



Welcome,

Many people who file, or respond to, a small claims case in district court are surprised to learn that they are required to attend mediation before their case can go to trial. In Grays Harbor County, mediation is such a requirement. Mediation is an opportunity to resolve the problem and negotiate a mutually agreed settlement on your own. When people agree to settle their case in mediation, a settlement agreement is documented and signed. The settlement agreement is a contract and intended to be a legally binding. As long as everyone does what they say they will do, the case is resolved.

Certified mediators from the Dispute Resolution Center (DRC) will facilitate your mediation. DRC is a non-profit mediation and conflict management organization. This letter is designed to provide basic information and answer some of your questions. We encourage you to seek information on our website at www.drcghp.org or call us at our Aberdeen office: (360) 532-8950.

Frequently asked questions:

Will this cost me more money? No, the cost of mediation is covered by the court.

What if the other party doesn't show up? If the plaintiff does not attend mediation, the case will likely be dismissed. If the defendant does not show, the court may enter judgement against the defendant without notice of a trial.

Is a mediation agreement enforceable? Mediation Settlement Agreements are intended to be legally binding and enforceable. In the event that one party does not fulfill the obligation(s) of the agreement, the offended party may present the signed agreement to the court for entry of judgement.

Do I have to mediate? Yes, you have to show up; and no, you are not obligated to resolve the conflict in mediation.

What is expected of me? Please come prepared to participate in Good Faith. Being in Good Faith means that you intend to listen to the other party with an open mind; and that you are willing to be honest, respectful and reveal all the pertinent information that can help resolve and settle the conflict. Good Faith also means that people agree not to interrupt each other or exhibit distracting behaviors. And of course, Good Faith means no name-calling or inflammatory language.

What is the process?

Step One: The mediator will give the opening statement. Basically this statement includes the information you are reading right now as well as other details that will help you to better understand what to do. The mediator's opening statement is a requirement under the *Washington State Mediation Act RCW 7.07*. After the mediators finish their opening statement, everyone will

be asked to sign an *Agreement to Mediate*. Signing states that the information was heard, understood and accepted.

Step Two: The Plaintiff gives an opening statement. The plaintiff explains why they filed the case and how they see the problem being solved. When the plaintiff has completed their opening statement, the defendant will have the same opportunity to explain why the case is being disputed and what they think will end the problem.

Note: Please prepare your opening statement prior to the mediation. Know what you want to say. Consider taking some notes for yourself. State what happened, how you were impacted and how do you want the situation to be resolved. Think about what needs to happen before the problem can go away; and what do you need to be different in order to solve this problem?

You are welcome to call the Dispute Resolution Center if you want assistance in composing your opening statement.

Step Three: After all the information is out on the table, the mediators will help you to organize the discussion. Often the problem consists of many issues. Organizing the issues into a structured conversation is referred to as *Setting an Agenda*. Discussing each issue allows people to hear and be heard, which often reveals the interests behind the issues. Basically, this helps to explain the “*why*” behind the “*what*”...so to speak.

Step Four: Now that the issues and interests are expressed, the parties have more information to negotiate a solution. Sometimes the party(s) may need to ask more questions in order to comfortably contribute ideas that could lead to a solution.

Step Five: Sometimes the mediation seems stalled and the mediators want to talk to the parties separately. Or maybe one of the parties wants to leave the room to call someone for advice. Any time someone needs privacy or a separate conversation with the mediators, the mediators will call a *Caucus*. Caucuses between mediators and clients are strictly confidential.

Step Six: Solutions begin to surface. Both parties reach an agreement that will resolve the conflict. The mediators will write down all the important aspects of the agreement in a legally binding settlement contract and both parties sign the agreement.

Some final notes that may be important to know:

- **Children ARE NOT permitted in a mediation session.**
- Please note that our building is not an accessible building and that you will need to go up two flights of stairs to reach us. If you need an accessible building, please let us know.
- Mediations tend to take about 2 hours. Mediation conversations are confidential.