



COMMUNITY DEVELOPMENT PROJECT

MEDIATION VS. LITIGATION: THINGS TO CONSIDER BEFORE GOING TO COURT

This handout provides basic information about mediation and is not intended to provide legal advice.

WHAT IS MEDIATION?

Mediation is a private process where a neutral third person called a mediator facilitates a discussion of the issues at hand and helps you and the other party to potentially resolve the dispute through negotiation. Both you and the other party have an opportunity to describe the issues, discuss your interests and provide each other with information that may help to resolve the dispute. The mediator will assist each person to understand the other person's point-of-view and focus on the problem(s). The process is "voluntary" in that the parties are not required to come to agreement. The mediator does not have the power to make a judgment or decision regarding the merits of the dispute, but can help the parties find a resolution that is mutually acceptable. If the parties reach an agreement, the mediator may help create a written contract, which can be enforced in court.

WHAT ARE THE BENEFITS OF MEDIATION?

Mediation has several advantages. For instance, normally mediation is much cheaper and faster than the traditional legal process. Mediation also offers the participating parties greater involvement in reaching a solution, as well as more control over the outcome of the dispute. In addition, mediation is less formal and has more flexible rules than the trial court system. Mediation allows the parties to preserve their business relationship and provides the parties a neutral, non-adversarial forum for evaluating the strengths and weaknesses of their respective positions. Mediations are confidential and can afford a more creative resolution of problems because the parties control the process. If the mediation is not successful, you may still file a lawsuit.

WHY WOULD I WANT TO AVOID GOING TO COURT?

- **SAVE TIME.** Everyone wants their "day in court" to show the judge why they are right and the other person is wrong. Unfortunately, waiting for your day in court could take months or even years. In the meantime, you still have to deal with your problem and it may affect how successfully you are able to operate your organization. Although a court date in small claims court will be scheduled within 70 days of filing a claim, it is not uncommon for cases to be postponed and for resolution to take a year or longer. Mediation provides an opportunity to settle the dispute quickly and effectively.
- **SAVE MONEY.** Going to court and filing a lawsuit can be very expensive. There are costs associated with filing a claim in court and costs associated with collecting money if a judgment is rendered in your favor. If lawyers get involved, it will cost even more money because you may have to pay a portion of any settlement you receive to the lawyer to cover the cost of the legal services.

rendered. If you are being sued and get a judgment against you, the judgment will be reported to the credit bureaus and your credit will suffer as a result. Furthermore, if you lose your case the judge may order you to pay the other party's court costs. Mediation offers an opportunity to settle the dispute out of court. If you are successful in settling the dispute in mediation, you can save the money which would have otherwise been spent on court costs and lawyers.

- **SAVE FACE.** What happens in court is public and is part of the public record, which means that anyone has access to the information about your case. In some instances, you may not want everyone in the community knowing about disputes related to your organization. Mediation is a great option if you would like something to be kept private because it is confidential and conversations and settlement agreements reached through mediation can be kept confidential.
- **SAVE CONTROL.** If you go to court, a judge will decide the outcome of your case and what you and the other party must do to comply with the judgment. This means that a judge may decide against you and force you to take some actions that you do not want to take. This may include forcing you to pay money in a fee dispute or forcing you to vacate your property in the case of a landlord-tenant dispute. If you go to mediation, a neutral mediator will help you reach an agreement that is acceptable to you and the other person involved in the dispute.

ADDITIONAL RESOURCES

There are numerous organizations that provide free or low-cost mediation services to individuals and businesses, and below is a list of some local organizations that may be helpful.

1. **Asian Pacific American Dispute Resolution Center (APADRC)**

1145 Wilshire Boulevard, Suite 100

Los Angeles, CA 90017

(213) 250-8190

Mon – Fri; 9 AM – 5 PM, Open evenings and weekends by appointment only.

Walk-ins are ok, but due to limited conference space, callers are encouraged to contact APADRC by phone first.

There is a one-time service fee of \$20 which may be waived depending on client's income

<http://www.apadrc.org/>

APADRC is a nonprofit organization that provides mediation and conflict resolution services in multiple languages to the diverse communities in the Los Angeles area, with a focus on the Asian Pacific Islander Population. APADRC's Community and Intergroup Conflicts program provides large group facilitation and dialogue services for organizations, as well as telephone conciliation. APADRC's Peace Makers and Mediators youth division provides direct mediation service and conflict resolution training to students, teachers and administrators by addressing sensitive issues pertaining to racism, sexism and homophobia.

