



Opening Statement for CDRC Justice Court Mediations

A. Introductions

- Names of the mediator(s), parties, attorneys, and observers
- Explain the role of the observers, ask permission for them to attend.
- Thank you for coming today. As stated in your order to appear for this mediation, there is an expectation from the Judge that you engage in this process with “willingness to listen” and put forth a “good faith” effort in an attempt resolve your dispute.
- Regardless of the outcome, a report will be filled with the Court by the mediator noting who was in attendance and if the case was settled or at impasse.

B. Mediators

- Are volunteers from the Community Dispute Resolution Center.
- Are here to assist as impartial guides through the mediation process.
- Are not allowed to give advice or evaluate the merits of your case.

C. Mediation Process

- All parties must have decision making authority to resolve the issues within this dispute.
- Each party will be given equal opportunity to present their view.
- Mediation is a confidential process – nothing leaves the room.
- Threats of violence or criminal acts are excluded from confidentiality.
- Information shared during mediations cannot be used in any other complaint or forum - mediators and observers cannot be called to testify.
- If agreement is reached it will be written up and signed by both parties.
- Signed agreements are filed with the Court and are binding as if decided by the judge.

D. Private Meeting (Caucus)

- Is a meeting between the mediator(s) and one of the parties.
- Can be called by any of the parties or the mediator(s)
- An opportunity to explore ideas and options privately



- Confidential – information cannot be shared by the mediator(s) without consent of the party.
 - All parties will have equal opportunity to caucus.
- E. Miscellaneous Comments**
- There is no mandate that you settle in mediation – each party is empowered to decide what works for them.
 - Mediations are generally successful because the parties are empowered to craft solutions that work for them.
 - The ability to reach an agreement is often more important than the facts.

F. Ground Rules

- Be respectful and courteous
- Recognize there are at least two truths in the room
- Let the other party speak without interruption
- Take notes for when it is your turn to speak.
- Seek solutions

Get permission of each party to move forward with the mediation.