



SACRAMENTO MEDIATION CENTER

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Information Statement

We look forward to helping you resolve your conflict. Participation in the process is voluntary. You will be helped to resolve your dispute by a panel of neutral, trained mediators. There is not cost for the services that will be provided to you. SNMC is a non-profit organization staffed by trained community volunteers.

Commitment: Your decision to use SNMC is a commitment that affects many people. Since SNMC members volunteer their time to help you resolve your dispute, it is extremely important that you attend the hearing as scheduled and cancel only in the case of an emergency.

Length of Hearing: Mediation meetings usually take from 1 1/2 to 3 hours. Please allow for the maximum time if you need to schedule something afterward.

The Hearing Process

Our process begins with welcoming the participants, explaining the ground rules and the nature of the hearing

Phase I: During this phase the panel will help each person define the conflict and express how they feel about it.

Phase II: The panel will then help each person understand how the other experiences the conflict

Observers

There may be mediator trainees observing your hearing. Please contact us immediately if you do not want observers present.

Agreements

A. Oral Or Written Agreements

A settlement agreement reached between the parties as a result of our hearing process may be oral or written.

B. Is The Agreement Enforceable?

Any agreement reached can not be used in future court cases unless both parties decide they want to make that a term of the settlement.

If all the parties want to, they may agree that their settlement agreements can be put before a court and enforced there. To accomplish this, the settlement must be in writing and must be signed by all disputants. It also must contain a clear statement that each disputant wants the agreement to be enforceable in court and admissible as evidence in court or an administrative proceeding. The Center will assist you in drafting this agreement

Confidentiality

Under the law in California, information given during a mediation is not private. This means that it can be brought up later, if there is a court case between the people who participated. The law says that you may make hearings like ours private. Everyone involved must sign this form before starting

Phase III: The panel will help the parties understand that to solve the conflict, each must be willing to acknowledge any new understanding they have about the dispute and to work together for a resolution.

Phase IV: The panel will help both parties reach a mutually agreeable solution

Are Lawyers Or Witnesses Allowed In The Hearing?

If you are being represented by a lawyer concerning the same subject matter as this hearing, please notify him or her that you plan to attend the hearing.

You may bring a lawyer to a hearing, but the lawyer will not be allowed to participate directly. If you want a break to talk to your lawyer, however, that will be allowed. Witnesses are also allowed to attend and testify, but witness testimony is unnecessary for the majority of cases the Center handles. Please let us know in advance if you plan to bring a witness as we will need to get the consent of the other party

Can The Hearing Be Terminated For Any Reason?

Our mediators can terminate the hearing process if at any time they feel that any disputant does not have enough information about their rights or possible obligations under a settlement. They will tell you if it seems that your problem requires a lawyer, financial advisor or some other kind of professional.

the hearing, this means you can make the hearing confidential and prevent information given there from being used in any future legal case

The following is a section of the California Evidence Code which applies to parties in mediation:

Evidence Code §1152.5. Mediation.

(a) Subject to the conditions and exceptions provided in this section, when persons agree to conduct and participate in a mediation for the purpose of compromising, settling, or resolving a dispute:

(1) Evidence of anything said or of any admission made in the course of the mediation is not admissible in evidence, and disclosure of any such evidence shall not be compelled, in any civil action in which, pursuant to law, testimony can be compelled to be given.

(2) Unless the document otherwise provides, no document prepared for the purpose of, or in the course of, or pursuant to, the mediation, or a copy thereof, is admissible in evidence, and disclosure of any such document shall not be compelled, in any civil action in which, pursuant to law, testimony can be compelled to be given.

(b) Subdivision (a) does not limit the admissibility of evidence if all persons who conducted or otherwise participated in the mediation consent to its disclosure.

I have read the above Evidence Code section 1152.5(a and (b) and want its restrictions to apply to my case. I understand