

How Can Mediation Help in My Case?

1. ALL ARE WINNERS. After litigating a case through trial, even the winners may feel they have lost. The costs and time commitment on both sides may be enormous. Sometimes neither side is satisfied with the result –and any relationship that may have existed between the parties is likely to have been severely strained. Both sides can win through mediation.

2. REDUCES RISKS. The court is limited in the procedures it must follow and the remedies it may award, and submitting a case to a judge or jury can be extremely risky.

3. BETTER COMMUNICATION. Sometimes the parties stop communicating directly and it is only after a significant amount of time and expensive discovery or motions that the parties understand what is really in dispute. The parties get to exchange key information more directly and early on through mediation.

4. REDUCES HOSTILITY. Mediation can also improve the quality of justice by helping the parties obtain a better understanding of their case early on. It can help to reduce hostility and improve the quality and tone of communication.

Where Can I Get More Information?

Clerk of Court's Office, 1st Floor Judicial Center Building, 120 West O'Brien Drive, Hagatna, Guam
Ph: (671) 475-3340; www.guamcourts.org

Who Are Approved Mediation Service Providers?
Inafa Maolek
Ph: (671) 475-1977

Pacific Arbitration and Mediation Services (PAMS)
Ph: (671) 472-2089



HOW MEDIATION CAN WORK FOR YOU



Court-Referred Mediation



Why Does the Court Offer Mediation?

It is the mission of the Judiciary of Guam to do everything it can to help parties resolve their disputes as fairly, quickly and efficiently as possible.

While traditional litigation can serve parties' interests well, some cases have needs that can be better met through other procedures such as mediation.

Mediation can offer numerous advantages over formal litigation between the parties. It can lead to resolutions that are faster, less expensive, more creative, and better tailored to the parties' underlying interests.

This brochure provides information about the availability of mediation. Reading this brochure is not a substitute for understanding the mediation rules. Be sure to consult the rules when participating in a mediation process.



Goal

The goal of mediation is to reach a mutually satisfactory agreement resolving all or part of the dispute by carefully exploring not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities.

Process

Mediation is a flexible, non-binding, confidential process in which a neutral party facilitates settlement. The informal session typically begins with presentations of each side's view of the case, through counsel or clients. The mediator works to:

- **improve communication between the parties**
- **help clarify their interests and those of their opponent**
- **probe the strengths and weaknesses of each party's legal positions**
- **identify areas of agreement and help generate options for settlement**

Confidentiality

Communications made in connection with a mediation ordinarily may not be disclosed to the assigned judge or to anyone else not involved in the session, unless otherwise agreed.

Timing

A mediation may be ordered by the Judge or requested by the parties at any time. The mediator contacts counsel to schedule an initial telephone conference to set the date, time and location of the mediation session and to discuss how to maximize the utility of mediation. Mediation is usually completed within sixty (60) days.

Attendance

The following individuals are required to attend the mediation session: clients with settlement authority and knowledge of the facts; the lead trial attorney for each party; and insurers of parties if their agreement would be necessary to achieve a settlement.

Preservation of Right to Trial

The mediator has no power to impose settlement and does not attempt to coerce a party to accept any proposed term. The parties may agree to a binding settlement. If no settlement is reached, the case remains on the litigation track. The parties' discovery, disclosure and motion practice rights are fully preserved.

Cost of Mediation

Mediation costs are generally paid by the parties in equal proportions unless otherwise agreed by the mediation service provider and parties, or by court order.