

Small Claims Mediation

As an alternative to the Small Claims Court, Solano County Courts, in conjunction with the Solano County Bar Association, offer "mediation services" free of charge to litigants in Small Claims Court. If you are considering filing a small claims lawsuit, consider calling the Dispute Resolution Service first at (707) 422-5087. They will advise you whether your conflict is amenable to mediation, and if you agree, will attempt to contact the other party and invite them to also participate in mediation.

For more information about the Solano Bar Association Dispute Resolution Services click [here](#).

For a quick overview of the benefits of using mediation click [\(English\)](#) [\(Spanish\)](#). To download and print a Small Claims Mediation Questionnaire click [\(English\)](#) [\(Spanish\)](#).

What is Mediation?

Mediation is a means of Alternative Dispute Resolution (ADR). It is an alternative to the sometimes expensive and time consuming process of a court trial. It is an informal way of resolving disputes.

Role of the Mediator

Mediators are trained, impartial third parties who volunteer their services because they believe in the power of mediation and collaborative negotiation as effective conflict resolution tools. They may or may not be attorneys. Mediators do not serve as judge or jury, do not seek to determine right and wrong or place blame. Mediators do not impose a decision on either party. Their only interest is in helping you resolve differences and reach a mutually agreeable solution.

Mediators do not give legal or professional advice. Rather, mediators facilitate communications by helping disputants describe their feelings, clarify issues, determine their true interests, identify underlying concerns, and where applicable, reach agreement.

The Mediation Process

The mediation process begins by welcoming and introducing all participants in the mediation session. Initially, each disputant will be given an uninterrupted opportunity to define the conflict/problem as they see it and express their feelings about it to the mediator(s). Each person will be given as much time as necessary to describe the conflict from their perspective. The mediator(s) may ask clarifying questions along the way.

Once the mediators(s) have a clear understanding of the problem, they will ask questions which help each person understand how the other disputant experiences the conflict. In this way, a great deal of important information comes to light which may not have been known or understood by the other party.

At this point in the process, the mediator(s) will help the parties understand that to solve a conflict, each must be willing to acknowledge any new understanding they have about the dispute and the other person's situation.

Sometimes, the mediator(s) may ask for a private meeting or "caucus" with one disputant at a time in order to get a clear idea of their goals and needs. The mediator(s) may also ask for a "mediators caucus" without the parties present.

The Agreement

In the final part of the mediation, potential resolutions are explored. If the parties reach a resolution, the mediator(s) may help them write an "agreement" which sets out the terms of their resolution. The parties can decide whether their agreement is legally binding or non-binding. The parties will be advised to consult with an attorney if they desire to have their agreement put into a legally binding form.

Confidentiality

Mediations are confidential. For mediation to be successful, the parties must feel free to discuss the issues openly. In order to promote this communication and to facilitate settlement of the dispute, you will be asked to read and sign a confidentiality statement before the mediation session begins.

All participants in the mediation including the mediator(s) and any observers will be required to sign the confidentiality statement. By signing the confidentiality statement you are making the mediation confidential and preventing information given or discussed in the session from being used in any future legal case.

Length of the Mediation

Mediation sessions usually taken between 1.5 and 3 hours. Please allow adequate time for your mediation session. If necessary, a second mediation may be scheduled with the agreement of the disputants. Please bring your calendar so your availability for a subsequent session can be determined.

Are Attorneys Allowed in the Mediation Session

You may bring an attorney but they will generally not be allowed to participate directly in the mediation session. If you need a break in the mediation to speak to your attorney, that will be arranged. If you plan to bring an attorney, you must notify the Dispute Resolution Service before the mediation so that we may obtain the consent of the other party. In addition, the attorney must agree to honor the terms of mediation and sign a confidentiality statement.

Commitment

If you decide to use the mediation services, your decision is a commitment that affects many people. Since the mediators volunteer their time to help you resolve your dispute, it is extremely important that you attend the mediation session scheduled for you and that you cancel only in the case of an emergency.

If you are interested in pursuing mediation, you may contact:

The Solano County Bar Association
Dispute Resolution Service
744 Empire Street, Suite 201
Fairfield, CA 94533
(707) 422-5087

or the Small Claims Division for further information at (707) 207-7335.