

# Mediation program settles in at city's municipal court

## Officials design model for other sites to adapt

**BLADE STAFF**

Published: 5/9/2012

Read more at <http://www.toledoblade.com/local/2012/05/09/Mediation-program-settles-in-at-city-s-municipal-court.html#htP2PVZM0vluVlvE.99>

A program designed to take disputes out of the court system and instead have mediators discuss the problems and guide people to equitable solutions began last week in Oregon Municipal Court.

Instead of a judge deciding their cases, individuals bringing small claims and civil issues are asked to give mediation a shot.

The model mediation program, which began May 1, came together through the collaboration between Judge Jeff Keller and Jacqueline Hagerott, manager of the Ohio Supreme Court's Dispute Resolution Section.

They assembled a model municipal court mediation program that can be modified by other municipal courts to meet the needs and available resources of their communities.

Judge Keller said mediation is regarded as a way to save the litigants money, settle lawsuits faster than usual, and avoid trials.

"This allows people to sit down with a mediator and say everything they want to say as opposed to following the court's rules of evidence, which can be a problem for people who are representing themselves," Judge Keller said.

Individuals who agree to mediation pay \$10 to the court for the service and then enter into one to two-hour sessions with defendants and trained mediators who listen to the individuals explain the circumstances of the disputes. Additional sessions can be scheduled if the two sides cannot work out their disagreements. The sessions are private and confidential.

Although not necessary, the parties can have attorneys in the sessions to act as advisers. If mediation is successful, the mediator will put the agreement in writing for the parties.

If an agreement cannot be reached, the complaint is referred back to the court for a hearing or trial, with the plaintiff getting a \$10 credit on court filing fees, which ranges from \$36 to \$98, depending on the type of case.

Judge Keller said that mediation can be an effective tool and good alternative to the more time-consuming system of filing complaints and going through the civil judgment process. He said the court had a mediation program in place, but it was discontinued before he was elected judge.

In preparing for the program, volunteers were trained by James Petas, senior mediator at Toledo Municipal Court, Thomas Douglas, an attorney and mediator, and Kimberly Walls, Oregon deputy clerk. The mediators, who are attorneys, received Continuing Legal Education credits in return for volunteering to become mediators.

Mr. Petas, who is president of the Ohio Mediation Association and has been mediating disputes for 17 years, said mediation is successful about 70 percent of the time.

"I think our goal as mediators is to transform the relationship among parties from acrimony to one in which they are understanding each other," Mr. Petas said. "I have been doing this for quite awhile, but I am just amazed how the principles of mediation works. It is really neat to see people resolve their problems and leave the mediation system shaking hands."

Mr. Petas said mediation is effective because plaintiffs are more likely to see results and avoid a judgment in which the defendant can't afford to pay what the judge orders.

"With mediation there is a higher likelihood of getting restitution and sticking to the agreement guidelines. Mediation has the ability to get past surface problems and get to the core," he said.

Viewed as effective ways to avoid costly litigation, mediation programs are common in municipal courts. Toledo, Sylvania, and Maumee courts have some type of mediation program to resolve civil disputes.

In Maumee, cases are sent to mediation after complaints are filed. Volunteer mediators who have been trained in mediation procedures work with the parties to avoid the cases going to pretrials or hearings. If the issue is resolved successfully, the plaintiff gets reimbursed for half of the filing fee.

Approximately 75 percent of the cases handled are settled through mediation, according to the court's Web site. Sylvania Municipal Court's Dispute Resolution program is very similar to Oregon's new system as the plaintiff is eligible for a \$10 credit on filing fees.

"Mediation is one of the best kept secrets in the municipal courts. I see it working day in and day out and I am sure that it will do the same thing in Oregon," Mr. Petas said.

-- Mark Reiter

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The model and links to forms used within the program can be viewed at:  
<http://supremecourt.ohio.gov/JCS/disputeResolution/resources/medModels/Oregon/>