



What to Expect at Mediation

We here at TAC are committed to providing a professional mediation services to help you resolve disputes quickly, affordably, with wisdom, integrity and honor. Here's what you can expect when participating in mediation through TAC.

What is Mediation?

Mediation is a confidential, collaborative process where a neutral third party, the mediator, facilitates negotiations between disputing parties to help them reach a mutually acceptable agreement. Mediation is a form of alternative dispute resolution (ADR) that allows parties to settle disputes in a less formal, less adversarial setting than a courtroom. In mediation, both parties maintain control over the outcome, working together to reach a solution with the help of a mediator. This process is voluntary, confidential, and non-binding unless an agreement is reached and signed. The mediator does not make decisions for the parties but guides them in exploring options and negotiating a resolution.

Types of Disputes Suitable for Mediation

Mediation can address a wide variety of disputes, including:

- Family law matters, such as divorce, child custody, and parenting plans
- Civil disputes, including landlord-tenant issues and contract disputes
- Business conflicts
- Personal injury claims
- Landlord-Tenant evictions
- Real estate or neighborhood disagreements

Confidentiality

Mediation is a private process. What is discussed in mediation is confidential. Statements made during mediation cannot be used in court, and the mediator cannot be called to testify about what was said. Anything discussed will not be disclosed to outside parties unless all participants agree or the law requires it (e.g., threats of violence or criminal activity). Confidentiality allows participants to be open about their concerns and ideas without fear of future repercussions. This allows participants to speak openly, knowing their privacy is protected.

Voluntary Participation

Mediation is typically voluntary, meaning both parties agree to attempt to resolve their dispute outside of court. In some cases, mediation may be court-ordered, especially in family law matters. Even if court-ordered, parties are encouraged to participate in good faith.

The Role of the Mediator

The mediator's role is to remain neutral and impartial. The mediator is a neutral facilitator, not a judge. Their role is to assist communication between the parties, help clarify issues and explore possible solutions. They will not make decisions or offer legal advice but will guide both parties toward a potential resolution. They will help both parties understand each other's positions, facilitate communication, and assist in finding common ground. The mediator does not take sides or make decisions for you.

What Happens During Mediation?

1. **Introduction:** The mediator will explain the process, rules, and roles of everyone involved, ensuring all parties understand the goals of mediation.
2. **Opening Statements:** Each party will have an opportunity to present their side of the dispute without interruption. This step allows both parties to outline their concerns, interests, and desired outcomes.
3. **Joint Discussion and Negotiation:** With the mediator's help, the parties will engage in constructive dialogue, focusing on shared interests and possible resolutions. The mediator may ask questions to clarify positions or offer perspectives to facilitate understanding.
4. **Private Caucuses:** At times, the mediator may meet with each party separately in what is called a "caucus." This allows for private conversations, where parties can express concerns or explore settlement options with the mediator's assistance.
5. **Reaching an Agreement:** If the parties agree to a resolution, the mediator will help them draft a settlement agreement. This document outlines the terms of the agreement and becomes legally binding once signed by both parties. If the dispute is not resolved, mediation can still clarify issues, making future negotiations or legal proceedings more efficient.

The Benefits of Mediation

- **Confidentiality:** Parties can openly discuss their issues without fear of public disclosure.
- **Cost-Effective:** Mediation is generally much less expensive than going to trial.
- **Control:** The parties themselves craft the outcome, as opposed to a judge or jury deciding the case.
- **Speed:** Mediation can be scheduled quickly and conducted in a shorter timeframe compared to the court process.
- **Preserved Relationships:** Mediation encourages cooperation and can help preserve important relationships, especially in family or business contexts.

Preparing for Mediation

To make the most of the mediation process, consider the following:

- **Come Prepared:** Bring any relevant documents or information that can help explain your position.
- **Be Open to Dialogue:** Be ready to listen to the other party's perspective and to engage in good faith negotiation.
- **Think About Solutions:** Consider what outcomes are acceptable to you and how you might compromise to reach a fair resolution.

After Mediation

If an agreement is reached, it will be documented in writing and signed by both parties. This agreement is legally binding, and the terms must be followed. If the mediation does not result in an agreement, other legal options remain available.

What Happens if No Agreement is Reached?

If the parties cannot reach an agreement during mediation, they are free to pursue other options, such as litigation. Mediation may still provide valuable insights that could lead to a resolution later or clarify the issues for a potential court case.

Why Choose The Advocacy Center, Inc. for Mediation?

At TAC, our certified mediators are experienced in handling a range of disputes and are committed to helping parties reach fair and workable solutions. We offer a personable yet professional environment where you can resolve your conflicts respectfully and collaboratively.

Schedule Your Mediation Today

For more information about our mediation services or to schedule a session, contact us today.