

# MEDIATION IS:

**COOPERATIVE** In mediation, the parties to a dispute work together with the assistance of a trained mediator to discuss their dispute and arrive at a mutually agreeable solution. The mediation process promotes communication, cooperation, and the restoration of relationships by negotiating peaceful settlements. In mediation, the participants explore options and choose a solution that meets both their interests and the requirements of any applicable Del Mar regulations or ordinances.

**CONFIDENTIAL** The mediation process protects the parties' interests and legal rights. In order to encourage the free exchange of information, all mediation sessions are confidential.

**EMPOWERING** Mediation allows individuals to maintain control of the decisions that affect their future. Mediation is a voluntary process for people to discuss ways to resolve misunderstandings or conflicts, rather than hold them inside, ignore them, or allow them to escalate beyond the possibility of resolution. Further, the mediation process gives the participants experience with conflict resolution methods that they can use in resolving future disputes.



Del Mar Community  
Mediation Advisory Committee  
P. O. Box 186  
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# WHAT IS MEDIATION?



**Me\*di\*a\*tion** n 1: private, voluntary process in which an impartial person facilitates communication between parties to promote settlement;  
2: does not involve a decision by the mediator.

**Me\*di\*a\*tor** n, 1: a neutral (third person) selected by the parties to a dispute to assist in the identification of issues, generation of options, and facilitation of a mutually acceptable agreement.

# ? I HAVE ? ? ? ? QUESTIONS... ?

Q. What types of disputes can be resolved?

A. Any dispute between two or more individuals or entities can be mediated. Disputes that can be resolved range from noise, barking dogs, trash and parking to planning and land use issues, such as view, tree and vegetation maintenance. Mediation can be especially effective when the issues are complex or when there is a high level of emotion surrounding the dispute.

Q. What can I expect in a mediation session?

A. All parties participate. Mediation does not determine guilt or innocence. The mediator assists in defining the issues, guides communication, helps participants resolve misunderstandings, explores options and facilitates a satisfactory outcome. Individuals are given the power to voice their expectations and interests and craft a solution which reflects those interests.

Q. What is the mediator's role?

A. The mediator is an impartial third party trained in conflict resolution skills who assists people in arriving at a mutually agreeable solution to their dispute. In contrast to the traditional adversarial approach where a judge or arbitrator holds an evidentiary hearing, listens to the cases prepared by each party's counsel and makes a judgment, the mediator acts as a catalyst helping to create possible solutions on which the parties can agree, facilitating the parties' negotiations and assisting in developing a written agreement.



Q. What is the focus of mediation?

A. Although fact-finding to determine the origin of a dispute is an important part of the process, mediation tends to focus on moving forward - resolving the dispute and constructing a foundation for any future relationship between the parties.

Q. Do I need an attorney?

A. In mediation legal representation is not required. The language used in mediation is normal everyday language. In order to negotiate most effectively, it may be helpful to have an understanding of your legal rights and remedies prior to beginning the mediation session. If you wish to have your attorney attend, you can arrange this through your mediator.

Q. Does mediation work?

A. Yes. The mediation process recognizes that each dispute is unique. The flexibility of the process allows participants to explore the interests at stake and, where necessary, the underlying sources of conflict. Because decisions are made voluntarily by the participants, they retain control of the process and the mutually agreed-upon outcome. This allows mediation to work to bring a resolution to a dispute.

Q. Are there legal rules that apply to mediation?

A. A mediated agreement is usually expressed in a written document. For this reason, compliance under mediated agreements is generally high. If the parties choose, they can include a statement making their agreement enforceable at law. In addition, the agreement of the parties may be subject to the approval of a governing body such as the Del Mar Design Review Board, Planning Commission and/or City Council.

The information in this brochure is available in alternate formats upon request.

Brochure Design: Joanne Sharp/A Sharp Design

Q. How long does mediation take?

A. Many disputes can be resolved in a single session lasting only a few hours. More complex matters may require several sessions. The mediation process can generally be entered into within days or weeks depending on the complexity of the dispute. Telephone mediation may also be available.

Q. What does it cost?

A. Mediators in private practice usually charge by the hour. The cost is typically shared by the parties in dispute. The cost of mediation is considerably lower than either arbitration or litigation. Volunteer mediators are available. There are funded agencies that can provide mediation on a sliding scale.

Q. How do I find a mediator?

A. Mediators are trained in conflict resolution. Many local organizations and individuals provide mediation services. A directory of mediators identified by their experience and qualifications is available at:

- The Del Mar Library
- The Del Mar City Hall
- The Powerhouse Park Community Center
- Del Mar Visitors' Center

Mediators can also be found in the Yellow Pages of the telephone directory listed under "Mediation Services."

There are two tax-supported mediation centers:  
San Diego Mediation Center (619) 238-2400  
North County Lifeline (760) 726-4900



Del Mar Community  
Mediation Advisory Committee  
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comprised of interested Del Mar volunteers

Underwriting made possible by grants from the Del Mar Foundation and the City of Del Mar. These entities do not recommend or endorse any specific mediator.