

## HOW TO PREPARE FOR MEDIATION

(GIVEN TO PARTIES DURING ORIENTATION)

All parties will go through the pre-mediation process and should have a similar understanding of how the process will work. Mediators will ***not*** negotiate points between the parties prior to the mediation. If there are issues that need to be negotiated or clarified, the parties must do that independently or wait until they come to mediation. Please be clear that you may be in violation of an order of the Court should you fail to cooperate in the mediation process and ask your attorney, the mediator, or the Family Mediation Pilot Project Administrator if you have any questions.

**Scheduling:** The mediator will work with the parties to make arrangements for a date and time that will work for all parties. Inform the mediator of any concerns or constraints that you may have. If you need to cancel, reschedule, or change your availability to mediate, please call the mediator as soon as possible. Failure to communicate and appear for mediation could result in further action by the Court.

**Process:** As outlined in the *Agreement to Mediate*, the mediation process has several components that can make this a beneficial option for parties in conflict. Some of the issues to consider include:

- Voluntary nature of mediation
- Informed decision making by the parties
- Confidentiality
- Family legal issues
- The role of outside experts
- The role of the mediators
- The role of the parties
- The role of attorneys

**Fees:** Fees are paid by a grant from the N.D. Supreme Court for mediation including the pre-mediation orientation sessions. Should you require more sessions, you may petition the FMPP Administrator to have the fees covered in whole or part if you are qualify by demonstrating your income to the Administrator. The fee paid to mediators is \$170/hour. Any fees you owe must be paid to your mediator within 10 days of completion of the mediation.

### **Who should participate in mediation?**

Identify who you think should be present in order to fully discuss the issues and to help you reach your goals. Should there be a conflict about who is present, that issue will be explored with the participants before the first mediation session.

### **Questions to Consider:**

What do you hope to accomplish by mediating? What are your goals?

What are the issues or topics that you need to address to accomplish your goals?

Are there outside experts that you need to consult or is there information you need before you come to mediation?

Is there anything that will help you to communicate better during the mediation?