LAW CLASS
How Courts Work

Mediation

What Are the Processes Involved?

Mediation comes in many styles, but most mediators follow the same process, including:

•Intake Interview

•Introduction Stage

•Identifying the Issues

•Exploring Solutions

•Caucus

•Writing an Agreement

In What Cases Might Mediation Be Used?

The types of cases appropriate for mediation include:

**Business:** Collective bargaining between labor unions and management is one of the most familiar models of mediation. Workplace disputes between business partners, co-workers, or supervisor and employee can be mediated to correct particular problems and continue productive relationships. Contract disagreements, insurance claims, real estate disputes, construction conflicts, and cases between landlord and tenant, consumer and merchant, and farmer and lender are common.

**Community:** Representatives of interest groups, businesses, and several layers of government can come together to negotiate agreements on public policy development. Cases concerning the environment, land use planning, parking, zoning, and nuisance complaints are often mediated.

**Small Claims:** Civil cases involving smaller amounts of money or neighborhood disagreements are often sent to mediation.

**Divorce and Child Custody:** Mediation offers a couple the chance to define what is most workable for their particular situation and to tailor an agreement that reflects their own circumstances. It can enable future joint decision-making. Visitation, property division, alimony, and unique circumstances such as relations with grandparents or stepfamilies can be included. Child custody disputes are automatically sent to mediation in some jurisdictions. Custody and visitation issues are evaluated in terms of the child’s best interests and the parents’ shared concerns. The privacy of mediation can make it easier for people to discuss emotional matters.

**Interpersonal:** Arguments between individuals may not necessarily involve a legal claim. Roommate and family conflicts are often well-served by mediation.

**School or University:** Students from elementary school to college have been taught to successfully mediate disputes among their peers. Courts in Florida and California refer some truancy and disciplinary cases to mediation between parents, students and school personnel. Some school districts mediate controversies with parents of handicapped students over their plans for meeting the child’s educational needs.

**Criminal:** Mediation of minor non-violent crimes can help unclog the courts and bring about restitution. Direct communication between victim and offender can be beneficial to both, and can make it easier to deal with the defendant in the future. Cases often go to mediation after the person has been found guilty of the crime. Vandalism, passing bad checks, theft, and juvenile cases are the sorts sent to mediation.