

I. WHAT IS MEDIATION?

- A form of Alternative Dispute Resolution (ADR).
- A method to solve conflict without going to court.

- Gives parties the opportunity to discuss issues, clear up misunderstandings, determine underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into resolutions.

- Informal process
- Neutral third party assists
- Voluntary

WHO CONDUCTS THE MEDIATION?

- Neutral third party called a "Mediator."
- Oklahoma Dispute Resolution Act & District Court Mediation Act provide rules and procedures
- To be certified - a person must complete 20 hours of instruction and practice, obtain sponsorship by a certified dispute mediation program and participate in an actual mediation with a certified mediator.
- Some mediators have emphases in certain fields.

HOW IS THE MEDIATOR SELECTED?

- Parties often agree on the selection of the mediator, but in some cases (court ordered mediation) the court may appoint a mediator.

WHO PAYS FOR THE MEDIATION?

- Private mediation - sometimes parties split the fee.
- Some state programs are free or available for a small fee.
- Fees can range from \$5 - \$150/hour or a flat fee for each party or the entire day (\$150/party or \$300/day)

II. WHERE TO FIND MEDIATION PROGRAMS

A. SCHOOLS

- PROS = Peaceful Resolution for Oklahoma Students
- PROS is a peer mediation program
- It is a collaborative project of the Oklahoma Supreme Court Early Settlement Programs, Administrative Office of the Courts and the OBA Law Related Education Program.

B. STATE MEDIATION PROGRAMS

- state court mediation programs administered by Oklahoma Supreme Court
- Oklahoma Agriculture Mediation Program
- Early Settlement Offices spread throughout Oklahoma (serves all 77 counties)
- Office of Juvenile Affairs
- Merit Protection Commission
- Workers' Compensation Court
- Federal Court System

C. EMPLOYMENT MATTERS - EEOC

- United States Equal Employment Opportunity Commission has a free mediation program.

III. WHY YOU SHOULD PARTICIPATE IN MEDIATION

- An efficient process that saves time and money. Avoids a time consuming court case.
- Fair.
- Confidential process.
- Voluntary, informal and flexible.
- Promotes communication and cooperation.

- Preserves on-going relationships - business & family.
- Reduces hostility.
- Can make mutually acceptable, tailored agreements
- Can result in a win-win solution.

EXAMPLE OF CONFLICT:

- Renting a house- have been living problem-free for years.
- Early cold freeze hits - pipes burst - causing damage to the house and some of your contents.
- Landlord is slow in fixing the problem
- You withhold the rent.
- Landlord threatens to sue.

EXAMPLE OF CONFLICT:

- You own a successful business with a great sales force.
- In the process of adding personnel - restructure the chain of command and promote Jane Doe into a new position.
- John Smith has worked as long and as hard as Jane-he is a fantastic sales person, but lacks managerial finesse.
- John feels he has been passed over because he is a male & files a discrimination complaint with the EEOC.
- You want John to continue on the team, so you agree to free EEOC mediation.
- Learn that John has issues with his company car, and Jane's promotion sent him over the edge.
- Reach a mutual agreement & John stays on board.

EXAMPLE OF CONFLICT

- You own a small printing company
- You print a \$10,000 order for one of your best customers.
- The printing run has one color that is slightly off, but in your opinion it does not effect the entire order.
- The customer does not want to pay.
- You want to try and preserve your relationship with this customer but you must collect all or a portion of the bill.