

WHAT IS MEDIATION?

Mediation provides structure and safety for challenging conversations. The mediation process is most effective when all Parties openly and honestly disclose any relevant information that might influence the mediation process.

Although mediation is a confidential process, the Mediator has the right to breach confidentiality if any communication discloses plans to engage in criminal activity or harm oneself, a child, or an elderly person. Furthermore, confidential information may be disclosed with written consent from all parties involved and the Mediator or when required by law to be made public.

In many instances, mediation is a cost-effective alternative to engaging legal professionals.

WHAT IS THE MEDIATOR'S ROLE?

The role of the Mediator in the mediation process is to serve as a neutral facilitator, ensuring that all parties' interests are considered and guiding them toward finding a mutually agreeable resolution to the issues at hand. The primary objective of the Mediator is to provide an environment where Parties can freely express their perspectives, engage in problem-solving, and develop solutions that best address their needs and interests.

The Mediator is not an attorney and will not provide any legal counsel or determine who is right or wrong.

Each Party involved in mediation agrees to approach the process respectfully and to refrain from unnecessary interruptions or objections in order to resolve the issues being mediated. Furthermore, every Party understands and acknowledges that participation in mediation is voluntary; therefore, any Party has the right to withdraw from or temporarily suspend mediation at any time for any reason.

HOW TO PREPARE FOR YOUR MEDIATION

Come with an open mind, prepared to receive new information regarding the conflict. Being receptive to new insights and perspectives will significantly enhance the likelihood of reaching a mutually agreeable solution.

Demonstrating a willingness to listen respectfully, even in cases where you strongly disagree with their viewpoint, will also increase the chances of achieving a mutual agreement.

You will have ample opportunities to respond to the other Party's arguments and present your account of events and your position.

Bring any supporting documents and photos that will be useful in presenting your position. It is important to note that mediation differs from a court trial, as both parties are responsible for presenting their respective cases.

When presenting your position, clearly outline the sequence of events chronologically. This will help the other Party and the Mediator understand how things are related and the impacts on others involved.

To save both time and money, thoroughly review all documentation provided by the Mediator before attending your session.

The duration of mediation varies depending on the issues at hand and can range from an hour to 5 or 6 hours.

Although most mediations are typically completed in one session, divorce and separation mediations, and complex contract disputes may occasionally require multiple sessions.

MEDIATION FAQs

DO I NEED TO BE IN THE SAME ROOM AS THE OTHER PARTY?

No, it is not necessary. If you feel uncomfortable being in the same room as the opposing Party, your Mediator will alternate between two rooms and relay each Party's issues and positions.

CAN PARTIES ENGAGE IN MEDIATION IF THERE IS A PROTECTION ORDER IN PLACE?

Yes, they can. The Mediator will follow the same process mentioned above, alternating between rooms. Parties will be dismissed one at a time with a 15-minute gap between them.

DO MEDIATIONS HAVE TO TAKE PLACE IN PERSON?

Due to COVID, mediations were conducted virtually. Even after lifting "lockdown" restrictions, many people still prefer virtual mediation. While mediators may prefer face-to-face mediation, clients appreciate the safety, security, and comfort of participating from their own homes.

One drawback of video conferencing is its dependence on reliable internet services and the parties' familiarity with computers and technology.

ARE ALL MEDIATORS ATTORNEYS?

No, not all mediators are attorneys.

WHAT IS ODR MEDIATION?

The Office of Dispute Resolution (ODR) aids individuals who are indigent or have low income and may not have the means to afford conventional mediation services.

IS THE COST OF MEDIATION INCLUDED WITH COURT FEES?

Mediators work as independent contractors and do not receive payment directly from the courts.

WHO PAYS FOR MEDIATION?

Typically, the cost of mediation is divided equally between both parties. Fees are assessed hourly, and payment is expected before the mediation session.

WHAT IF I CAN'T AFFORD MEDIATION?

Some mediators may offer a sliding scale for cases deemed needy. However, it is more probable that they will refer you to the Office of Dispute Resolution (ODR).

WHAT HAPPENS WHEN COURT-ORDERED MEDIATION FAILS?

While rarely unsuccessful, parties should prepare their case for trial if mediation proves unsuccessful.

MEDIATION FEES

Assessment session- \$75/hour, per Party

Mediation session- \$150/hour per Party, (2-hour minimum)

In-person cases outside El Paso County will incur an additional mileage charge at the Federal-approved rate of 65.5¢ per mile (2023)