



## MEDIATION SERVICES

CITIZENS SERVICE OFFICE

Telephone: (415) 499-6191

ADMINISTRATION BUILDING  
ROOM 412 CIVIC CENTER  
SAN RAFAEL, CA 94903

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### FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION SERVICES

Question: How do I request mediation?

Answer: Just telephone 499-6190 or come to Mediation Services in Room 412 of the Marin County Civic Center. Office hours are 9:00 a.m. to 4:30 p.m., Monday through Friday.

Question: What kinds of disputes do you handle?

Answer: A broad variety of disputes, including:

- \* HOMEBUYERS/HOMESSELLERS
- \* LANDLORD/TENANT - security deposits, non-payment of rent, habitability and other problems involving residential or business property
- \* ENVIRONMENTAL - easements, drainage, land use
- \* BUSINESS - example: partnership problems or business to business
- \* CONSUMER/MERCHANT - warranties, service, deposits refunds exchanges, etc.
- \* DISCRIMINATION AND HARASSMENT
- \* DOMESTIC - involving family members and friends; community property division
- \* EMPLOYEE/EMPLOYER - wages, dismissals, etc. (where no union is involved)
- \* NEIGHBORHOOD - noise, pets, nuisances, use of common facilities, trees, etc.
- \* SMALL CLAIMS - debts, accidents, property etc.

Question: Are there any kinds of disputes you do not handle?

Answer: YES, there are three types of disputes we do not handle. They are:

- (1) those requiring legal advice or representation

those requiring medical advice or psychological counseling

those cases where one of the disputants refuses to mediate

Question: What is the difference between mediation and arbitration?

Answer: Mediation is a voluntary process by which disputing parties come together with a professionally trained mediator who helps them clarify their differences and design their own agreement.

Arbitration is a process much like a trial where the arbitrator listens to both sides and makes a decision (called an "award") for the disputing parties.

Question: Why do we use mediation?

Answer: (1) Because it works in the majority of the types of cases most effectively handled by mediation.

(2) Because it helps people resolve their own disputes in a non-threatening, non-adversarial atmosphere.

(3) Because it is far less time consuming and costly than going to court.

Question: What happens if mediation does not resolve the matter?

Answer: If agreement cannot be reached in mediation the disputants may seek legal recourse in the courts. The right of due process is not violated nor diminished by mediation.

Question: How does mediation work?

Answer: (1) Once contacted, Mediation staff will call and write the other party(ies).

2) Mediation staff coordinates a time and date convenient to the disputants and mediators.

(3) The mediators help the disputants negotiate a mutually agreeable settlement.

(4) A written agreement provides agreements on specific performance and/or guidelines for future interaction between the disputants.

Question: Do the mediators make decisions for the disputants?

Answer: NO, the mediators are there to conduct the hearing. They will not lecture, instruct, preach or make any decisions for anyone. They are not judges, lawyers or arbitrators. They are neutral and will make suggestions to both parties involved in an issue but not take sides or issue judgement.

Question: How soon can a dispute be mediated?

Answer: Usually within one week depending upon the availability of the parties. Cases are handled on a "first come, first served" basis.

Question: What methods are used?

Answer: Methods include techniques of mediation, negotiation, conciliation, fact-finding, advisory arbitration and counseling.

Question: What are the benefits of mediation?

Answer: Mediation offers people an opportunity to voluntarily participate in a discussion of the disputed issues before trained impartial mediators who attempt to facilitate a resolution of a problem. Because the parties to the disagreement are so often persons who have a continuing relationship, e.g., employers with employees, landlords with tenants, neighbors, business associates, relatives, consumer with merchants, the peace of the community is at stake.

It is important to keep these relationships functioning while the situations are being redressed. Mediation is also an excellent process to use to settle disputes between individuals and organizations, individuals and government entities and government entities and between organizations.

Question: Can mediation be binding?

Answer: Yes, your signed agreement is not appealable, is enforceable as law and/or admissible as evidence at a judicial or administrative proceeding.

Question: What about training?

Answer: Mediation Services staff teach a mediation course at the College of Marin annually during the Winter quarter. We also do "on-the-job" training for Mediation Services volunteers.