

HOW CAN MEDIATION HELP?

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 control over the agreement and its terms.
- **GREATER FLEXIBILITY.** You can work out terms that the court has no authority to impose such as a payment plan, or working off the debt owed.
- **MEDIATION IS PRIVATE AND INFORMAL.** You will meet with the mediator and the other party in a small conference room instead of a 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 MONEY (OR PERFORMANCE) OWED 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.** 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.

Columbia County Circuit Court
19th Judicial District
230 Strand Street
Saint Helens, OR 97051
503-397-2327

How Mediation Can Help 10-05-2017

SMALL CLAIMS MEDIATION



Columbia
County
Circuit Court

Background

The Judges of Columbia County Circuit Court are committed to providing a range of dispute resolution services to its citizens. 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 whenever possible.

Experience suggests 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. Finally, there is a higher rate of compliance with mediated agreements than there may be with a court judgment. For this reason, the court requires small claims parties to at least give mediation a try by attending an orientation before they are able to appear before a judge.

What is Mediation?

Mediation is a cooperative, problem-solving process. Trained, volunteer mediators help parties define their issues, communicate more effectively, 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.

What should I expect?

All parties scheduled for mediation will be instructed to report to the courthouse at 230 Strand Street in St. Helens on a designated date. Once there they will be assigned to a mediator and go to a small conference room at the courthouse. Mediation usually lasts from 60 to 90 minutes.

The mediator will go over the mediation process and the 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 explore possible ways to resolve them. If you come to an agreement, the mediator will help prepare a written agreement for you and the other party to sign. The written agreement is then sent to a judge to be signed, filed with the court and then the case is dismissed. There will be no record of a judgment against either party unless one of the parties fails to honor their part of the agreement and the other party files an affidavit of noncompliance with the court. The court may then enter a judgment against the other party for the unpaid obligation as well as for service costs and prevailing party fees. This judgment could affect the credit record of the party if they don't satisfy the judgment.

What if we can't reach an agreement?

If you are unable to resolve your dispute in mediation, the mediator will notify the court and the case will be scheduled for a trial. The mediation session is confidential so no discussions or offers made in the session can be used at the trial unless both parties agree in writing.

