



## EARLY SETTLEMENT, NORMAN MEDIATION INFORMATION SHEET

**Parties:** \_\_\_\_\_

Your mediation session is scheduled for the \_\_\_\_\_ **at 5:00 p.m.** We are located at the north end of Building B at the northeast corner of the City complex at 201 W. Gray St. (The Police Department occupies the south end of Building B.) Please plan to check in at the Municipal Court between 4:50 and 4:55 p.m. **You must be in the building by 4:55 p.m. as the doors lock at 5:00 p.m.** You may park in the parking lot west of the building. It is important, once you agree to Mediation, that you attend as scheduled and are prompt, since the doors lock at 5:00 p.m. and you will not be able to gain entrance to the building after that time unless prior arrangements are made. Additionally, once scheduled, mediation sessions are rarely re-scheduled. Last minute cancellations are not permitted by either of the participating parties. There is the possibility that failure to appear could result in additional court action. **FOR YOUR PROTECTION AND OURS, MASKS WILL BE REQUIRED TO BE WORN AT ALL TIMES IN THE BUILDING.**

Mediators are notified of their cases in advance and, in some instances, travel from Oklahoma City. The Mediators are trained and certified by the State of Oklahoma and serve as volunteers of the Early Settlement Mediation Program. They receive no compensation for their services.

1. Mediation is designed to find acceptable resolutions to conflicts between citizens of the City of Norman. Mediation is a win-win program that requires both parties be prepared to exercise some form of compromise so that everyone involved is part of the solution. Since the beginning of this program in 1988, we have had a success rate of 85% resolutions in the conflicts mediated.
2. No matter how experienced we are, unless the parties have a real desire to resolve the issues, mediation will not be successful. However, the alternatives are certainly limited if mediation is not used. In mediation all parties contribute toward the resolution but if the matter goes before the Court, the Court alone decides the outcome and the parties have to accept the decision of the Court. If you have agreed to Mediation, we anticipate all parties will participate in good faith toward a resolution.
3. Your Mediator knows nothing of your case prior to his/her arrival at the mediation session. It is not the function of the Mediator to make decisions or to render any decision of who is right or wrong in a conflict. The Mediator cannot give legal advice to either party. Mediation is not the forum to argue the legal merits of your case. If this is your desire, then your case needs to proceed to the Courts. The Mediator assists the parties, in open

conversation, to discuss the conflict, why the situation has reached the point of mediation or Court action, and what each party feels can be done to resolve the conflict.

4. At the mediation session, first the initiating party will be given the opportunity to express their feelings about the situation and the reasons for the conflict. Then the responding party will be given an opportunity to express their feelings about the conflict. The Mediator will then ask the initiating party what they feel can be done to resolve the conflict. The responding party is then given an opportunity to respond and give their opinion as to solutions to the conflict. It is at this point that the Mediator will assist the parties in reaching a solution agreeable to both parties by encouraging and assisting with open and frank conversation about the conflict and possible solutions.
5. Under State law mediation sessions are confidential, therefore, **ONLY** the parties involved in the conflict, the initiating party and the responding party, are allowed in the session. Parties who are minors must be accompanied by a parent or guardian. Witnesses are not heard at mediation and in most cases evidence is not used, unless the case involves estimates as to damage amounts the Mediator needs to review. Under very special and unusual situations, additional parties are allowed, but **ONLY** with prior permission and the agreement of the parties involved in the conflict. You are not required to secure the services of an attorney, however, that is every person's right. If an attorney represents you in this action, **PLEASE** notify our office immediately. Attorneys are permitted in the session but can **ONLY** talk with their client and play no actual role in the mediation. They are required to sign a confidentiality statement. This too is State law.
6. When an agreement is reached the Mediator reduces it to writing, each party signs it, then they are mailed a signed copy the next day. By participating in mediation neither party waives any rights to legal action if the mediation is not successful. If a resolution is reached, the original charges are not filed and the case is dismissed. Failure to abide by the mediation agreement can result in not only the original charge being re-filed, but additional charges filed as well. If a resolution is not reached, the original complaint is forwarded to the Assistant City Attorney for determination of further court action.
7. In cases where the initiating party is requesting reimbursement for expenses resulting from the conflict, such as medical expenses, repair of damaged property either real or personal, **ONLY** the actual cost is recoverable. There is no reimbursement for loss of wages, loss of time, emotional distress, punitive damages, etc. If your case involves such issues, you need to consider civil remedies such as small claims court. Receipts will be necessary to present to the Mediator to document the expense and they will be maintained in the file, so please make copies prior to the session. Any payment arrangements will be made during the mediation session and, if part of the agreement, the case will remain open until payment is made and all other conditions of the mediation agreement have been met.
8. If the responding party has set a court date with the Municipal Court and an agreement is reached it will not be necessary to keep that court date. If no agreement is reached, and a court date has been set, the responding party will **NEED TO APPEAR ON THAT DATE**. If

no agreement is reached, and the responding party has not contacted the court, you will need to contact the Court IMMEDIATELY.

9. Under Oklahoma State Law, Title 21 Oklahoma Statutes, Section 1277, *"it is unlawful for any person in possession of a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act.....to carry any concealed handgun into any of the following places: 1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public....."* The location of your mediation falls within the jurisdiction of this Statute and therefore you are prohibited from having on your person or having on the premises any gun, knife or other weapon during the mediation session.
10. In accordance with the Americans with Disabilities Act, if you require any special accommodations to facilitate your participation in the mediation session, please notify this office immediately.
11. We realize, in some cases, emotions can run very high because of the issues bringing individuals to the mediation table. Violence of any type including threats of violence toward any party involved in the mediation process including the Mediator will not be tolerated. **ANY violation of this policy WILL result in the mediation session being immediately terminated and criminal charges will be filed against the violator.**
12. The Dispute Mediation Program sponsored by the City of Norman, under the direction of the State of Oklahoma Supreme Court, has been established for your convenience and at no cost to you. The process works as has been proven over and over. We urge all parties to give the process every opportunity to work and to enter into mediation with a desire to resolve the conflict, which has brought you to this point. I would be glad to assist you in any way possible and to answer any questions you might have regarding this matter. Please do not hesitate to call me at 217-7750 if you have any questions.

Jessie Jackson, Coordinator  
Early Settlement-Norman  
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Norman, OK 73069  
405-217-7750