

## CAO SC 4-3

### CHECKLIST FOR SMALL CLAIMS COURT MEDIATORS

#### I. Introductions

- A. Names - Are first names okay?
- B. Mediation - May briefly discuss difference between Mediated Order and Judgment.
  - 1. Confidential settlement discussion with neutral third person.
  - 2. Gives parties one last chance to resolve their own dispute without judge.
  - 3. Allows parties to be creative in making a solution to the dispute.
- C. Mediators
  - 1. Neutral third person acting as facilitator.
  - 2. Confidential - Cannot be called as a witness if no agreement reached.
  - 3. Not acting as a lawyer or judge.

#### II. Process Overview - Brief explanation of what will happen:

- A. Each party will have an opportunity to state why they are here and what they would like to see happen.
- B. Each party will have an opportunity to respond to what the other has said.
- C. We will have time for discussion, questions and answers.
- D. Each party will suggest solutions to the dispute, and we will discuss each suggested solution.
- E. The parties will agree on a solution to the dispute.

#### III. Ground Rules

- A. Honest attempt to reach agreement.
- B. Respect each other and process = no shouting, pounding fists, name calling.
- C. No interruptions - paper and pens to write down comments while other speaking.

#### IV. Parties Agree To Ground Rules and Sign Agreement to Mediate.

V. If Agreement Reached

A. Memorandum of Agreement must contain the following information:

1. Amount of damages. If personal property is involved, the parties need to agree on a dollar amount for that item of property in case of non-compliance. (Example Defendant will return bike (\$150) to Plaintiff.)
2. How the damages will be paid. Hand delivered vs. mailed? Installments? Check vs. Money Order? Check made out to whom?
3. When the damages will be paid. Installments? Date and time of day?

B. Mediator explains Affidavits of Compliance and Non-Compliance.

C. Each party fills out a questionnaire while mediator give Agreement to Clerk to have Judge review and sign.

VI. If No Agreement Reached

A. Thank parties for their good faith attempt and fill out Mediation Status Report.

B. Each party fills out a questionnaire while mediator finds out which courtroom to take the parties.