

How Do I Participate in Mediation?

All parties must agree to mediate and sign up on the Mediation Sign-up Sheet in the Mediation Center. Mediations are held on a first-come, first-served basis. When it is your turn, the mediator will escort all parties to the mediation room. A mediation session typically lasts 30 to 90 minutes, depending on the complexity of the case. An additional mediation session can be scheduled if all parties agree to it.

Ending the Mediation Session

If you reach an agreement, it needs to be written down so that the court can record the case as settled. The mediator typically writes the agreement. If the other party has an attorney, the attorney may write the agreement if you consent. (You may also choose to have the mediator write it.) The mediator will read the agreement out loud to all parties, to check that the written version reflects what you and the other party agreed to. Be sure to let the mediator know if the written version is incorrect.

If you do not reach an agreement, you will return to the courtroom for further proceedings. This may include trial.

Additional Information

If someone else (like a spouse or friend) came with you to court today, you may consult them during caucuses, if you wish. Please note that they may not participate in the session unless all parties agree that they may be in the mediation room.

Contact and Location Information

Small Claims mediation sessions are held Monday through Friday from 9 a.m. to 2 p.m. at 510 4th Street N.W., Suite 123 (Court Building B).

The nearest Metro stop is Judiciary Square, on the red line.

For additional information about Multi-Door services or the mediation process, please

contact our office to speak with the Program Officer:
202-879-1549

Multi-Door Dispute Resolution Division

410E Street NW, Suite 2900
Washington, D.C. 20001
(p) 202-879-1549
(f) 202-879-9458

<https://www.dccourts.gov/services/mediation-matters/small-claims>

SMALL CLAIMS RESOURCE CENTER

Room 102

Free Help
for people without lawyers

Hours of Operation

Wednesday 9:15am—12:00pm

Thursday 9:15am—12:00pm

Rev. 09-17



Small Claims Mediation

Cases mediated include Civil cases not exceeding \$10,000 and Wednesday Consumer Debt Collection cases



Jeannie M. Adams, Division Director

What Is Mediation?

Mediation is a confidential dispute resolution process conducted by an impartial mediator. The mediator listens to each party and allows each party to voice their concerns. The mediator may also help the parties think of ways to resolve the dispute, if appropriate for the case. A mediator does not coerce parties to settle their case, declare a winner or loser, decide the facts of the case, or rule on legal issues. In mediation, the parties may independently and voluntarily choose to settle their lawsuit.

How Does A Mediation Session Proceed?

The mediation process is flexible, allowing the mediator to use the best format for your case. Generally, a mediation consists of:

- the mediator's introduction,
- opening statements by parties (or their counsel),
- joint sessions to discuss the issues raised by the parties,
- private sessions (called caucuses), and
- drafting the agreement if a settlement is reached.

The mediator will help parties think through the strengths and weaknesses of their case, typically in private session. (This may also occur in joint session.) Parties are encouraged to be open with the mediator throughout the process. Mediation is confidential, meaning that the mediator does not share what was said in mediation with anyone outside of the mediation session.

What Happens if We Reach—Or Don't Reach—an Agreement?

When parties reach an agreement:

- ◆ They avoid the uncertainty of judicial arbitration or trial.
- ◆ The mediator will write up the agreement with the terms negotiated by the parties.
- ◆ Both parties will sign the agreement and leave with a copy. The signed agreement is filed in court.
- ◆ The terms of the agreement are enforceable.
- ◆ Each agreement includes a “default clause” that states what will happen if one party does not fulfill his/her part of the agreement. The parties negotiate the clause during mediation. The clause details the monetary judgment that will be sought if the terms of the agreement are not met or kept by one party. The party who wants to enforce the default clause must return to court, and give notice to the other party, in order to obtain a judgment.

When parties don't reach an agreement, they may proceed to judicial arbitration or trial:

Judicial Arbitration

- ◆ Both parties must agree to this option.
- ◆ No judgment is entered in the court record. Instead, an award is decided by the arbitrator.
- ◆ The parties determine how the award will be satisfied; in other words, the parties will decide on a payment plan.
- ◆ Judicial arbitrator is not bound by the Rules of Evidence.
- ◆ The judicial arbitrator's decision is final and cannot be appealed.
- ◆ Judicial arbitration is less time-consuming than trial.
- ◆ A judgment can be obtained later if a party breaches the plan to honor the award.

Trial

- ◆ Trial requires more time—up to twice as long as arbitration.
- ◆ The judge makes a decision (called a verdict).
- ◆ A judgment is entered against one or more party.
- ◆ The verdict is appealable.

The Benefits of Mediation

- Mediation works by sorting things out constructively.
- Mediation helps parties find practical solutions that feel fair.
- Mediation is free. The court offers it as a service that makes the community a better place to live.
- Mediation assists in improving communication between parties, identifying areas of agreement, and generating a mutually acceptable solution to the dispute.
- Mediation avoids delay and also avoids risk. No one knows with certainty what will occur at trial.
- Mediation offers the opportunity to explain your case to a neutral third party who will listen to your concerns.
- Mediation permits the parties to participate directly in creating a consensual agreement. Parties have more control over the outcome of their case, and amiable agreements create opportunities for improved future relationships.
- Mediation can save time through early resolution of disputes, allowing parties to avoid the stress and difficulties of trial.