

# THINKING OF GOING TO COURT?

## THINK AGAIN!

The Santa Cruz County Small Claims Courts Encourage You to **MEDIATE** INSTEAD!

*“Frankly I was impressed that a mutually satisfactory agreement was reached in a situation where I believed it was not possible.”*

*“The CRC mediators created a very comfortable environment for both parties to express their concerns without interruption.”*

### What Are the Advantages of Mediation?

#### ■ In Mediation, No One Loses

If you are the plaintiff and you lose in small claims court, you don't have the right to appeal. If you are the defendant and you lose, your credit record may be damaged. In mediation, no one loses; the goal is to find a solution that works for both sides.

#### ■ Mediation is Tailored to Your Situation

In court a judge directs the hearing, asking questions based on law and evidence. In mediation you will discuss the issues that are most important to you, and, with the help of the mediators, find solutions that address your specific concerns.

#### ■ Mediation is Convenient and Private

Small claims hearings are held once a week, usually during working hours. The courtroom is open to the public, with as many as 20 cases on each docket. Mediation can be scheduled at a time that is convenient for you – including evenings or weekends. A mediator team, experienced in helping people resolve disagreements, is there to facilitate the private meeting.

#### ■ Mediation Costs No More Than Going to Court

The cost of filing a small claims lawsuit and notifying the other party can range from \$40.00 to \$150.00 or more. Mediation fees are usually split between the parties, with each side paying between \$30.00 and \$75.00 (depending on the amount of the claim).

#### ■ Mediation Works!

More than 85% of cases that go to mediation are resolved in mediation – and surveys show that most people who try mediation find the process less stressful and more satisfying than a court hearing.

#### ■ What Types of Cases Can Be Mediated?

- Landlord-Tenant
- Homeowners' Association
- Real Estate
- Consumer
- Business
- Collections
- Property Damage
- Neighborhood Issues
- Call to Inquire!

Many types of disputes can be successfully resolved in mediation – but mediation is especially useful in cases that involve a continuing business, neighborhood, or personal relationship. Unlike the adversarial process that pits people against each other in court, mediation can help calm emotions, clear up communication, and repair relationships that have been damaged by disagreement.



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*“It’s great to have someone help with communication when so much emotion is involved.”*

*“We had a complex case to resolve. The CRC mediators took the time to help all parties understand where the real conflict had arisen and that made for a very satisfactory result.”*

#### ■ Who Are the Mediators?

The Conflict Resolution Center of Santa Cruz County provides mediators for the Small Claims and Community Mediation programs. Each of the 40+ mediators has completed a rigorous 35-hour training, and then worked with close supervision to hone and develop his or her skills. Mediators represent a range of professional backgrounds, including business, law, education, counseling, and real estate. Many have ten or more years of mediation experience.

#### ■ What is the Conflict Resolution Center?

The Conflict Resolution Center (CRC) is a nonprofit public benefit organization, serving residents of Santa Cruz County since 1986. CRC has been successfully mediating small claims lawsuits on site at the main courthouse since 1994. In addition, CRC provides affordable, effective mediation of neighborhood, family, and workplace disputes. For more information about the Conflict Resolution Center, please visit CRC online at [www.crcsantacruz.org](http://www.crcsantacruz.org).

#### ■ How Does the Process Work?

Any resident of Santa Cruz County may contact CRC for a confidential phone consultation with a staff member. If you decide to pursue mediation and the other party agrees (invited either by you or by CRC), a meeting can usually be arranged within ten days. Up to two hours is allowed for each mediation session, and in most cases a panel of two mediators is present. Agreements reached in mediation are written in detail, and copies are made for both parties.

#### ■ What Happens If No Agreement is Reached in Mediation?

In most cases (85%+) mediation does result in agreement. However if no agreement is reached in your case, you still have the option of filing a small claims or limited civil lawsuit.

#### ■ What If the Other Person Doesn’t Follow Through with the Agreement?

Studies have shown that there is a very high rate of compliance with mediated agreements, which of course are tailored to the needs of the parties in each case. As an extra precaution, however, we encourage mediation participants to specify in their agreements that, in the event of non-compliance, either party may take the mediated agreement to court, as the basis for a small claims lawsuit.

#### ■ What Types of Cases Are NOT Appropriate for Mediation?

Mediation is most effective when both parties are motivated to resolve their dispute in a way that is fair to both. Mediation may not be the best choice if there is a high level of animosity or a low level of trust, or if either party is seeking a purely punitive outcome.

#### ■ How Do I Get Started?

Call the Conflict Resolution Center at 831.475.6117 for a confidential consultation – or email the Center at [info@crcsantacruz.org](mailto:info@crcsantacruz.org).



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