FREQUENTLY ASKED QUESTIONS

MEDIATION

What are the benefits of mediation?

- You come up with solutions, not a judge or an arbitrator.
- The mediator creates a safe space where you and the other person(s) can talk about your conflict. You can do this face to face or through the mediator.
- The mediator helps you get through difficult conversations.
- Mediation allows participants to come up with creative options that might not be available through court or arbitration.
- You can participate in mediation on your own, with a support person or with an attorney.
- Mediation is usually less expensive than arbitration or going to court.
- Mediators are skilled at helping people focus on what is important to each party.
- Decisions you make can be written up as agreements. Sometimes these are filed with the court.

Who can use mediation?

Anyone who has a conflict and is willing to talk with others about that conflict can use mediation. All participants must agree to mediate.

How does it work?

The Referral: You will get a referral to a mediator. The mediator will talk with you about your situation and help you decide whether mediation would be helpful. If you decide to move forward with mediation, the mediator will explain the process and the costs involved. The first 30 minutes of this consultation are free with a referral from KCBA.

Setting up the Mediation: You will work with the mediator to invite others involved in the conflict to mediate. Once everyone agrees to mediate, you will set the date(s) and time(s) for the mediation. For some mediations you will need just one meeting; for others you may need multiple meetings.
The Mediation: In some mediations, participants meet face to face. In others, participants are in separate rooms and meet separately with the mediator. You will work with the mediator to decide which is better for you. You may try a combination of the two.

The Results: If you reach agreements during the mediation, the mediator will help you write up your agreements. The mediator is not serving as your attorney and cannot give legal advice. In some cases, written agreements can be filed with the court.

Is it confidential?

According to state law (RCW 7.07), things that are said in mediation cannot be used in future court, administrative or arbitration proceedings. This is called “privilege” and there are some exceptions. RCW 7.07 also allows participants to decide which mediation discussions they want to keep confidential. The mediator will help you with this. See http://app.leg.wa.gov/rcw/default.aspx?cite=7.07.

Does mediation work?

For many people mediation is a less stressful, less expensive way to resolve conflict. It is a way to reach agreements that work for everyone involved. It can help you maintain important relationships with family, friends, colleagues, landlords, tenants, clients and companies. Studies show that mediation is successful in over 80% of conflicts.