



## RIVERSIDE COUNTY SUPERIOR COURT SMALL CLAIMS MEDIATION INFORMATION SHEET

Your case may be sent to mediation at the hearing. Please read this Information Sheet to prepare.

### 1. What is mediation?

- An opportunity to talk about your case and resolve it without a public trial. A trained volunteer mediator will help all parties try to reach a fair settlement agreement.

### 2. Who are the mediators?

- Trained volunteers from the Community Action Partnership of Riverside County (CAP Riverside).

### 3. What do the mediators do?

- Ask questions about your case and what's important to you; help everyone understand the strengths and weaknesses of their case; try to work out a deal that's fair to everyone.
- Mediators do not give legal advice.
- Mediators do not decide who wins/loses the case.

### 4. Will the mediator discuss my case or the mediation with the judge or court staff?

- No. Mediators are only allowed to report that the case settled or didn't settle.

### 5. Why should I try mediation?

#### At Trial:

- The judge controls the outcome. He or she may not see the facts and evidence your way. You could lose, win, or win less than you want.
- You may only get a few minutes to present your case. The judge may not let you present all your evidence.

#### In Mediation:

- The parties control the result. You may not get 100% of what you want, but you can try to reach a fair compromise and avoid the risk of losing 100% at trial.
- There is usually more time for each side to tell the whole story, including facts and evidence that the judge would consider irrelevant or not admissible.

- **Settlement agreements vs. judges' decisions:** People are usually more likely to keep agreements that they themselves helped create.
- **Credit reports:** You may be able to protect your credit even if you agree to pay money.

## 6. When should parties not go to mediation?

- If one party has physically or emotionally abused the other party.
- If you want your “day in court” to present your case in a public trial.
- If your case involves a family law or child custody/visitation matter: Tell the judge!

## 7. How long will the mediation last?

- Depending on the situation, about 10 – 30 minutes.

## 8. What if we reach an agreement but one side violates it?

- Your mediation agreement can become a judgment which can be enforced if the parties agree.

## 9. When does mediation take place?

- **Before the Hearing Date:** To schedule mediation before the day of hearing, you may contact CAP Riverside at 951-955-9389 (\$25 charge).
- **On the Hearing Date:** Most parties will be offered the opportunity to meet with a mediator before the judge conducts the hearing. If you don’t reach an agreement, you’ll return to the courtroom for your trial.

### How can I prepare for the mediation?

- Watch this 7-minute video: <http://www.courts.ca.gov/10962.htm> (video #3)
- Think about these things:
  - What are some possible ways to resolve the dispute that would work for everyone?
  - What are the most important points to tell the mediator about your case?
  - What questions should the mediator ask your opponent?
  - Are there any weaknesses in your case? (Facts, evidence, proof, witnesses, law?)
  - What is the worst possible outcome if the judge agrees with your opponent? Why?
  - Mediation focuses on solving the problem in a practical, realistic way rather than proving who’s right or wrong. Can you help solve the problem?
  - Hostile tactics don’t work in mediation. Courtesy, respect, listening and keeping an open mind do work. People often “agree to disagree” on certain points to reach a deal. Can you try to understand your opponent even if you don’t agree with him/her? Many people are pleasantly surprised at the agreements they reach in mediation.

