

A Maryland Judiciary Production  
*My Laws, My Courts, My Maryland*  
Mediation Video Series - Part 3: How to Participate in Mediation

Introduction  
Preparing for mediation  
Participating in mediation  
What happens if you reach an agreement?  
What happens if there is no agreement  
Let's Review

### **Introduction**

Welcome to the Maryland court's video series on mediation. This video will help you get the most out of your experience. You will learn how to prepare for mediation and how to participate effectively. You will also learn what to do once an agreement is reached.

Let's get started.

### **Preparing for mediation**

Before your mediation session, there are a few things you should do to prepare. First, you should consider what you want to discuss. Think about what's most important to you, and what you think is most important to the other person. What topics do you need to resolve and what questions do you want to ask the other person?

Second, prepare any resources you think are significant. Mediation is not a trial. You do not need to present evidence. You should bring documents and information that will help the discussion and answer questions. You may be allowed to bring your lawyer. Ask your mediator or mediation program if lawyers can participate.

Next, plan ahead - -- give yourself plenty of time for mediation. Sessions can vary in length.

Word Count: 731  
Approximate Run Time: 5.22 Minutes

Lastly, relax. Mediation is less stressful than you might think. The mediator is there to help you with the process. If it does not work out, you do not lose any of your rights.

Let's look at how best to participate.

### **Participating in mediation**

Keep in mind that mediation is a collaborative process. You should listen for new information and keep an open mind. It is important to hear what the other person is saying. Ask questions to help you understand. There may be a lot to talk about, so try to focus on what you really need to end the conflict.

When crafting a solution to the problem, be creative. Mediation gives you an opportunity to develop unique solutions. You may discover possibilities that you had not previously considered. It is a good idea to think carefully about how a solution will be implemented. Discuss all the specific details, for example when something needs to happen and how that action will be performed.

Remember that you control the outcome. The mediator will not decide what happens or pressure you into an agreement you don't want. You can end the process at any time, but give it a chance. You may be surprised to find that you and the other party can find solutions that you never anticipated.

### **What happens if there is an agreement?**

When you reach an agreement, it can be written down. The mediator may record points of agreement. You can also ask a lawyer to do this. Make sure the written document includes every detail of your solution. It should also state what happens if it isn't followed.

When both parties sign, it may become binding. Do not sign the agreement if there is something you don't understand. It's okay to have a lawyer review it before you sign.

If you have an open court case or will be filing with the court in the future, you may need to provide the court with a copy of the agreement. The court may incorporate it into an order or keep it as part of the court file.

There is one more thing to consider.

### **What if there is no agreement?**

While mediation may help you reach a better understanding of the situation between you and the other person, it does not always result in an agreement. If you don't reach an agreement on some or all of the issues, you don't lose any rights. You can still have your conflict resolved through the court. Because mediation is confidential, the court generally will not consider what was said at mediation.

Let's review what you have learned.

### **Let's Review**

Before mediation, take some time to prepare by considering what you want to discuss. When you participate, keep an open mind. Look for creative solutions to your conflict. The mediator will help

you communicate but will not force you to agree to anything. Finally, don't forget that if you reach an agreement, it may need to be written down and signed by both parties.

On behalf of the Maryland Courts, we hope this information about mediation has been helpful.

Thanks for watching.