

## MEDIATION SESSION GUIDELINES

Mediation sessions operate under the following procedural guidelines:

- **Mediation is a confidential process.** The parties and the mediator are bound by the rules of confidentiality (*R. 1:40-4*) and the Supreme Court Standards of Conduct for Mediators in Court-Connected Programs.
- Neither the public nor the press are permitted at any of the sessions. Only those individuals directly related to the case are allowed to be present. In that way the parties have more privacy than if the case was heard in open court.
- You will both be given adequate time to present your comments regarding the disputed issue. Feel free to speak openly. Anything said or any notes taken during the session cannot be used as evidence in court.
- Though not necessary for the proceedings, both parties may use other witnesses in presenting their cases, but the time allowed for each witness will be limited by the mediator. Witnesses usually remain outside the session room.
- You are allowed to bring to the session any pertinent information, such as receipts, estimates, pictures, etc., that may be helpful in resolving the dispute.
- You will each have the opportunity to be heard by the mediator with the other party present. In most cases, the party who brings the complaint will be heard first. The defendant will be heard second. At some point during the session, the mediator may ask to speak with each of you separately.
- If the complaining witness fails to appear for the session, the mediator will recommend that the court dismiss the complaint.
- If the defendant fails to appear for the session, the mediator will send the case back to the court for the judge to decide.
- All parties are expected to listen courteously to each other and refrain from name-calling, profanity or threatening behavior. The mediator has the discretion to limit comment or language that he/she feels is inappropriate, or to end the session.
- After a full discussion of the issues, the mediators will work with you to discover what mutually agreeable solutions might exist. Any agreement reached must be acceptable to both parties. The agreement will become a part of the official court record. It is expected that the parties will follow the terms of the agreement. Both you and the other party will receive a copy of the agreement.
- If no agreement can be reached, the complaint will be returned to the court where you will be bound by the judge's decision.
- A mediator is prohibited from handling a case involving a person who is personally known by the mediator, unless both parties to the complaint agree. If either party objects, another mediator will hear the case.
- Cases involving domestic violence or where a restraining order is in effect cannot be heard by a mediator. If you have any questions about this, contact the municipal court administrator.