

SMALL CLAIMS HEARING INFORMATION

The Douglas County Circuit Court has established a program of pretrial mediation conferences to offer you a final opportunity to maintain control over the outcome of your dispute before turning it over to a judge. Your case has been selected for mediation as part of this program, which we hope will also help to reduce court docket delay. Mediation is a procedure that brings you and the other party together to discuss your dispute with a neutral person who can help you create ways to settle your differences, but leaves it to the parties to decide whether to settle the case or to go before the judge.

The procedure for mediation is simple. The mediator will ask each of you to describe briefly the situation which led to the dispute. The mediator needs to understand your individual concerns to help you work through them to a settlement of the dispute.

The mediator will ask you to talk directly to each other about your needs and concerns.

The mediator will work with both of you to facilitate settlement of the issues which separate you from an agreement. Whatever you say in the mediation conference, except for the final agreement, will be held in the strictest confidence and cannot be used against either party should the case go to trial.

The mediator will help you put your agreement into writing to present to the judge for approval.

FOR SMALL CLAIMS CASES: If you do not reach agreement during mediation, the trial will be held at a later date, as though the mediation had not occurred. The mediator will keep confidential all the information discussed during mediation and will not be available for testimony.

If you choose to bring witnesses, they may be included in mediation only if the mediator needs some independent clarification, which is rare. The mediator is concerned with your information and how you see the resolution of your dispute.

Although reaching an agreement in mediation is voluntary, **YOU MUST APPEAR AT THE DATE AND TIME ON YOUR NOTICE TO APPEAR. FAILURE TO APPEAR AT THE TIME SET WILL CAUSE YOUR CASE TO BE DISMISSED IF YOU ARE THE PLAINTIFF, OR A DEFAULT JUDGMENT TO BE ENTERED AGAINST YOU IF YOU ARE THE DEFENDANT.**

If you have any questions, please call the mediation clerk for the Circuit Court at 957-2415. Be sure to review the information on the second page.

PLEASE NOTE:

CELL PHONES AND OTHER ITEMS ARE NOT ALLOWED IN SECURE AREAS OF THE COURTHOUSE. BE PREPARED TO LEAVE ITEMS IN YOUR CAR OR COURTHOUSE LOCKERS WHICH REQUIRE COIN DEPOSIT.

DOUGLAS COUNTY SMALL CLAIMS MEDIATION PROGRAM

Mediation Consent Form and Confidentiality Agreement, Scope and Limitations

The purpose of this form is to ensure that you, the litigants, understand the nature of our services and the responsibilities you have in ensuring that the mediation process is confidential.

I understand:

Resolving a dispute in mediation is a voluntary process. The mediators are not here to serve as counselors or legal advisors.

Only I can reach a resolution. The Mediator cannot force one upon me.

I have the right to obtain independent legal counsel and to use the standard legal system to resolve this dispute.

I agree that our mediation session shall be confidential, pursuant to ORS 36.205, meaning that everything said during the mediation is confidential, subject to the following exceptions:

1. Statements involving any allegations of child or elder abuse shall not be confidential and will be reported to the appropriate authority for investigation.
2. Statements made during mediation perceived to be threats to commit crimes, damage property or cause serious bodily injury in the future shall not be confidential and may be reported to appropriate authorities.
3. The written Mediated Agreement shall not be confidential.
4. Conduct following mediation which satisfies or results in breach of the mediated agreement shall not be confidential.

The mediators are protected by Court Order from being subject to subpoena on any cases handled through court-sponsored mediation, and all statements made during the course of mediation are privileged, non-discoverable and inadmissible for any purpose in any legal proceeding with the above listed exceptions.

I understand that any agreement that is reached is designated as a STIPULATED ORDER of the Circuit Court. If the agreement is breached, it can be converted into a JUDGMENT.

I agree to the above terms:

Case No. _____

Signature: _____

Signature: _____

Mediator

Date

PLEASE BRING THIS DOCUMENT WITH YOU