

HOW CAN MEDIATION HELP?

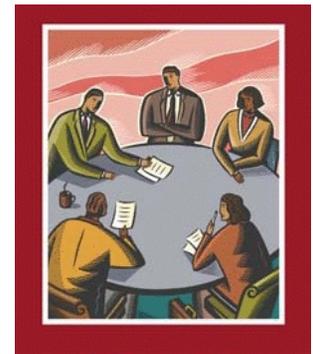
Experience tells us that people who are actively involved in resolving their own disputes are generally more satisfied than those who go before a judge.

- **YOU CONTROL THE OUTCOME.** You and the other party can work out a solution that you both can live with. You have something to say about the actual agreement and its terms.
- **GREATER FLEXIBILITY.** You can work out terms of the agreement that the court has no authority to impose, such as a payment plan.
- **MEDIATION IS PRIVATE AND INFORMAL.** You will meet with the mediators and the other party in private, not a public courtroom.
- **YOUR CREDIT RATING WON'T BE AFFECTED.** As long as everyone honors the agreement, there won't be a judgment that would be reflected on anyone's credit history.
- **YOU ARE MORE LIKELY TO RECEIVE THE PERFORMANCE (OR MONEY) OWED TO YOU.** Research shows that people who mediate an agreement are twice as likely to honor the terms of their agreement as those who appear before a judge.
- **YOU CAN DISCUSS OTHER ISSUES BETWEEN YOU.** It is easier in mediation to discuss and resolve all the issues between you, even if they don't directly relate to the lawsuit that was filed.

Crook County Circuit Court
22nd Judicial District
300 NE Third Street
Prineville, OR 97754
541-447-6541

Jefferson County Circuit Court
22nd Judicial District
129 SW "E" Street, Suite 101
Madras, OR 97741
541-475-3317

SMALL CLAIMS MEDIATION



22ND Judicial
District

Background

The judges of the 22nd Judicial District are committed to providing parties to small claims actions with a range of dispute resolution services. Parties are encouraged to resolve their disputes at the most appropriate level, maintaining control over their own issues and minimizing the costs and stresses of litigation wherever possible.

Experience suggests that parties in more than half of all contested small claims cases are able to reach a mutually agreeable solution through mediation. Moreover, parties who reach their own solutions, instead of having a solution imposed by the court, tend to be more satisfied with the results. And, finally, there is a higher rate of compliance with the mediated agreement than there may be with a court judgment. For this reason, the Crook and Jefferson County Circuit Courts require small claims parties to explore mediation before they are able to appear before a judge.

What is Mediation?

Mediation is a procedure that brings you and the other party together to discuss your dispute with a trained volunteer mediator who can help you address misunderstandings and explore possible solutions to resolve the dispute at hand. Mediators are impartial and do not take sides. They cannot give legal advice or make decisions for the parties. Mediators help people find solutions that are workable, lasting and mutually acceptable.

Therefore, each party must come to mediation with full authority to make and accept offers for settlement.

What should I expect?

All parties who are scheduled for mediation will be instructed to report to the courthouse or annex. Once there, they will be assigned to a mediator. The mediator will meet with the parties to the case in a room at the courthouse or annex.

If you fail to appear at mediation a default judgment may be entered against you. An authorized

representative may appear on behalf of a business, but must be familiar with the facts of the case and must have full authority to settle. People not named on the pleadings may accompany you to the courthouse but are generally not allowed to participate in the mediation.

The mediator will go over the mediation procedure and confidentiality agreement with you. Each party will have a chance to share their view of the dispute. The mediator will help you identify all of the issues and to explore possible ways to resolve them. If you come to an agreement, the mediator will help you prepare a written agreement which you and the other party sign. The written agreement and order is signed by a judge and filed with the court. The case is then closed. There will be no record of a judgment against either of you. Later, if one of the parties fails to honor their part of the agreement, the other party can file an affidavit of non-compliance with the court. The court may then enter a judgment for the unpaid obligation, as well as for service and prevailing party fees. This judgment could affect the credit record of the party who didn't pay.

What if we can't reach an agreement?

If you are unable to resolve your dispute, the mediator will notify the Court. Your case will be scheduled for a hearing. You will receive notification in the mail of your court date. The mediation session is confidential, so no information discussed in the session can be used at the trial.

