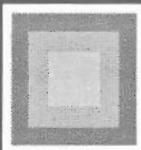




165 South Main Street, Suite A
Harrisonburg, VA 22801

Conflict Resolution and Restorative Justice
Services and Training



**Court
Referred
Mediation**

Mediation is a Rewarding Choice



**Conflict Resolution and Restorative Justice
Services and Training**

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Serving Harrisonburg, Staunton, and Waynesboro
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The Mediation Process

What is Mediation?

Mediation is a confidential process using trained, neutral third party mediators to assist people in conflict with resolving their disputes. Mediators do not take sides or make decisions for the parties. Rather, mediators help individuals explain their stories, listen to one another, identify issues, and develop mutually agreed upon solutions for resolving conflicts.

Why Consider Mediation?

Judges and researchers have found that people are often able to resolve differences through mediation in a way that is quicker, less costly and more satisfactory than going to court. Although you may have doubts that mediation can help your situation, most people who use mediation find the process very helpful and express appreciation for the opportunity to communicate and resolve their disputes using a constructive and collaborative approach.

Who Serves as the Mediator?

Court-referred cases go to mediators who have special training and are certified by the Supreme Court of Virginia. Mediators usually have years of experience with cases similar to yours, and frequently mediators work in teams of two. Mediators often have backgrounds in law, human services, business or other areas that are helpful with understanding the dispute. Regardless of a mediator's background, all mediators are prohibited from providing legal advice.



Outcomes Of Mediation

Can my Attorney attend the Mediation?

You are welcome to bring your attorney to the mediation. If your attorney is not present and you reach an agreement, you are encouraged to consult with him/her before you sign the agreement.

Resolutions

More than 80 percent of the people who decide to participate in mediation resolve their differences using this process. Mediators and/or attorneys who attend the mediation record your points of agreement, and a written document is usually produced at the conclusion or within a few days of the mediation.

Are Agreements Binding?

Agreements that are achieved as a result of mediation are enforceable in the same way as any other contract. And, in



many situations a signed agreement can be taken to court and entered as an Order.

What Happens if an Agreement is not Reached?

If you do not reach agreement, a trial can be held and the judge or jury will make a decision for you. Your choice to try mediation does not prevent you from going to court, if your differences are not resolved during the mediation process.



The Purpose of Evaluation Sessions

Why have I been Referred to a Mediation Evaluation Session?

Often parties in a dispute are not aware of the advantages and disadvantages of mediation and other forms of dispute resolution. The evaluation session provides an opportunity for the parties and their attorneys to have the mediation process explained and to assess the appropriateness of the case for mediation or other forms of dispute resolution. The evaluation session typically takes 15 minutes to an hour depending on the complexity of the case and other factors.

Is the Evaluation Session Required?

The Order of Referral states that you must complete an evaluation session. You can decline the evaluation by filing a written statement with the court within 14 days of the Order indicating that you object to the referral. After completing the evaluation session, the decision to participate in mediation is voluntary and must be mutually agreed to by the parties themselves.

What is the First Step?

Contact the Community Mediation Center and ask to speak with a case manager. You will be given the chance to briefly explain your side of the situation, have questions answered, and look at possible times to schedule the evaluation. With few exceptions, what you say to the case manager is treated as strictly confidential and would not be repeated without your permission.



Next Steps Toward Choosing Mediation

When will the Evaluation Session be Scheduled?

The Center will attempt to schedule the evaluation session at a time that is convenient to you and the other parties. Usually the appointment with the mediators is set within one or two weeks after your first contact with the case manager. Generally, the mediation session can begin immediately after the evaluation session if the parties agree to participate. Participation in mediation should not delay your court trial date.

What is the Cost?

The evaluation session is conducted at no charge. If your case qualifies, the mediation process also may be offered free-of-charge to you through a contract with the Supreme Court of Virginia. If your case does not qualify, or if the Center has already used all of its contracts with the Supreme Court, the case manager will inform you of the cost which is typically shared by the parties.

How do I contact the Community Mediation Center?

Please call us at (540) 434-0059 or 1-800-653-0019. Our office hours are Monday - Friday from 8:30 A.M. to 5:00 P.M. Evening appointments are available upon request, and mediations are conducted at convenient locations throughout our service area. We appreciate your consideration of the Community Mediation Center and look forward to hearing from you.