.**
2. All parties are responsible together for making sure required deadlines are met.
3. You must get court permission to change from mediation to another dispute resolution process.