

An Option for Resolving Your Dispute: Mediation

Important Notice: If you are receiving this form as the filing party, you must serve this form on the responding party.

What is mediation?

- A voluntary way to resolve your case with the help of a neutral person (the mediator). Instead of having a judge decide your case, you can work with a mediator to settle your case. You can still go to trial if you do not reach an agreement.
- The mediator will help you and the other party communicate and come up with options to settle the case. The mediator does not take sides or give legal advice.

How does mediation work?

- The mediator will explain the process at the beginning of mediation. Parties may meet with the mediator together or the mediator may meet with you each separately. Either party can ask to meet with the mediator alone.
- During mediation, each party has an opportunity to suggest ideas for moving forward. The mediator helps the parties come up with ideas and possible solutions.
- If both parties agree to a resolution, you may not need to go to court or arbitration. There is only a resolution in mediation if both parties agree to it.

Why should I mediate?

- It can be faster, less expensive, and less stressful than a trial or hearing.
- Parties decide the outcome instead of a judge.
- Parties can find more creative ways to resolve the dispute.
- It's private and confidential (with a few exceptions).
- It gives parties an opportunity to hear each other's perspectives.
- Parties are more likely to follow mediated agreements than court judgments.
- Parties often report higher satisfaction than in a court trial.

Things to consider before mediation.

There may be times when mediation is not appropriate. Tell your mediator or attorney if:

- Mediation poses a risk to your safety;
- You can't make decisions about your case; or
- You think you'll agree to something you don't want.

The mediator may be able to address your concerns so that you can mediate.

Where do we meet with the mediator?

Mediation usually happens in person or by video conference (for example, Zoom or Webex).

Who chooses the mediator?

Some courts will provide a mediator in landlord-tenant and small claims cases. The parties may also agree on a private mediator on their own.

Another option is to go through a Community Dispute Resolution Center (CDRC). To find one go to: Oregon Office for Community Dispute Resolution | School of Law (uoregon.edu)

You can also find private mediators using these resources:

- Oregon Mediation Association - Find a Mediator: <https://ormediation.org>
- The mediator search tool at Mediate.com: <https://mediate.com>

How much does mediation cost?

Some courts offer free mediation services in landlord-tenant and small claims cases. Otherwise, the cost for a mediator varies. Private mediators usually charge by the hour. Community dispute resolution centers (CDRCs) may be less expensive.

Can I get an interpreter for mediation?

If the court sends the case to mediation, interpreters are available for people with limited English proficiency and for people who are deaf (ASL) or hard of hearing for free. Please let your mediator or the court know that you will need an interpreter prior to your court date or mediation conference.

How do I get my case to mediation?

- The court may refer your case to mediation without you asking.
- You can also ask the court to send your case to mediation by filing a request for mediation (check with your local court for forms).
- You may talk with the other person directly and agree on mediation. If you decide to work with a private mediator, contact the mediator directly to learn more about their process.

My case is going to arbitration: can I mediate my case instead?

Yes, some courts have an established mediation program and can refer you to a mediator. In these counties, arbitration is not required if the parties don't agree on an outcome in mediation. Instead, they are referred to a judge for further case processing.

If your court does not have a mediation program, the parties can still choose to mediate with a private mediator but may be required to attend arbitration if they can't agree on an outcome.