



**Dispute Resolution Center
OF THURSTON COUNTY**

**Mediation Services
Frequently Asked Questions**

About

The Dispute Resolution Center of Thurston County is a community-based, nonsectarian, volunteer driven, nonprofit organization founded in 1991. The DRC empowers people to resolve their disputes by providing mediation and conflict resolution services, and trains community members in those skills. The DRC has strong partnerships with Thurston County Family and Juvenile Court and Thurston County District Court, and serves as the administrative agent for public employees seeking mediation under the Department of Enterprise Services Master Contract (#06313).

In Washington State, legislation was passed in 1984 (Court Reorganization Act, Revised Code of Washington 7.75) that enables county or city governments to authorize the establishment of a Dispute Resolution Center (DRC) in their jurisdiction. Since the law was passed, 21 DRCs (covering more than 90% of the state's population) have been established. Most are nonprofit agencies, and a few are departments of municipal or county government. DRCs offer mediation services and training to community members, and, although all 21 DRCs operate independently to meet the particular needs of their own communities, they collaborate through a state-wide association, Resolution Washington, to standardize services throughout the state.

Mediation Basics

DRC mediators serve as trained neutral facilitators. A mediator's role is to hold a safe space in which parties can work together to identify common ground, focus on the future, and arrive at mutually beneficial agreements. The DRC has found that when both parties are able to follow the mediation process and make a good faith effort, 80% of clients reach a full or partial agreement of their own making, and 90% of those clients have reported maintaining their agreements six months later.

1. What are examples of disputes mediated by the DRC?

- Parenting plans
- Workplace
- Landlord/tenant
- Small claims
- Home foreclosures
- Family issues

2. What style of mediation does the DRC use?

The DRC of Thurston County Dispute Resolution Center County uses interest-based mediation. By using a variety of communication skills, mediators help the parties to see beyond their emotions and find what values and interests underlie their emotions. When parties are able to find common interests and values, they are often able to reach mutual and sustainable agreements.

3. What is the goal of mediation?

Mediation empowers parties to work together to arrive at mutually acceptable agreements of their own making. In contrast to a court case or arbitration in which a judge or arbitrator determines the outcome without significant party input, the role of the mediators is to facilitate a dialogue that allows both parties to safely express their needs and values and help them come to a satisfying resolution.

4. What are the components of a mediation session?

Mediation sessions are made up of the following components:

- Mediators provide information about the mediation process, and the mediators and parties sign an agreement to mediate.
- Each party gives an opening statement, an opportunity to tell their story and share what they hope to achieve in the mediation.
- Parties determine an agenda and select a topic they'd like to begin with.
- Parties face each other and begin negotiating.
- If desired, mediators or parties can request a caucus, a private meeting during which one party at a time leaves the room while the mediators speak confidentially with the other party.
- Mediators document resolutions made by the parties using a settlement agreement form, and the parties and mediators all sign the completed agreement. Agreements may also be verbal, which would result in no written agreement at the end of the mediation.

5. How long does a mediation session last?

Most mediation sessions last two hours. If additional time is needed, the parties may choose to schedule additional mediation sessions with the same or new mediators.

6. Do the parties have to prepare prior to a mediation session?

No special preparation is required; however, parties may choose to prepare their opening statements beforehand and bring any documents that may be useful during the mediation.

7. Besides the mediators and parties, will anyone else be in the room during the mediation?

Sometimes one or two mediators-in-training, called "observers," may be present. Observers are there to watch and learn from the mediators. They are subject to the same confidentiality rules as the mediators (described below). If needed and agreed upon by both parties, an additional person or persons may be invited to attend the mediation in a non-participatory, supporting role.

8. How is it determined that mediation is the appropriate process for a particular conflict?

When a party calls the DRC to initiate mediation services, office staff will work with the caller to understand the nature and scope of the case, and will determine whether or not the case is something the DRC is able to mediate. Before scheduling a session, office staff call all involved parties to learn about the conflict and assess each person's willingness to mediate.

Confidentiality/Legal Concerns

1. Can the parties be assured that the information they share will be confidential?

DRCs have policies and procedures to ensure confidentiality for all parties. After a mediation is completed, all notes are destroyed and only required documents, such as settlement agreements, are retained. The Washington State Uniform Mediation Act (Chapter 7.07 RCW) includes provisions that prevent the courts from requiring mediators or staff to testify about the mediation case.

2. Are there any exceptions to confidentiality?

Yes. Mediators must report to proper authorities any information disclosed about abuse of a minor, elder, or person with a disability. Additionally, there are other exceptions listed in the Washington State Uniform Mediation Act. Each DRC has copies of the act, and clients may request a copy from the office or the mediators at the time of mediation.

3. What information can a supervisor, human resources staff, or other non-participant obtain about a mediation session?

The DRC can tell supervisors, administrators or human resource staff if a session took place, who attended, and if any agreements were reached. Everything else that occurs in the session is confidential and will not be disclosed by the DRC.

4. Are decisions that made during a mediation session legally binding?

Signed settlement agreements are intended to be legally binding under contract law. The DRC cannot guarantee that agreements are legally enforceable because agreements are written in the clients' words and mediators cannot give legal advice regarding what may or may not be considered enforceable language.

5. What happens if one of the parties decides to leave in the middle of a mediation session?

Mediation is a voluntary process. At any point, a party may choose to end the mediation session. The mediators may help parties decide at that point what next steps may be taken.

Scheduling a Mediation Session

1. How does one set up a mediation session?

Mediations may be scheduled by calling the Dispute Resolution Center of Thurston County at **(360) 956-1155**, and phones are answered 9:00 a.m. - 4:30 p.m., Monday through Friday. Initiating the process of mediation may also happen via email by sending an inquiry to info@mediatethurston.org.

2. How quickly can a mediation session be scheduled?

Most sessions occur three weeks from the time both parties agree to mediate, or from the date the DRC determines the case is appropriate for mediation. Prior to mediation sessions, DRC conciliators confer with the parties to determine when the session will be held.

3. What assurance can the DRC provide that the mediators are competent and well-trained?

DRC mediators undertake an intensive educational path to become certified. After taking a 40-hour mediation training, they complete a practicum and participate in advanced training. Additionally, many mediators participate in ongoing professional development activities both inside and outside of the DRC.

4. Where are mediation sessions held?

The DRC holds mediations in safe and private locations, including at the DRC office and other spaces in the community made available through community partnerships.

5. If the parties want to schedule a follow-up session, will the same mediators be available?

The mediators or staff will help set up a return session that works for the parties and the mediators. The parties may request the same mediators or different mediators.

6. How much does it cost for a mediation session?

Fees are based on a sliding scale, as determined during the intake process.

Other DRC Services

1. How does one become a mediator?

The first step to becoming a certified mediator is to attend the 40-hour professional mediation training offered by the DRC. This training is offered three times a year, and registration is available on the DRC website:

www.mediatethurston.org/training.

2. Can the DRC address disagreements between multiple parties or groups?

Yes. Many mediators have received advanced training in multi-party mediation. In some cases there are additional fees for mediations that include more than two parties.

3. What mediation-related trainings are available?

The DRC provides training in professional mediation, multi-party mediation and family mediation, facilitation, and negotiation, as well as customized trainings.

4. Can the DRC provide speakers to explain its programs and services?

Yes, gladly. DRC speakers may be arranged by calling (360) 956-1155.

5. How can information be obtained about any of the above services?

Additional information may be obtained by contacting the DRC of Thurston County at 360-956-1155, or by visiting the DRC website at www.mediatethurston.org.