



Mediation Program Information

Mediation Under Shared Neutrals Program

Impartial Process: Mediation is a process in which an impartial third party that has no authority to decide the issue or impose a resolution assists the parties in exploring a mutually-satisfactory resolution of the issues in dispute. At all times the decision to settle or impasse the dispute is solely within the hands of the parties. The mediator does not decide the dispute and has no authority to force either party to resolve the dispute. The role of the mediator is to help the parties understand each other's positions, interests and perspectives and assist the parties in deciding whether the dispute can be resolved. The mediator also encourages mutual respect between the parties and takes the steps necessary to prevent any abuse of the mediation process. The impartial mediators for this pilot program are trained and experienced in alternative dispute resolution. Under the program, the parties pay no fees to participate in the mediation conference.

Confidential Process: Besides limited legal requirements to report certain kinds of information, mediation is a confidential process. Mediators may not directly or indirectly disclose information communicated to them by a party during mediation to anyone who is not a party to the mediation. Additionally, a mediator may not disclose information communicated in confidence by a party to the other party without permission. This confidentiality is critical to the mediation process and mediators will not willingly testify about anything they hear in the course of a mediation and will contest subpoenas or orders seeking to require their appearance or testimony in subsequent proceedings. After the conclusion of the mediation, mediators retain no files relating to the mediation and are required to destroy any notes they take during the mediation session.

Mediation Process: A typical mediation features an opening statement by the mediator outlining the mediation process and the roles of the mediator and parties. Both parties will be given an opportunity to explain their position on the matter in dispute. There will also be joint discussion between the parties concerning the issues with assistance of the mediator. There may also be one or more private meetings between the mediator and one or the other parties. These meetings are known as caucuses and are used to explore issues in greater detail. The mediator will not share matters discussed in the caucus with the other party without permission. If the parties' discussions result in a resolution, the mediator will assist the parties to commit their agreement to writing. All settlements are between the parties. The mediator is not a party to any settlement agreement.

For More Information: If you have questions about mediation in general or the procedures to be used during this pilot program in particular, please call your agency program coordinator.