

Mediation Reminders

The Mediation Center of the Pacific, Inc.

HOW MEDIATION WORKS

Mediation is a voluntary, confidential process where an impartial third-party (the mediator), helps parties in conflict come together to talk and decide how to resolve their dispute.

The mediator does not take sides or make decisions for the parties. The mediator enables and empowers the parties to reach an agreement that they both can live with.

Mediation gives you and the other party the chance to resolve the dispute yourselves. Most people are more satisfied with resolutions that they develop themselves. In general, mediation is less costly and faster than arbitration or litigation.

WHAT TO AVOID

To make mediation productive, avoid

- ⊗ Making offensive or insulting comments
- ⊗ Impulsive responses
- ⊗ Making assumptions or setting unrealistic goals
- ⊗ Placing blame
- ⊗ Making all or nothing demands

WHAT TO DO

- ✓ Be honest & clear
- ✓ Explain your point of view & listen to the participants
- ✓ Come prepared to discuss the issues
- ✓ Be open-minded

5 TIPS FOR REACHING RESOLUTION • • •

Remain calm. Do not let your emotions impact your ability to communicate effectively.

Listen. Take time to understand the message the other person is conveying and how they feel.

Respond effectively. Avoid accusing the other person or being defensive, use “I feel...I do/don’t understand...” etc. statements to explain how you have been impacted.

Stay focused. Stay in the here-and-now moment to attempt to resolve the issue; avoid recalling painful and unproductive past issues.

Commit. Commit to working out a resolution to your issue. Be willing to compromise & follow through on all agreements.

PRIOR TO THE MEDIATION

In the days and weeks before the mediation, you can take a few steps to ensure your mediation is as successful as possible.

- ☐ Please review the Confidentiality Agreement on the next page. You will be required to sign the Agreement prior to the mediation session. *(An email will be sent to you from PandaDoc with the link to sign the Confidentiality Agreement prior to your mediation. Please check your junk mail.)*
- ☐ Gather any information you need to make informed decisions.
- ☐ Consult with an attorney to understand legal issues and rights.
- ☐ Write down key ideas of how you view the situation and your goals for the mediation session.
- ☐ Think of several possible solutions to the issues that you will be discussing in the mediation.
- ☐ Organize and bring all relevant documents to support your view of the situation.

If you require special accommodations or assistance to participate in mediation, please notify MCP staff by phone in advance of the mediation session.

THE DAY OF THE MEDIATION

Make childcare arrangements for your children, so you can dedicate your full attention to the mediation.

Arrive on time for your mediation session. You may arrive or log in up to 15 minutes prior to your session.

If you are participating remotely, ensure that you are in a private place where no one will be able to interrupt you or overhear the mediation.

Bring snacks and water for the mediation session if you think you might get hungry.

PAYMENT . . .

Mediation fees. Mediation fees are on a sliding scale to ensure it is affordable for everyone. Payment can be made by credit/debit card.

Credit/Debit Card. You can receive a digital invoice through email that allows you to pay your fees online through PayPal. Your card may also be charged over the phone.

Cancellation. A cancellation fee of \$200 (plus any other applicable fees) will be charged for a mediation session that is cancelled without prior notice of two (2) business days from the agreed date. You may reschedule if you contact MCP at least (2) business days in advance.

MORE ABOUT MEDIATION

Mediation does not require individuals to prepare evidence. You may bring any supporting documentation that is requested or that you feel would be helpful to present your view of the situation. You are encouraged to come prepared with possible talking points or reminders of topics you wish to address.

Mediation is not a debate or forum for placing blame. It is an opportunity to agree on creative solutions that work for everyone. If you are unable to resolve the issue in one session, you may schedule another session.

If you feel that you need additional services, please contact MCP and speak with a Client Service Specialist. They can provide referral resources that may fit your needs such as free legal services or advice, domestic violence assistance, divorce seminars, fair housing support, and more

A DIFFERENT POINT OF VIEW

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Prior to participating in mediation, you most likely will take the time to think about the problem and what you feel the solution should be. Remember to also take the time to think about the problem from the other person's perspective. While you know how you have been impacted and how you feel, it is also important to consider the other person's feelings and point of view as well. This does not mean that you must agree with them, but rather by understanding how they view the situation, it is easier to find solutions that work for everyone.

