

About Us

This pamphlet was produced by the Alternate Dispute Resolution (“ADR”) Committee of the Allegheny County Bar Association. The Committee focuses on alternate means and methodology of resolving conflicts and disputes, in addition to traditional litigation within the judicial system. Non-judicial methods such as mediation, conciliation, collaborative law, fact-finding, mini-trials, and arbitration are considered viable and efficient alternate methods of dispute resolution. Its goals are to sponsor educational programs for members of the bar and for the public, to familiarize both of these groups with the available options, to be a clearinghouse of ADR activities, to study application of ADR methods locally, and to act as a networking resource.

The Allegheny County Bar Association (ACBA) is a professional organization with more than 6,600 member lawyers, judges, magisterial district justices, legal administrators, and paralegals. Our members work to improve the profession, the communities in which they live, and the administration of justice in society.

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Frequently Asked Questions About Mediation



Allegheny County
Bar Association

*Raising the Bar
on Legal and Community Service*

MEDIATION

What is mediation?

Mediation is a process in which an impartial third person (the mediator) assists people who have a dispute to resolve some or all of their differences. The process is informal, flexible, and non-adversarial in nature. In many types of mediation, participation is voluntary. In other types of mediation, you can be directed to participate in mediation. Whatever the process is that leads to mediation, the power to resolve the dispute rests solely with you. While the mediator assists you in resolving your dispute, the mediator does not have the power to make decisions for you or force you to agree to or do anything that you do not want to do.

Why should I use mediation?

There are many benefits to using mediation. Some of the benefits are that:

- It can result in outcomes that meet your real needs and that are mutually satisfying;
- It can save you time and money;
- It can reduce stress;
- It can preserve relationships;
- With certain limited exceptions, the process is confidential;
- It lets you voice your concerns and hear the perspective of the other person;
- You can explore creative solutions to the dispute; and
- It lets you decide how you want to resolve your matter.

How does mediation work?

There are different ways that a mediation can be conducted. However, most mediations begin with a joint session, with you and the person with whom you have the dispute together in the same room. The mediator tells everyone how the process works and explains the role of the mediator in the process. Each person involved in the dispute has an opportunity to tell the other person and the mediator his/her version of the events giving rise to the dispute. Some mediators conduct the entire mediation in a joint session. However, other mediators separate you from the other party to the dispute, shuttling back and forth between the parties. During the mediation, the mediator assists with the exchange of information, identifies issues, and helps generate options. If you and the person with whom you have a dispute come to an agreement, the mediator may help reduce the agreement to writing.

What types of disputes can be mediated?

Most disputes can be mediated. The following are some types of disputes that are frequently mediated:

- Family issues, such as divorce, custody, and support issues;
- Elder care issues;
- Business issues, such as contract disputes;
- Neighbor disputes;
- Work-related disputes, such as disputes between employer and employee and disputes between co-workers;
- Landlord-tenant disputes;
- Consumer disputes;
- Disputes between estate heirs;
- Personal injury matters; and
- Internal business, professional practice, and organizational conflicts.

Will the mediator have special training to help me?

Most mediators have taken at least 40 hours of basic mediation training. Some mediators have training that is well beyond that, and continue to participate in ongoing training and education to increase their skills in mediation and conflict resolution. In addition, there are several different styles and approaches to mediation. It is important to talk with any prospective mediator about the education, training, and approach of that mediator so you are able to better understand the ways in which the mediator might be helpful to you.

How much does mediation cost?

The cost for mediation varies. In the private sector, some mediators charge by the hour and other mediators charge a flat fee based on half or whole day sessions. The parties to a dispute work out an agreement as to payment in advance. The cost is sometimes shared equally. Other times, the parties agree to a different financial arrangement. If you are mediating through a court program, government program, or a community mediation program, the service may be free or the fee may be reduced. It is important that you discuss fee issues with the mediator or program administrator prior to the mediation and have a clear understanding of what the fee is before the process begins.

Do I need an attorney to participate in mediation?

Whether or not you need an attorney to participate in mediation depends on the circumstances. In many programs, you are not required to have an attorney to participate in mediation. If you are represented by an attorney in a lawsuit and the court or judge refers you to mediation, your attorney will participate in the process. The role of the attorney is to prepare you for the mediation and act as your counselor and/or advocate to assist you in working toward a satisfactory resolution.

Where can I go for additional information about mediation?

The following organizations or entities have websites that provide additional information about mediation and/or names of individuals who serve as mediators:

Alternate Dispute Resolution Committee of the Allegheny County Bar Association

at <http://www.acba.org/ACBA/Members/Committees-Sections/AlternativeDisputeResComm.asp>

American Bar Association Section of Dispute Resolution

at <http://www.abanet.org/dispute/>

Association for Conflict Resolution

at <http://www.acrnet.org/>

Conflict Resolution and Mediation Services of The Center for Victims of Violence and Crime

at <http://www.cvc.org/CrimeVictimsAssistance/ConRes.php>

Generations Program (Court of Common Pleas of Allegheny County, Family Division, Child Custody Department)

at http://www.alleghenycountycourts.us/family/childrens_court/child_custody/generations_program.asp

Mediate.com

at www.mediate.com/index.cfm

Mediation Council of Western Pennsylvania

at <http://www.mediationwp.org>

Pennsylvania Council of Mediators

at <http://pamediation.org/index.html>

United States District Court for the Western District of Pennsylvania

at http://www.pawd.uscourts.gov/Applications/pawd_adr/Pages/adr.cfm