

The Neysa C. Adams Pro Se Assistance and Mediation Clinic has been established by the Arlin M. Adams Center for Law and Society at Susquehanna University to assist self-represented litigants, provide lawyer referral, and offer the community cost-free mediation as an alternative way to resolve a dispute. Our mediation program helps individuals and businesses find creative, meaningful and lasting solutions to their conflicts, without the expense and delays associated with litigation.

DISPUTES THAT MAY BE MEDIATED

Almost any dispute may be mediated. The following are examples of the kinds of disputes we may help resolve:

Community Disputes

- **Neighborhood Disputes** - parking, noise, pets, property lines, common driveways, trash, overhanging trees
- **Petty Offenses** - vandalism (graffiti, destruction of property, keying cars, puncturing tires), minor assault, harassment, missing items
- **Small Claims** - debt repayment, consumer-repairperson, consumer-merchant, consumer-serviceperson, consumer-travel agency
- **Housing** - landlord-tenant, real estate, condominium boards and owners, roommates
- **Employment** - workplace disputes between co-workers, supervisor-employee, board-staff involving issues such as discrimination, discipline, salary, policy, personality conflicts

Family Disputes

Parent-Youth Mediation

Parent-youth mediation is designed for parents and care-takers who are experiencing conflict with their children. Disputes that come to parent-youth mediation may include issues such as:

- School attendance
- Behavior
- Friends
- Homework
- Chores
- Curfews
- Allowance
- Sibling relationships
- Communication

Divorce, Custody and Partnership Dissolutions

For most families in transition, mediation is a faster, less expensive, and more effective method than litigation for resolving financial and child-care issues, such as:

- Division of property/equitable distribution
- Related financial issues (e.g., taxes, annuities, pensions, investments)
- Parenting arrangements/child custody
- Child support
- Spousal support/alimony

Disputes Involving the Elderly

Isolation and conflict may have an adverse effect on care givers, care recipients and the quality of care for our elderly population. Even when conflict does not exist, many care givers have difficulty obtaining information, securing needed resources, and communicating with family members and service providers. The stress of care giving may leave individuals feeling upset, overwhelmed and without the energy to organize help from family, friends, and the community. Low and moderate income families cannot afford to pay for many needed services and are left to navigate the public system or fend for themselves. Left unaddressed, isolation, stress and conflict may lead to elder abuse and neglect.

What kinds of elder issues can be mediated?

Typical issues addressed in mediation of disputes involving the elderly include:

- Living arrangements
- Driving
- Property maintenance
- Level of care
- Quality of care
- Finances
- Health care matters
- Legal issues (e.g., trusts and estates, adult guardianship)
- End-of-life decisions (e.g., living wills)

Who should attend a mediation session about elder issues?

Anyone involved may participate. Mediation provides older adults with an opportunity to actively participate in the decisions that affect their lives. Mediation may be used to resolve issues among parents, grandparents and grandchildren and other extended family members as well as conflicts that may arise between the older adult and the care-taker or between the care-taker and the family. Faith leaders, support persons, friends, significant others, neighbors, care-takers or other service providers, financial advisors and community resource people may also be invited to the mediation session, when appropriate.

Multi-Party Disputes

Mediation may also be used for large-scale situations that involve groups. Multi-party mediation is used to address intra and inter-group issues. As a community mediation center, the Clinic may be called upon to mediate issues involving neighborhoods, community-based organizations, and public-private issues where diverse interests have caused divisiveness in the group, such as:

- Street vendors
- Noise issues
- Environmental concerns
- Health and safety concerns
- Street closings
- Location of new businesses
- Gangs
- Community-based "quality of life" issues

Frequently Asked Questions About Mediation

- What is mediation?
- Who are the mediators?
- What is the role of the mediator?
- Do I need to bring an attorney?
- What are the benefits of mediation?
- How can I schedule a mediation session?
- What happens if the other person involved won't mediate?
- What happens if we don't settle?
- When is mediation NOT appropriate?

What is mediation?

Mediation is a voluntary, confidential process for resolving disputes with the help of one or more trained, neutral third-parties called "mediators." The Clinic generally uses two "co-mediators."

Who are the mediators?

The mediators are Clinic staff and volunteers who have completed a minimum of 40 hours of mediator training and successfully completed an mediator apprenticeship.

What is the role of a mediator?

A mediator does not make a decision like a judge or an arbitrator does. A mediator does not give legal advice or representation. A mediator does not take sides or tell the parties what to do. A mediator is not a therapist or a counselor. A mediator enables the parties to

communicate effectively so that they understand each other's points of view. A mediator may help the parties clarify the issues, brainstorm possible solutions, and write out the decisions they reach.

Do I need to bring an attorney?

No, you do not need to bring an attorney to the mediation; however, attorneys may participate if the parties agree. Most people who use mediation to resolve their dispute are not represented by an attorney. Parties may have their mediated agreements reviewed by an attorney prior to signing it if they so desire. As a result of the mediation, you may need or want an attorney to draft documents involving such matters as: filing for divorce; estate planning; powers of attorney; medical directives; conservatorship; or guardianship.

What are the benefits of mediation?

- **Self Determination** - the parties control the outcome. Mediation ultimately results in either a resolution agreed upon by the parties or no agreement. The mediators do not tell the parties what to do or make a decision like a judge or arbitrator.
- **Convenient** – mediation sessions may be scheduled at your convenience - during the day, early evening and weekends.
- **Confidential** - mediation is private and confidential. As a general rule, the Clinic and its mediators will not reveal anything that is said or done during the mediation process, and nothing presented in mediation can be used as evidence in any legal proceeding. The mediators will not willingly testify in court in regard to the mediation if the parties do not resolve their dispute in mediation and decide to take their dispute to court. There are some exceptions to the general rule of confidentiality, such as where there is suspicion of child abuse, or threats of harm to self or others, or property. Mediation confidentiality is protected under Title 42 Pa Consolidated Statutes §5949.
- **Free** - The Clinic provides cost-free mediation services.

How can I schedule a mediation session?

Call the Clinic at **570-374-5414** or **570-372-2784**.

Both parties must agree to mediate. The Mediation Program does not have the power to subpoena anyone to come to mediation. If you request mediation, either you or the Clinic on your behalf must contact the other party to explain the mediation process and ask if the other party is interested in mediating.

What happens if we try to resolve our dispute using mediation and are unsuccessful?

You decide what to do next. Attempting to resolve your dispute in mediation does not limit your options or impact your legal rights. You may always take your dispute to court

if it is not resolved in mediation. Sometimes mediation opens the door to resolution; even if the parties are not able to reach agreement during the mediation session, they may continue the conversation started during mediation and reach a resolution on their own later.

When is mediation NOT appropriate?

- Issues that are not negotiable (e.g., things against the law)
- When there is a history of domestic violence between the parties
- When one of the parties declines the invitation to mediate
- The Clinic does not mediate criminal cases

Note of Appreciation

The Clinic thanks the Good Shepherd Mediation Program of Philadelphia for allowing it to borrow extensively from the outstanding work the Good Shepherd Mediation Program has done in explaining mediation.