

Where Can I learn More About Mediation?

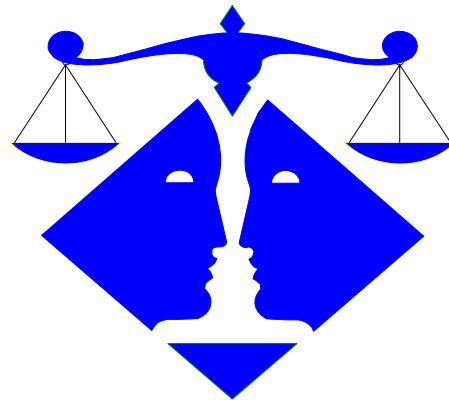
You may visit the Dispute Resolution Commission's website at www.ncdrc.org or speak to staff at your local Community Mediation Center:



Over the past decade, thousands of cases filed in North Carolina's courts have been settled as a result of mediation. Like so many North Carolina citizens before you, the Commission hopes that you and the others involved in your dispute will have a positive experience in mediation.

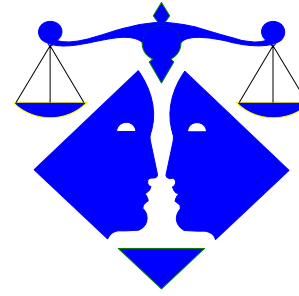
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District Criminal Court Mediation Program



Chief Justice Sarah E. Parker
Supreme Court of North Carolina

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If you are reading this brochure it is likely that you are involved in a criminal case pending in district court. This brochure is published by the North Carolina Dispute Resolution Commission and describes the District Criminal Court Mediation Program.

What Is District Criminal Court Mediation?

The District Criminal Court Mediation Program provides an opportunity for those involved in a court case to sit down with a mediator to try and talk through their dispute. Those who participate in mediation will have an opportunity to tell their side of the story, to hear the other side, and to search for ways to settle their disagreements.

The mediator will keep the discussion focused. Unlike a judge, a mediator will not decide a case. The mediator's role is to help you and the others involved in your dispute come to your own agreement. If you reach an agreement, your case may be dismissed. If no agreement can be reached, your case will remain before the court.

Participation in mediation is voluntary. If a judge or district attorney does not suggest mediation, you may request it. There are many reasons why you should try mediation:

- ▶ It is an opportunity for you and others involved in a dispute to work things out for yourselves;
- ▶ If the other party involved in your dispute is a family member or a friend, you may have an opportunity to repair your damaged relationship;
- ▶ You may save time and avoid court appearances and the need to testify;
- ▶ In addition to reaching a settlement on your own terms, the charges against the defendant are typically dismissed;
- ▶ Since mediation is confidential, you may be able to settle your dispute privately rather than in open court;
- ▶ Those involved in a dispute are more likely to abide by terms to which they have voluntarily agreed.

How Can You Help Mediation Work?

The mediation process depends on you. There are many things you can do to insure that you have a successful mediation:

- ▶ Be positive. Have confidence you can talk through your dispute with the other person;
- ▶ Be willing to listen. Often times in heated or difficult situations it is easy to get carried away and see only your side of the dispute;
- ▶ Be courteous. Raising your voice or calling the other side names will not help;
- ▶ Be honest. Being untruthful or exaggerating the truth will not lead to a productive discussion;
- ▶ Be creative. Think about ways that you can work things out;
- ▶ Be open to compromises. Mediation is about working together to reach a solution that benefits everyone involved;
- ▶ Be willing to apologize and to make amends, if appropriate;
- ▶ Be prepared to move forward. It is normal to be distressed when you're in the middle of a conflict. Mediation can help everyone involved move beyond the upsets of the past.

Who Are The Mediators?

A single mediator may conduct your mediation or two mediators may serve as co-mediators. Either way, mediators are employees or volunteers with your local Community Mediation Center. Centers are non-profit organizations dedicated to the peaceful resolution of conflict in North Carolina communities. All mediators serving this important program have met education and training requirements set by the North Carolina Supreme Court and have shown they are of good character. All are certified by the North Carolina Dispute Resolution Commission. Most importantly, your mediator is there because he or she wants to help!



Questions You May Have About Mediation

Is Mediation Confidential?

Mediation is confidential in the sense that a mediator cannot be forced to tell the court what you or the other participants said during your session. If you cannot reach an agreement in mediation, the mediator will not tell the court why that was the case. There are, however, a few important exceptions to confidentiality: a mediator must report abuse or neglect of children, the elderly or the disabled that is revealed during mediation; a judge may require a mediator to tell him or her about any felonies discussed during mediation; and a mediator may also be required to report serious threats of harm to persons or property made during mediation.

Is There A Charge for Mediation?

If those involved in the mediation work things out and agree to dismiss the case and the District Attorney is willing to allow a dismissal, then North Carolina General Statute 7A-38.7 requires that a \$60 fee be paid to the Clerk of Superior Court. Generally, the defendant pays this fee. It is possible under certain circumstances to have the fee waived. Your mediator will discuss the fee with you. If your case is not dismissed as a result of mediation and the defendant is convicted, it is likely that the court will impose costs of \$120.00 on the defendant.

Do I Have To Reach An Agreement In Mediation?

No. Sometimes cases cannot be settled in mediation and a mediator should never try to force you to agree to terms that are unacceptable to you. If you are not comfortable with a proposed agreement, do not sign it.

What If I Have Concerns About My Mediator?

If you have concerns about the way your mediation was conducted, you may contact the Executive Director of the Community Mediation Center where your mediator works or volunteers and express your concerns. You may also contact the North Carolina Dispute Resolution Commission at (919) 890-1415.