

Notice to Parties on Mediation

Contra Costa County Superior Court is committed to providing free mediation services for Small Claims cases and strongly encourages you to participate voluntarily in Mediation.

- Mediation is a confidential (private) meeting hosted by a mediator where the parties decide if they can agree on a way to settle the case.
- Mediation is not required, it is voluntary; you may stop at any time.
- The mediator is not part of the court, and does not take sides, give legal advice or make legal decisions.
- Mediation works about 70% of the time.
- Mediation is free in Small Claims cases.
- You may be able to mediate by telephone.

	If I am suing (plaintiff)	If I am being sued (defendant)
Why mediate?	<ul style="list-style-type: none"> • <u>There is no risk in mediation.</u> You may stop at any time; your case goes on to trial and the judge decides. • <u>You may lose if you go to court.</u> If you don't have enough evidence to prove your court case, you may lose—even if you are right. • <u>You cannot appeal,</u> as a plaintiff, if you lose. • <u>Defendants are more likely to pay when they share in negotiating the agreement.</u> You avoid spending time, money and effort preparing for court and collecting a judgment if you win. (Collecting a judgment often can be more difficult than winning a case.) • <u>Mediation works especially well</u> in cases where you may need, or want, to keep a relationship with the defendant. • <u>Mediation is a win-win situation.</u> 	<ul style="list-style-type: none"> • <u>There is no risk in mediation.</u> You may stop at any time; your case goes on to trial and the judge decides. • <u>You may lose if you go to court.</u> If you don't have enough evidence to defend your case, you may lose in court—even if you are right. • <u>If you lose in court,</u> you have to pay interest of 10% per year on the judgment; a lien may be placed on your home, a court order may be issued to take a part of your wages and/or your spouse's wages, etc. • <u>Judgments stay on your credit report for several years,</u> even if you pay everything right away. • <u>Mediation works especially well</u> in cases where you may need, or want, to keep a relationship with the plaintiff. • <u>Mediation is a win-win situation.</u>
What happens if I mediate?	<ul style="list-style-type: none"> • The mediator helps you write your agreement so it can be enforced. • The case is dismissed from court and no judgment is entered against the defendant. The plaintiff can only file a case again if the defendant doesn't keep the agreement. • The defendant's credit report does not show any judgment. • After mediation, it is easier to repair relationships with a defendant or a plaintiff who is family, a friend, neighbor, co-worker, or someone you do business with. 	
Who can I contact?	To set up a case or get more information, contact: The Congress of Neutrals at (925) 937-3008.	

Preparing for Your Mediation.

You may use the following worksheet to prepare for your mediation.

1. List the details, dates, and events in your dispute. Next to each item note documents and/or persons involved.
2. List your interests or needs in this dispute, including financial and emotional etc. (Do you want an apology?)
3. List the interests or needs of the other people involved. (If you apologized, would it help?)
4. List areas where you agree, or are close to agreement.
5. List all possible ideas you have that might satisfy all sides (consider ideas that do not involve money, be creative).
6. Why is it important for you to resolve this dispute? What will you gain? What will you avoid?
7. Why is it important for the other people involved to resolve this dispute? What will they gain? What will they avoid?
8. List the consequences of not resolving the dispute at mediation (legal costs, loss of time from work and family, emotional stress etc.).

Bring your lists to the mediation and refer to them as you negotiate.