Understanding both sides of an issue is a vital starting point to finding a resolution to the problem. If you are unsure or unclear about the other person's standpoint, use your time in mediation to learn.



HOW TO MEDIATE WITH ZOOM



MAKE SURE YOUR COMPUTER CAN STREAM VIDEO AND AUDIO

When you schedule your Zoom mediation, you will be sent a link: <https://zoom.us/test>

This link will let you test out a Zoom meeting to see if your computer, camera, and microphone will work with Zoom.

You will need to download the Zoom application.

LAPTOP AND DESKTOP ARE RECOMMENDED

Though you can access Zoom through your smart phone or tablet, it works best on a laptop or desktop.



UNDERSTAND YOUR SIGNED CONFIDENTIALITY AGREEMENT

To keep the mediation confidential, you may not screen capture, video record, or audio record the mediation.

No one else may be in the room or able to overhear the mediation. Using headphones or a headset is recommended.



PREPARE YOURSELF BEFORE THE MEDIATION

If you have any technical issues during the test, contact MCP immediately.

Send in any paperwork or documentation important to the mediation a few days before the mediation.

TO ENTER THE MEDIATION:

You will receive an e-mail that invites you to a MCP Zoom Mediation.

Click on the first link. If you haven't already, you will be asked to download the Zoom application. The first screen you will see is a waiting room. When the mediation is ready to start, the mediators will admit you into the mediation session.

If you are having trouble with your computer audio, you can call in using the phone numbers in the initial invitation. You will have to enter the Meeting ID and password, also found in the e-mail.

PREPARE YOUR SPACE FOR MEDIATION

Find a place in your home with a neutral background, especially if you don't want the other party to know where you are.

Find a quiet place so the mediators can hear you and you aren't distracted.

Don't have any other program open on your computer. Be present and involved in your mediation to create the best solution.

Make sure your face is lit and visible onscreen.

BREAKOUT ROOMS



In order to have a private session with you, the mediator will send both parties into breakout rooms.

You will only be able to hear and speak to other people in your breakout room.

If you need assistance from the mediator and they aren't in your breakout room, click on the Ask for Help button at the bottom of the Zoom window. They may need a few minutes to excuse themselves from the other room.

**If you need more support to mediate
through Zoom, contact us:**

mcp@mediatehawaii.org
(808) 521-6767

CONFIDENTIALITY AGREEMENT

The Mediators and The Mediation Center of the Pacific, Inc. ("MCP") will not share any part of the mediation communications to anyone outside the mediation with any judge, administrative hearing officer, arbitrator, or during any legal proceeding. Mediation communications include verbal or written statements made as part of the mediation, such as proposed resolutions or unsigned agreements.

The participants agree not to audio record, video record, photograph, or otherwise electronically record or transmit any portion of the mediation, including through artificial intelligence, transcription, note-taking or recording applications. Only signed mediated agreements may be presented in court or other legal proceeding. The participants acknowledge that mediation communications and any signed mediated agreements are governed by applicable Hawai'i law.

The participants agree that they will not, at any time, before, during, or after the mediation, call the mediator, anyone associated with the mediator, or MCP staff to testify concerning the mediation or produce mediation records in any legal proceeding between the participants.

The participants further agree that there are exceptions to confidentiality as required by applicable law. The mediator and MCP may disclose to the appropriate authorities reports of child abuse, abuse of a vulnerable adult, or threats of physical harm.

The participants acknowledge that mediation is voluntary and requires a safe environment free from coercion or intimidation. If the mediator reasonably determines that mediation cannot proceed safely or voluntarily, due to domestic violence, coercion, intimidation, or other circumstances affecting the integrity of the mediation process, the mediator may suspend or terminate the mediation in accordance with applicable law and MCP policy.

The participants acknowledge that MCP maintains a weapons-free environment. Participants shall not bring firearms or other dangerous weapons onto MCP property. Violation of this provision may result in suspension or termination of the mediation and removal from MCP premises.

Finally, **the participants** agree to waive and release all claims or causes of action, known or unknown against the State of Hawai'i, the Judiciary-State of Hawai'i, and The Mediation Center of the Pacific, Inc. and its employees, agents or mediators for any damages or injuries whatsoever, which any participant may have received as a result of, or arising out of the participation in, any mediation and/or conflict resolution activities offered by The Mediation Center of the Pacific, Inc.

Print Name_____
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