



Superior Court of California,  
County of San Joaquin  
Civil mediation program

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# CIVIL MEDIATION PROGRAM

*An alternative that gives you more control and  
flexibility over the outcome of your case...*



SUPERIOR COURT OF  
CALIFORNIA,  
County of San Joaquin

## What is Mediation?

In mediation, an impartial person called a “mediator” helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute, but helps the parties communicate so they can try to settle the dispute themselves. Mediation is an alternative that gives parties more control and flexibility over the outcome of their case.



Parties sit down to resolve their disputes.

### Why mediate?

- Mediation is a voluntary, confidential process.
- Mediators do not give legal advice and will not judge you on your case.
- Mediation could SAVE you TIME and MONEY, if it is used early.
- Mediation reduces conflict and

hostility, whereas trials may increase these feelings.

- Mediation provides high satisfaction with results, because you participate and express your personal interests and concerns.

### Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a relationship they want to preserve. So when family members, neighbors, or business partners have a dispute, mediation may be the alternative dispute resolution process to use.

Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

### Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or has a significant advantage in power over the other.

# *San Joaquin County Superior Court's voluntary Civil Mediation Program*

## **What is San Joaquin County Superior Court's voluntary Civil Mediation Program?**

San Joaquin County Superior Court was recently awarded a grant through the California Administrative Office of the Courts (AOC) to implement a formal civil mediation program that will allow attorneys and clients involved in general civil litigation greater access to affordable high quality mediation. Litigants will have a voice in the settlement process and will play a direct role in managing the outcomes of their own cases.

The Civil Mediation Program is a voluntary program that allows parties to a general civil case the freedom to resolve their conflict in their own time. The Court provides a panel of skilled mediators trained by Pepperdine University Law School's Straus Institute for Dispute Resolution.

All mediators serving on the Court's Panel must meet minimum training and experience requirements.

## **Which cases qualify for Mediation?**

All types of general civil cases qualify and may benefit from the mediation process. Parties may request or stipulate to mediation at any point in the case.

## **Who are the Mediators?**

Mediators are experienced attorneys who have completed a Court-approved formal mediation training program. Please contact the Civil Mediation Program Manager or visit the court's website for a list of approved mediators.

## **How is a Mediator chosen?**

Parties choose a mediator who is mutually agreeable based on the mediator's experience, market rate, etc. Parties are not required to select a mediator from the Court Panelist List.

## **Who pays for Mediation?**

The Civil Mediation Program is a party-pay program, which means the parties who use the program must pay for it themselves.

Parties pay the market rate of their selected mediator. Each mediator's market rate is published on the Court Panelist List or you may contact the Program Manager.

Effective March 2012, a number of mediators on the panel offer free mediation services (the number of hours mediated for free varies). For those parties interested in selecting a mediator who offers free mediation services, please contact the Program Manager at (209)468-2878. The case must be a San Joaquin County Superior Court case. See the panelist list to identify participating mediators.

## **Who attends the Mediation?**

The mediator, the attorneys, and the parties must attend the mediation.

Both sides must have at least one person present who has the authority to settle the case.

## **What if the Mediation is not successful?**

If the mediation does not resolve the dispute, the case will proceed to a settlement conference, if necessary.

## **For more information about the Court's voluntary Civil Mediation Program, please contact:**

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