

Dispute Resolution (Mediation)

Municipal Court of

Telephone:

Complaining Witness

Defendant

Mediation Case # _____

Notice of Scheduled Mediation

Please be advised that the court has referred this case to mediation in an attempt to resolve this dispute.

Your case is scheduled for _____ at _____ am/pm at the following location: _____.

Mediation is a court-approved process in which a trained neutral person, called a mediator, encourages and facilitates the resolution of a dispute between two or more parties. A mediation session is informal and non-adversarial; its objective is to help the disputing parties reach a mutually acceptable and voluntary agreement.

The mediators are citizen-volunteers, appointed by the court, who assist other citizens in resolving their disputes through the process of mediation. The mediator is neutral and listens impartially to what everyone has to say. The mediator does not take sides and will not make judgments about "right" or "wrong."

Mediators do not determine guilt or innocence or impose penalties, but rather help the parties explore solutions to the problem. Mediation avoids the necessity of a formal court appearance and the possibility of court costs, fines, and/or a criminal record. More importantly, solutions reached through mediation are often more acceptable to both parties and more lasting.

Mediation operates under Guidelines on the back of this Notice.

All parties can win in mediation. There are no losers. Since mediation is cooperative problem solving, the solution will satisfy everyone. Mediation provides citizens with a convenient, fair and effective process for resolving disputes and encourages them to take an active role in their legal system. **Thank you in advance for your willingness to participate in the mediation process.**

You are required to appear at the session. Failure to appear for the mediation session may result in the court entering an order for you to appear before the Judge to explain your non-appearance at the mediation session.

Rescheduling or postponements will only be allowed in extraordinary circumstances.

Date

Court Administrator / Deputy Court Administrator



Please notify the court of any disability accommodation needs and language interpreting needs before your mediation date.



MEDIATION SESSION GUIDELINES

Mediation sessions operate under the following procedural guidelines:

- **Mediation is a confidential process.** The parties and the mediator are bound by the rules of confidentiality (R. 1:40-4) and the Supreme Court Standards of Conduct for Mediators in Court-Connected Programs.
- Neither the public nor the press are permitted at any of the sessions. Only those individuals directly related to the case are allowed to be present. In that way the parties have more privacy than if the case was heard in open court.
- You will both be given adequate time to present your comments regarding the disputed issue. Feel free to speak openly. Anything said or any notes taken during the session cannot be used as evidence in court.
- Though not necessary for the proceedings, both parties may use other witnesses in presenting their cases, but the time allowed for each witness will be limited by the mediator. Witnesses usually remain outside the session room.
- You are allowed to bring to the session any pertinent information, such as receipts, estimates, pictures, etc., that may be helpful in resolving the dispute.
- You will each have the opportunity to be heard by the mediator with the other party present. In most cases, the party who brings the complaint will be heard first. The defendant will be heard second. At some point during the session, the mediator may ask to speak with each of you separately.
- If the complaining witness fails to appear for the session, the mediator will recommend that the court dismiss the complaint.
- If the defendant fails to appear for the session, the mediator will send the case back to the court for the judge to decide.
- All parties are expected to listen courteously to each other and refrain from name-calling, profanity or threatening behavior. The mediator has the discretion to limit comment or language that he/she feels is inappropriate, or to end the session.
- After a full discussion of the issues, the mediators will work with you to discover what mutually agreeable solutions might exist. Any agreement reached must be acceptable to both parties. The agreement will become a part of the official court record. It is expected that the parties will follow the terms of the agreement. Both you and the other party will receive a copy of the agreement.
- If no agreement can be reached, the complaint will be returned to the court where you will be bound by the judge's decision.
- A mediator is prohibited from handling a case involving a person who is personally known by the mediator, unless both parties to the complaint agree. If either party objects, another mediator will hear the case.
- Cases involving domestic violence or where a restraining order is in effect cannot be heard by a mediator. If you have any questions about this, contact the municipal court administrator.