

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Mediation Video Series - **Part 1**: What is Mediation?

Introduction

Explanation of what mediation is

Why should I mediate?

What does the mediator do?

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Introduction

Welcome to the Maryland court's video series on mediation. This series will introduce you to the mediation process. In the first video, you will learn what mediation is and about its many benefits. Be sure to watch the other videos in the series on where to find a mediator and how to participate in this process.

Let's get started.

What is mediation?

Often, people in conflict go to the court for a solution. The court process can be long, stressful, and expensive, with no guaranty of a favorable result. A judge or jury makes all the decisions. Someone wins, and someone loses. And sometimes, neither side gets what they want. Mediation is an alternative way to resolve your conflict, and it gives the participants an opportunity to control the outcome.

In mediation, a neutral person, the mediator, meets with the people involved in the situation. They are brought together to listen to each other and to find common goals. Each person has a chance to speak, to be heard, and to hear each other. The goal is for the parties to create their own solution to resolve the conflict.

Mediation can be used in a variety of situations. It can be part of a court process, or you can choose to go on your own. Courts sometimes require people to go to mediation because it can help both sides find a solution that works for them, and it can also be faster than going to trial. If you reach an

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agreement, you may not need to go to trial. During mediation, you cannot be forced to agree to anything. When no agreement is reached, you can still have the matter decided in court.

Why should I mediate?

There are many benefits to mediation. First, it lets your voice be heard. It also helps you understand the other person's perspective and helps them understand yours. You can express your needs openly and honestly. Through mediation, you will work together to find a solution to the conflict.

Second, in mediation, you are in control of both the process and the results. You choose what is agreeable. You can end the mediation at any time, but give the process a chance and keep an open mind. You might find a resolution that meets your needs and those of the other person. If at the end of the process, you do not reach an agreement, you don't lose your rights. You can still have the matter decided in court.

Another benefit to consider is that mediation sessions are private. Unlike a trial, sessions are not open to the public and are not recorded. While most mediation sessions occur in person, participants, in some situations, can meet with a mediator through video conference or phone. Also, keep in mind mediation can be less stressful, faster, and cheaper than having your case decided by a court. While mediation is very effective at helping people to resolve their conflicts, it is not always appropriate for every situation. The court or mediation program staff can help you determine if mediation is appropriate for your case.

Let's discuss the role of the mediator.

What does the mediator do?

The mediator is there to manage the process in an impartial way. They will help you talk about the issues, focus on what is important to you, and guide discussions so you can better understand the

other person's perspective. They will also assist you in discussing difficult topics so that you and the other person can develop your own solution.

Mediators will not give advice or tell you what to do. They will not take sides or make judgments about who is right and who is wrong. Mediators do not recommend the terms of an agreement. That is up to you and the other person. They also will not push you into settling your case.

There is one more feature of mediation it is important to understand.

Confidentiality

Mediation is confidential and protects your privacy. The mediator cannot discuss what happens except in very limited circumstances. What is said in a session generally cannot be used in court. The mediator will talk to you about confidentiality and the exceptions at the start of the process.

Let's review.

Let's Review

Mediation is an alternative way to resolve conflicts. It allows you to work together to find a solution. A mediator will help guide the conversation. They will assist you in identifying issues and options, but will not take sides or decide the outcome. Mediation can be less stressful, faster, and cheaper, than going to trial. Most importantly, it places you in control and lets your voice be heard.

Mediation is **your** solution.

Watch the other videos in this series for more information on where to find a mediator and how to participate in mediation. On behalf of the Maryland courts, thanks for watching.