

FREQUENTLY ASKED QUESTIONS
DISTRICT COURT
SMALL CLAIMS MEDIATION PROGRAM

Question: **What is Mediation?**

Answer: Mediation is a voluntary, **confidential** process in which a **trained and unbiased third party** assists people in conflict to reach an agreement on the issues that brought them to court. Unlike a trial, mediation is not an adversarial process; mediators do not give advice or determine “right” and “wrong,” but rather help parties’ work together to resolve the problem in a way that works for both of them. If parties come to agreement, the mediator helps the parties write the terms in a document for the judge to review. If the judicial officer approves the agreement, an order will issue from the court. Parties will be given a copy of the agreement. Parties who do not reach agreement in mediation will return to court for trial.

Question: **Who is the mediator?**

Answer: The Center for Mediation & Collaboration of Rhode Island (CMCRI) provide mediators as an alternative to going to trial for small claims cases in the District Court.

Question: **What are the qualifications and the role of the mediator?**

Answer: Mediators are trained and supervised by the CMCRI. Mediators are not employees of the court and do not have any authority over the disputing parties or have any authority to decide the outcome of the case. Therefore, if you reach an agreement in mediation, it will be of your own free will and because you both think the outcome is a fair one. Mediators provide a process where everyone has a chance to be heard. Participants are encouraged to address all of the issues that they feel need to be discussed and resolved. Mediators are not allowed to give legal advice.

Therefore, participants should seek legal counsel at any time during the process if they feel it is necessary.

Question: What are the benefits of Mediation?

Answer: Mediation can save time, money, stress, and often relationships. It is conducted in a less formal, more relaxed atmosphere which can be more conducive to reaching a settlement. When a case goes to trial, oftentimes either the plaintiff or the defendant or sometimes both parties are unhappy with the outcome. Additionally, when a judgment is awarded in trial to the plaintiff, collection can be a long and frustrating process. Mediation, on the other hand, allows parties to create their own solution to the problem at hand and to make realistic provisions in the agreement for how the terms settled upon will be paid or satisfied. Mediators strive to help parties find solutions that can at least partially satisfy both their needs. In post-mediation surveys, both the plaintiff and the defendant indicate a high level of satisfaction with the mediation process and the quality of services provided by the CMCRI mediators.

Question: How can I request mediation?

Answer: When you are in court and your case is called by the judicial officer, you may request or you may be asked to consider the alternative of mediation. The process of mediation is voluntary, which means that you can decide to end the mediation at any point when you feel it is not productive. Mediation has a very high success rate, and thanks to a generous grant from the Supreme Court of Rhode Island, there is no charge to the parties for this service.
