

WHAT IS MEDIATION?

Mediation is a process whereby two or more people involved in a conflict voluntarily sit down together with a mediator who will assist them in working out a solution to their dispute.

WHAT CAN BE MEDIATED?

- * Neighborhood disputes – noise, parking, animals, property lines, etc.
- * Family disputes – family member conflicts, separation and property division issues, custody, visitation, child support
- * School disputes – for students, parents, teachers, administrators, truancy
- * Landlord/tenant disputes – deposits, damages, evictions
- * Disputes involving nonpayment of money, loss of property, damage of property, contracts
- * Employee/employer disputes
- * Intra-/inter-organizational disputes
- * Consumer disputes – unsatisfactory quality, services, merchandise, refunds

WHY TRY MEDIATION FIRST?

Mediation provides individuals the opportunity to . . .

- * Resolve disputes quickly before they result in legal actions
- * Resolve disputes inexpensively
- * Maintain personal and/or professional relationships
- * Resolve disputes with more satisfying results than what a court may order
- * Actively participate in solving their own conflicts.

WHAT HAPPENS IN MEDIATION?

The conflicting parties meet with the mediator. The mediator introduces everyone and explains the process and rules. Upon agreement to follow the rules, the parties each explain their positions. After the mediator clarifies the issues, each party is given the opportunity to present solutions to the conflict. Thereafter, the parties and the mediator discuss and decide which solution best addresses the conflict. Finally, the agreement is put into writing.

WHAT IS A MEDIATOR'S ROLE?

The mediator sets the tone, makes the introductions and explains the rules of the mediation at the initial stage of the mediation.

As a neutral third party, the mediator listens carefully to the parties and helps them communicate to resolve their differences.

The mediator assists the parties in reaching a settlement which is agreeable to all involved.

If an agreement is reached, the mediator will write out the details, have the parties sign and give copies to all parties.

WHO ATTENDS THE MEDIATION?

The parties attend the mediation. In addition, an attorney or any other person designated by a party may accompany the party and participate in the mediation.

HOW ARE REFERRALS MADE?

If a case is not yet in court, parties can contact the Court mediator or a private mediator to resolve the conflict before a case is filed.

If a case has been filed in court, individuals or their attorneys may contact the court directly to request mediation.

WHAT HAPPENS AFTER MEDIATION?

After an agreement is reached by both parties, the mediator writes out the details of the settlement. All parties sign the agreement indicating their willingness to abide by its terms.

If no agreement is reached, the case may be referred back to the Court.

If an agreement is reached and one of the parties fails to keep the terms of the agreement, the filing of a legal action can still be done.

“Mediation works because it places the people most affected by the problem in charge of the solution.”

Chief Justice Thomas Moyer
Supreme Court of Ohio

CAUTION

This pamphlet is to help you understand your options. It is not intended to advise you about the law as the law can be different in each case.

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MEDIATION

A Citizens Guide

Settling Disputes
Without Court Action

