

ADVANTAGES OF MEDIATION

- It is confidential.
- Mediation can be less stressful and faster than going to court.
- Both sides have more control over the final solution than if a judge makes a decision. The Court cannot require some solutions, like an apology, but that might be important to you.
- Both sides have a chance to agree on a solution that works best for them.
- It can improve understanding with the other party.
- It can reduce bad feelings and hostility.
- Parties who mediate their disagreements usually experience higher satisfaction with the results than with court-ordered solutions.
- Mediation can help to mend a broken personal or business relationship.
- Mediation is voluntary. Both parties have to agree to try it and either can end the mediation at any time.

BENEFITS FOR PLAINTIFFS

- You are more likely to get your money because the defendant agreed to pay you. But, if you get a court judgment and the defendant doesn't pay voluntarily, it can be very hard and costly to collect. Collecting money from a small claims judgment can take a long time. The Court does not collect the money for you.
- If you go to court and win, the defendant can appeal. Lawyers are allowed in small claims appeals so you may have to get a lawyer to represent you.
- Mediation can bring a final settlement to a case, allowing you to move on with your life.

BENEFITS FOR DEFENDANTS

- The result is private and confidential and does not become part of any public record. This is important, especially if you are concerned about credit reports.
- You won't have a court judgment against you.
- You can move on with your life more quickly with an agreement with the other party.

WHEN CAN I MEDIATE?

You can ask for mediation before or after you file your case. You don't give up your right to go to court if you don't completely settle the case.

If you are worried about the statute of limitations, you can file your case first before asking the other party to mediate. If you resolve your dispute through mediation, you can then dismiss your case.



ROLE OF THE MEDIATOR:

- Helps you have a constructive conversation where each person gets a chance to talk.
- Helps the participants explore and negotiate their own solutions.
- Does not give legal advice or make decisions.

WHAT IS SMALL CLAIMS MEDIATION?

Small claims cases involve \$7,500 or less. You can use the small claims court for many different types of cases.

If you file a small claims case you can:

- Have a trial in small claims court,

OR

- Settle your dispute using mediation. If your case is not resolved in mediation, you can still have a trial in small claims court.

If you choose mediation, an independent person works with you and the other side to find a solution that works for both of you.

Mediation is voluntary. Both sides must agree to mediate and either side can end the mediation at any time.

WHAT'S NEXT?

- If you settle in mediation, the plaintiff can dismiss the case. The mediation agreement is a contract that both parties have to follow.
- If you don't settle in mediation, you can still go to court.

CONTACTS:

For information on how to set up a mediation, contact:

ADR PROGRAM:

René C. Davidson Courthouse
Alternative Dispute Resolution (ADR) Program
1225 Fallon Street, Room 109
Oakland, CA 94612
www.alameda.courts.ca.gov/adr
Tel: 510-891-6055

SELF-HELP SERVICES:

OAKLAND:

René C. Davidson Courthouse
Self-Help Services
1225 Fallon Street, Room 109
Oakland, CA 94612
Monday to Thursday 8:30 A.M. – 4:00 P.M.
Friday 8:30 A.M. – 1:00 P.M.

HAYWARD:

Alameda County Office Building
224 W. Winton, Room 179
Hayward, CA 94544
Monday to Thursday 8:30 A.M. – 12:00 P.M.

FREMONT:

Fremont Hall of Justice
39439 Paseo Padre Parkway, 3rd Floor
Fremont, CA 94538
Monday and Thursday only 8:30 A.M. – 12:00 P.M.,
1:00 P.M. – 4:00 P.M.

PLEASANTON:

Gale-Schenone Hall of Justice
5672 Stoneridge Drive, 1st Floor
Pleasanton, CA 94588
Tuesday 8:30 A.M. – 4:00 P.M.

Tel. 510-272-1393

Monday – Thursday 2:00 P.M. 0 4:00 P.M.

Superior Court of California
County of Alameda
Self-Help Services

Most civil lawsuits settle before trial!



Find out how to settle your Small Claims case with **MEDIATION**

Mediation saves:

- ✓ Money
 - ✓ Time
 - ✓ Stress
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Superior Court of CA, County of Alameda
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