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WHAT IS MEDIATION?

Mediation is an informal process during which an impartial third party, the mediator, assists disputing parties in reaching a mutually acceptable agreement regarding their dispute. The mediation session is intended to identify pertinent issues, clarify any misunderstandings, explore solutions, and negotiate an agreement.

WHAT IS THE MEDIATOR'S ROLE?

The mediator is not a judge and does not render a decision or impose a solution on any party. Rather, the mediator helps those involved in the dispute talk

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to each other, thereby allowing them to resolve the dispute themselves. The mediator manages the mediation session and remains impartial.

HOW DOES MEDIATION WORK?

At the mediation session all parties present a summary of their points of view. Attorneys for the parties may be present. Typically, the mediator will then meet privately (caucus) with each party to explore more fully the facts and issues of each side. The caucus offers participants the opportunity to vent anger or frustrations outside the presence of the

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opposing side. The mediator usually will continue to caucus alternatively with each party, carrying settlement proposals back and forth until an agreement is reached. The agreement is then reduced to writing, and signed by the parties.

HOW LONG DOES MEDIATION TAKE?

While the time required for mediation varies, the mediation session commonly involves less than half a day.

WHO PAYS FOR THE MEDIATION?

Expenses of the mediation are shared equally by the parties unless they agree otherwise. Parties should know in advance what the mediator charges.

WHAT ARE THE BENEFITS OF MEDIATION?

- Parties keep control over the outcome of their own problem.
- Disputes can be settled promptly. A mediation session can be scheduled as soon as both parties agree to use mediation to resolve the dispute.
- Mediation promotes better relationships through cooperative problem-solving and improved communication.
- Both facts and feelings are considered with the help of an impartial mediator.
- Mediation is private and confidential. The mediator and parties must maintain,



to the full extent required by law, the confidentiality of the information disclosed during mediation.

- Mediation is voluntary, and may be terminated at any time by a party or the mediator. Although in court-referred mediation the parties may be ordered to attend a mediation session, any agreement is entirely voluntary. In the absence of agreement, the parties retain their right to take the dispute before a judge or jury.

- Mediation costs may be significantly less than taking a case to court, especially if mediation is chosen prior to filing a lawsuit.



WHAT TYPES OF DISPUTES CAN BE MEDIATED?

- Landlord and Tenant
- Neighbor and Community
- Business and Customer
- Employer and Employee
- Divorce and Family
- Juvenile
- Negligence
- Products Liability
- Construction

- Contracts
- Personal and Real Property
- Small Claims
- Other Civil Matters

HOW DO I LOCATE A MEDIATOR, OR FIND OUT MORE ABOUT MEDIATION?

Ask your attorney, or contact the Alabama Center for Dispute Resolution. The Center maintains a statewide roster of mediators, and provides information on dispute resolution alternatives.

Alabama Center for Dispute Resolution
P.O. Box 671
Montgomery, AL 36101
(334) 269-0409



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