

## CIVIL MEDIATION MAY BE AN OPTION FOR YOU

Civil mediation is a voluntary method of dispute resolution, which may enable you to settle a civil disagreement without a court trial. Mediation is a cooperative process in which parties work together to find a solution instead of working against each other. Mediation normally leads to better relations between the parties and to resolutions that hold up.

Mediation is very effective when the parties have a continuing relationship, like neighbors or business partners. Mediation also works well when emotions are getting in the way of a resolution. This is because mediation normally gives the parties a chance to vent their feelings and view the dispute from all perspectives. Mediation may not be a good idea when one party won't discuss a resolution or when one party is in a weaker bargaining position.

***Is any civil case eligible for mediation?*** Kern County Superior Court supports civil mediation as a method to reduce court resources and expense to litigants. In Kern County, civil mediation is available for cases valued over \$5000. Mediation is not offered for small claims cases at this time.

*(Note: Civil mediation should not be confused with another type of mediation – mandatory court mediation to resolve child custody and visitation disputes. This type of mandatory mediation is addressed in the pamphlet entitled "Family Court Services.")*

***Am I required to participate in mediation?*** No. Civil mediation is an entirely voluntary process. Judicial officers may suggest civil mediation as a faster and less costly method to resolve a dispute. However, they will not require civil mediation. You may also terminate mediation in process if you are not comfortable with this method of dispute resolution.

***What is a mediator?*** A mediator is a qualified neutral person, often an attorney, who may also be an expert in a specialized field, such as real estate or construction.

***What does a mediator do?*** The mediator facilitates the process, but you and the other parties in the case make your own decisions about a resolution. The mediator improves communication between the parties, helps to clarify facts, identifies legal issues, explores options and helps you to arrive at a mutually acceptable resolution.

***How can I locate a qualified mediator?*** Kern County Superior Court maintains a listing of mediators who have complied with the court's requirements, which include 40 hours of mediation training and experience mediating at least three civil cases. This listing is available on the court website: [www.co.kern.ca.us/courts/](http://www.co.kern.ca.us/courts/) . The listing is also available in binders placed at many locations in Kern County courthouses, including all regional courts. If you have trouble locating a binder, contact the metro Civil Division at (661) 868-5393 or e-mail [ADR@co.kern.ca.us](mailto:ADR@co.kern.ca.us).

**Am I obligated to select a mediator from the court's list?** No. The court provides this information as a courtesy, for informational purposes only. You must select your own mediator and initiate contact.

**What role does my attorney play?** Your attorney may continue to represent you during the mediation process. The mediator will meet with you and your attorney, or may confer with your attorney individually.

**Is mediation costly?** Mediator fees are comparable to attorney fees, and may include expenses associated with the mediator. The cost of mediation is generally shared between the disputing parties. Information about mediation fees is included on the court website.

**How does mediation save money?** Civil cases that proceed to court trial usually require extensive preparation and time-consuming court appearances. Resolution may require months or years. Civil mediation may be conducted more quickly, which can reduce attorney fees and expenses associated with expert witnesses.

**Is mediation confidential?** Yes. Statements made in mediation cannot be repeated in court.

**What should I do if I need an interpreter?** Some mediators are multi-lingual. This information is included on the court's listing. You may be able to locate a mediator who speaks your language. If not, the mediator may be able to make arrangements for interpreting services at an additional cost. If you choose to provide your own interpreter, it should be someone over the age of 18 years.

#### **IMPORTANT TELEPHONE NUMBERS**

(661) 868-5393	Kern County Superior Court – Civil Division
(661) 868-5320	Kern County Law Library
(661) 334-4700	Kern County Bar Association
(661) 322-2074	Better Business Bureau of Bakersfield
1-800-952-5210	California Department of Consumer Affairs, Consumer Information Center

#### **More information is also available on these websites:**

<a href="http://www.co.kern.ca.us/courts">www.co.kern.ca.us/courts</a>	Kern County Superior Court
<a href="http://www.kerncountylawlibrary.org">www.kerncountylawlibrary.org</a>	Kern County Law Library
<a href="http://www.sccba.com/kcba">www.sccba.com/kcba</a>	Kern County Bar Association
<a href="http://www.cencal.bbb.org">www.cencal.bbb.org</a>	Better Business Bureau of Bakersfield
<a href="http://www.courtinfo.ca.gov">www.courtinfo.ca.gov</a>	Administrative Office of the Courts Self-Help Site
<a href="http://www.dca.ca.gov">www.dca.ca.gov</a>	California Department of Consumer Affairs, Consumer Information Center

