

# Mediation: Should I Use It?

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## What is mediation?

It is a way to settle a disagreement. You can share

- your side of the story
- how the disagreement affects you
- how you think you should settle it

Mediation takes place with the help of a trained mediator. The mediator does not take sides.

## When does mediation make sense?

Both people must be ready to compromise. You each must try to reach a reasonable solution in good faith. Otherwise, it does not work.

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- ❖ You can choose mediation in your parenting plan as the way to settle future disputes.
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## What does a mediator do?

The mediator tries to help you reach a fair solution that works for each of you. The mediator helps with communication. The mediator creates a safe place to negotiate. The mediator works to make sure you each

- have a chance to be heard
- show respect for the other's values and feelings
- explore workable solutions to your disagreements

The mediator does **not**

- give legal advice
- decide who is "right"
- make decisions for you

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- ❖ When asked, mediators may share their opinions.
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## Why should I try mediation?

Here are some reasons:

**You do not have to do it.** You both must be satisfied to reach agreement. This protects you. The mediator cannot force you to accept a decision you do not like. At the same time, you must pay attention to what the other person needs to reach agreement.

**You can always go to court** if mediation does not work out.

**Some counties require mediation,** especially in cases involving parenting plans or custody.

**Mediation is confidential.** Generally, what you say there stays there. No one can use what you say there against you later in court or other hearings. There are exceptions. Threats of violence and info about abuse that has not been reported are not confidential.

**Mediation lets you try to solve problems creatively.** After discussing both sides of the dispute, it may be easy to see and suggest a simple solution.

**You have a trained mediator's help.** Feelings and values are part of the dispute and negotiations. You can use them to reach an acceptable agreement.

**Mediation is generally cheaper than court.** Many mediation organizations offer a sliding scale. Even if you need a judge to sign your agreement and convert it to a court order, as in a parenting plan case, you will not have to pay a lawyer to go to trial about these issues with you.

## Mediation can help you save an ongoing relationship. This can include

- landlord/tenant
- employer/employee
- parent/parent
- neighbor/neighbor

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❖ There are no guarantees.  
Mediation may not work for you.

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## How is mediation different from court?

In court, a judge listens to both sides of the dispute and then decides for you. You must follow it, even if you think it unfair.

In mediation, you and the other party are encouraged to work hard to determine how to solve the dispute. You are active in finding a solution.

If you cannot agree, you can still go to court. If you solve part of your issue in mediation, you have less for a judge to decide. If you reach full agreement, you do not need a trial at all.

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❖ A judge may need to sign off on your agreement, especially in the family law area.

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## Can I use mediation for my problem?

You can use it in all sorts of areas:

- family law
- personal injury
- consumer complaints
- employment law
- landlord/tenant disputes
- disputes between neighbors
- collections

## There has been domestic violence. Should I use mediation?

**Probably not.** When there is an imbalance in power, such as in cases of physical, emotional, or economic abuse, or if you feel intimidated by the other person, the result will probably be unfair.

If you decide to use mediation even though the other person intimidates you, you should have a lawyer. The mediation should take place with you each in different rooms.

## How do I get ready for mediation?

You must

- Work to understand your legal rights and the results of the choices open to you.
- Understand what the law requires. Then you will not ask for something it does not allow.
- Work to organize your thinking. The mediator cannot do this for you.

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❖ Try to talk to a lawyer before mediation, if possible.

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## When can I mediate?

At any time:

- before going to court
- during a court case
- after it ends

**Example:** you can mediate to clarify a final parenting plan.

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❖ If your county requires mediation for your type of case, you must mediate and try to reach an agreement before going to trial.

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## What does mediation cost?

It depends.

Many Washington counties have Dispute Resolution Centers. They provide mediation services at no or low cost.

Mediators in private practice can charge \$50 – \$200 an hour. They often base it on type of case and your family income. There may also be a small administrative fee.

## What if we reach agreement in mediation?

The mediator will usually put the agreement in writing and have everyone sign it.

## Can I have a lawyer review the agreement before I sign it or submit it to the court?

Yes. If that is what you want, have the mediator put in the agreement that lawyers can review it.

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- ❖ **Warning:** If you have lawyers review the agreement, you may decide to make changes. That means you may not have resolved the matter.
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## How do I find a mediator?

Check the [Resolution Washington website, www.resolutionwa.org](http://www.resolutionwa.org) for your local Dispute Resolution Center.

You should use a referral service to find a private mediator, if possible. There is a list of mediators in private practice at [washingtonmediation.org/find-mediator/](http://www.washingtonmediation.org/find-mediator/).

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- ❖ Before choosing a mediator, read their website. Ask about fees.
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## What if I need legal help?

- Apply online with [CLEAR\\*Online - nwjustice.org/get-legal-help](http://CLEAR*Online-nwjustice.org/get-legal-help) or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider weekdays, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over** may call CLEAR\*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice. CLEAR and 211 will conference in free interpreters when needed.

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