

MEDIATION PROCESS*

Mediation

An informal way for people to come together and talk through their conflict with the help of an impartial third person. In the mediation, each person has the opportunity to vocalize his or her issues and concerns surrounding the conflict. The mediator helps each person evaluate his or her needs and goals for reaching a solution. All decisions are made by the parties, not the mediator.

Scheduling

A case manager at the Office of Dispute Resolution will work with you in scheduling the mediation.

Mediator

A professional mediator will be appointed.

Cost

Mediation is a voluntary service provided by local professional mediators. These services are free. There is no charge to either party for mediation at the magistrate court level.

Time Involved

Each conflict is different so the length and number of sessions may vary by the complexity of the issues involved.

Attendance

Only persons involved in the dispute need attend. No witnesses are necessary. Although the presence of an attorney is not required, parties are encouraged to consult their attorneys throughout the process. Youths must always be accompanied by a parent or guardian in all mediation sessions.

Preparation

Always bring a copy of any financial affidavits filed with the court. Other items that may be helpful depending upon your case:

- ! budgets (household or business)
- ! tax returns
- ! documents relating to property, outstanding debts, mortgages, account balances, payment receipts, etc.
- ! repair estimates

- ! medical records
- ! insurance policies
- ! leases or rental contracts

Resolution

The mediator will assist the parties in executing the necessary forms to complete the case. If an agreement is not reached, your case will continue through the normal judicial process.

Other Appropriate Dispute Resolution Processes Available

Arbitration

In arbitration both sides present evidence to an impartial arbitrator for a determination. The parties decide whether the arbitration will be binding or non-binding.

Early Neutral Evaluation

A process in which a factfinder with substantive expertise evaluates the merits of a case. The evaluation gives the parties an objective perspective on the strengths and weaknesses of the case, thereby making further negotiations more productive.

Questions?

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