2. **California Academy of Mediation Professionals (CAMP)**

16501 Ventura Boulevard, Suite 606

Encino, CA 91436

(818) 377-7250

Mon – Fri; 9 AM – 5 PM, By appointment only

<http://www.campmediation.org/>

CAMP is a nonprofit organization dedicated to providing quality mediation services as an effective and efficient alternative to formal court proceedings for the resolution of disputes. Established in 1995, CAMP receives funding from the Los Angeles County Dispute Resolution Program Act. The California Academy of Mediation Professionals offers mediation services to Superior Court cases, to Small Claims Court cases, and to private cases.

3. California Lawyers for the Arts

1641 18th Street
Santa Monica, CA 90404
310-998-5590

Fees are determined individually with each party, based on low sliding scale depending on household income and organization income or budget

http://www.calawyersforthearts.org/Alternative_Dispute_Services

California Lawyers for the Arts is a nonprofit organization that empowers the creative community by providing education, representation and dispute resolution. Arts Arbitration and Mediation Services (A.A.M.S.) is a program of the California Lawyers for the Arts which has provided alternative dispute resolution to artists and entertainers since 1980. A.A.M.S. is the first alternative dispute resolution program in the country to specifically tailor its services for the arts and entertainment communities. A.A.M.S. provides counseling, conciliation, mediation, arbitration, neutral evaluation, and meeting facilitation and their services are not limited to artists and entertainers.

4. Civic Mediation Project (Los Angeles County Bar Association)

1055 W. Seventh Street, Suite 2700
Los Angeles, CA 90017
(877) 4RESOLV (877-473-7658)

Mon - Fri, 9 AM – 5 PM; By appointment only

The first three hours of mediation are free; Low Cost (sliding scale) Services provided; Donations welcome

<http://www.lacba.org/give-back/civic-mediation-project>

The Center for Civic Mediation offers free mediation services to families, individuals and neighborhood groups and organizations. The staff and volunteer mediators have significant experience helping people address and resolve parent-child and youth conflicts as well as a range of community issues including landlord-tenant, consumer, neighbor relations and community disputes. The Center for Civic Mediation recently launched an elder care project to facilitate family decision-making around sensitive issues related to care of aging parents and relatives. Services are also available in Long Beach, downtown Los Angeles, central Los Angeles, South Bay, Pasadena, Pomona, Santa Monica, West Hollywood, and West Los Angeles.

5. Center for Conflict Resolution (CCR)

7806 Reseda Boulevard
Reseda, CA 91335
(818) 705-1090

Mon – Fri, 8 AM – 4 PM

While walk-ins are permitted, appointments are encouraged.

Services free of charge

<http://ccr4peace.org/>

CCR provides services of the highest professional quality at the lowest possible cost to all that seek assistance in the interest of bringing peace and creating peacemakers through court-annexed mediation programs, community mediation initiatives, peer mediation programs and Christian faith-based mediation.

6. City of Norwalk, Dispute Resolution Program (NDRP)

11929 Alondra Boulevard
Norwalk, CA 90650
(562) 929-5603

Mon - Fri; 9 AM - 5 PM; While walk-ins are permitted, appointments are encouraged.

Services free of charge to persons that reside primarily in Norwalk and Los Angeles County

The majority of cases handled through NDRP include but are not limited to:

- Landlord/Tenant Matters (security deposits maintenance/repair; notices: 3-day Pay/Quit, 30-day & 60-day vacate; unlawful detainer)
- Consumer/Merchant (repairs; collections; refunds, warranties)
- Small Claims (debts; properties; accidents)
- Business (formation/dissolutions, disputes, transactions)
- Neighbor-to-Neighbor Disputes (trees; noise; barking; fences; trash; property lines)

7. Inland Valleys Justice Center, Inc. (IVJC)

21781 Ventura Blvd., Suite 633

Woodland Hills, CA 91364

(877) 832-9325

Mon – Fri; 9 AM – 5 PM; By appointment only

Free or Low Cost (on a Sliding Scale) Services provided

<http://www.ivjc.org/>

IVJC provides dispute resolution services that are quick, economical and confidential. The services are provided primarily to low-income and moderate-income individuals who normally could not afford to go to court or pay an attorney. IVJC is a non-profit organization and is able to provide low-cost services due to funding from the Dispute Resolution Programs of Los Angeles and San Bernardino counties, foundation grants, and private donations.

