

What to Expect at Community Mediation

1) Telling your Side, and Listening

- First, each party gets 5-10 minutes to explain his/her side of the situation. You can talk about what it is that you see as the problem, and how you feel about it. While you are explaining your side, the other party and the mediators will listen.
- Then, you and the mediators will listen as the other party explains his/her view.
- The mediators may ask some clarifying questions and will summarize what they heard you say to make sure they understand the situation from your point of view and that all issues are on the table.

2) Dialogue

- The parties then talk with each other. They communicate their interests and concerns so that each understands how the conflict has impacted the other.
- The mediators help to ensure that each person has a chance to express him or herself and hear the other's perspective. The mediators also help to clarify new understandings and identify what facts and issues you agree on and disagree on.

3) Resolution

- At the appropriate time, the discussion will turn to problem-solving. Together, you and the other party will generate possible solutions to the situation and talk about them.
- The mediators will help you assess the different options. If an agreement is reached, the mediators will help ensure that it is satisfactory to each person and that the expectations are clear. A mediated agreement can be oral or written.
- The mediators WILL NOT make any judgments or tell you what to do. The agreement will not be legally binding, but if both parties agree, you may have the agreement re-drafted outside the mediation process so that it will be enforceable in a court of law.

Other Points to Remember:

- **Length of Mediation:** Sessions usually take 2-3 hours. Please allow for the maximum time. If you have a time restriction, please let us know prior to the mediation. Additional sessions can be scheduled if the parties feel they are making progress but need more time.
- **Sliding Scale Fee:** There is a sliding scale administrative charge per party, per session for our service. Our standard fee for mediation is \$50; \$100 for business and real estate cases. (For cases under Berkeley Tree View/Solar Access Ordinance, the Complainant must cover the full cost of mediation (\$100), unless other arrangements are agreed to.) *If the fee is a financial burden, please notify the office and we will lower or waive it.*
- **Who May Attend:** If you want to bring someone involved in the dispute to participate or observe, please let us know in advance, as we will need to get the consent of the other party or parties. If you are represented by a lawyer in the dispute to be mediated, he or she may attend the session, if all parties consent. *The level of attorney participation will be decided on a case by case basis.*
- **Children at the Mediation:** Unless an older child is a party to the mediation, it is not appropriate to bring children. If childcare is not available to you, please discuss this with your Case Manager at SEEDS CRC *prior* to the mediation.

Please use this form to prepare yourself for mediation. Should you have any questions or concerns please call us. Alternatively, we may contact you to discuss mediation preparation so that your experience is optimized.

A brief description of the mediation session

In your mediation session each party will make an opening statement (5- 10 minutes) to a panel of two or three mediators. The mediators will summarize each statement to make sure that they have a full and accurate understanding of each party's views. The mediators will then encourage the parties to talk directly to each other to discuss the issues. At some point, the discussion turns to problem-solving, where various solutions are generated and evaluated by the parties. Mutually-acceptable solutions are then used to create an agreement.

Questions and tips to help you prepare for the mediation.

- How do I view the situation?
- What are my interests?
- What are the main issues?
- How do these issues affect you and your interests?
- How do I want things to be different?
- What do I think is needed from the other person in order to make those changes?
- What do I think is needed from me to make those changes?
- Any speculations on how I think the other person would like things to change?
- What can I do during the meeting that will help the other person to be able to understand my point of view?

Be prepared to listen to the other Party's view of the situation.

What are the issues in the view of the other party? How do those issues affect the other party? Many conflicts occur because neither party has enough accurate information about the other to truly understand the situation. Without enough information, it is hard to come up with a solution that both parties can live with.

Have a clear idea of what you can do to satisfy your interests if you can't come to an agreement in mediation.

In the mediation session you need to have some way to evaluate proposed solutions, so it is good to have something to compare them to.

Be prepared to work with the mediators

The mediators help you and the other parties discuss the issues in a respectful and productive manner. They do not decide who is right or wrong, or impose solutions.

They are trained to help you speak to one another effectively.