



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO SMALL CLAIMS COURT

### MEDIATION INFORMATION FOR SMALL CLAIMS PARTIES

This form provides answers to frequently asked questions about mediation in small claims cases.

#### **What is Mediation?**

Mediation is a confidential, voluntary process in which a trained mediator acts as a neutral third party to facilitate communication between individuals who have a dispute, and assist them with reaching a mutually acceptable resolution of all or part of their dispute. The mediator is not the decision-maker and does not resolve the dispute - the parties do. Mediation is a flexible and less formal process that may reduce the time and costs often associated with a formal trial. It provides both parties a chance to talk and come to an agreement that they can agree to make legally enforceable.

#### **What does mediation cost?**

Mediation is free. The County of San Diego contracts with the National Conflict Resolution Center (NCRC) to offer free mediation services to community members.

#### **Is mediation confidential?**

Mediation is confidential. With few exceptions, all communications, negotiations, or settlement discussions in the course of mediation are confidential and are not admissible in court, unless the parties agree. This allows an uninhibited discussion during mediation.

#### **When does mediation take place?**

A dispute can be mediated either before or after a small claims case has been filed. If the dispute is mediated before filing a case and an agreement is reached at the mediation, there will be no need to file a small claims case. If a case has already been filed, the agreement reached at the mediation can be entered into the court record without having to go to court.

#### **Where is mediation held?**

Mediation is offered remotely by telephone or video conferencing.

#### **How long does mediation last?**

Mediation of a small claims dispute usually lasts less than an hour.

#### **What should parties expect?**

Parties should be prepared to state their positions and to listen carefully to the other side. Civility and mutual respect are vital to the process.

#### **What if the dispute isn't settled at mediation?**

If the parties are unable to reach a full agreement at mediation, the case or any unresolved issues will be decided by the judicial officer or temporary judge assigned to the small claims case on the day the hearing was originally scheduled. If mediation occurs before filing a small claims case and the parties do not reach a full agreement, either party may still be able to file a small claims case with the court, if it is not too late (see below).

Claims may be time-sensitive. To determine the time frame for filing a claim with the court, contact an attorney or the Small Claims Advisor at (858)634-1777.

#### **Where can more information about Small Claims Court mediation be found?**

Additional information about Small Claims Court mediation can be found on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) or by contacting NCRC at (619)238-2400.