8. Korean American Coalition 4.29 Dispute Resolution Center (4.29 Center)

3727 W. 6TH Street, Suite 305

Los Angeles, CA 90020

(213) 365-5999;

Mon – Fri; 9 AM- 6 PM Walk-ins Permitted (for Phone Conciliation)

Free or Low Cost (on a Sliding Scale)

<http://www.kacla.org/>

4.29 Center is an alternative dispute resolution service that was founded in response to the ethnic upheaval that devastated parts of Los Angeles during the L.A. Riots of 1992. The 4.29 Center strives to provide cost-effective, efficient, and culturally appropriate means of resolving disputes. Special focus is placed on inter-ethnic, inter-cultural conflict resolution among the diverse ethnic populations of Los Angeles County, and the 4.29 Center has successfully mediated over a thousand cases in the past decade.

9. Los Angeles City Attorney, Dispute Resolution Program (DRP)

MAIN OFFICE

200 N Spring Street, Floor 14th

Los Angeles, CA 90012

(213) 978-1880

Mon - Fri; 8 AM – 5 PM, Appointment Only

<https://www.lacity.org/311-directory-online-services/servicedetail/2154>

Any Los Angeles County resident or person who has conducted business in the community, who is involved in a dispute, regardless of income, is eligible for FREE mediation services.

10. Los Angeles County Department of Consumer Affairs, Dispute Settlement Service (DCA)

500 W. Temple Street, Basement 96 Mediation Division

Los Angeles, 90012

(800) 593-8222 or (213) 974-1452 (if you live outside LA County)

Mon – Fri; 8 AM – 4:30 PM; Walk-ins are permitted.

Free mediation services to the residents and businesses of Los Angeles County

<http://dca.lacounty.gov/tsMediation.html>

DCA provides dispute resolution services for small claims court-related matters, and non-profit organization referrals. DCA handles disputes between individuals and/or businesses, such as: landlords and tenants; businesses and customers; neighbors; family members or roommates; contractors and homeowners; and homeowner associations.

11. Loyola Law School, Center for Conflict Resolution

800 S. Figueroa Street, Suite 1140

Los Angeles, CA 90017

(213) 736-1145

Mon – Th: 9 AM – 6 PM; F: 8 AM – 5 PM; evenings and weekends by appointment. While walk-ins are permitted, call-ins are encouraged.

A sliding fee schedule will be used for those who can afford to pay and services may be free for low-income individuals; No one will be charged a fee for the services of the Center who cannot afford to pay.

<http://www.lls.edu/ccr/>

Loyola Law School, CRC provides mediation, conciliation and facilitation services, and conflict resolution training to the communities throughout Los Angeles County (particularly those adjacent to the Law School) with a wide variety of cases

12. Valley Bar Mediation Center

5567 Reseda Blvd, Suite 200

Los Angeles, CA 91356

(818) 856-0232

www.valleybarmediationcenter.com

Mediation services may be provided for no charge

Valley Bar Mediation Center is committed to educating the public about the benefits of mediation. Their goal is to build community through mediation and peace building. They operate to provide affordable quality and mediation services to the residents of San Fernando Valley and the broader community of Los Angeles, to provide mediation training and mentoring, to educate citizens about the benefits of mediating disputes, to reduce conflict and promote cooperation among disputing parties, to facilitate resolution of disputes, to reduce the costs of litigation, to enhance access to justice, and to reduce the burden on the judicial system by providing mediation services of qualified and professional mediators in order to resolve disputes of all types both pre-litigation and in litigation.

This document was prepared by Public Counsel's Community Development Project in April 2016 and is meant to provide general information. This document is not all-inclusive and is not intended to provide any individual or entity with specific legal advice. Receiving this document does not create any lawyer-client relationship. For questions or comments, please call the CDP Intake line at (213) 385 2977 ext. 200.

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