

THE RULES OF MEDIATION

1. Mediation sessions are confidential and therefore only those individuals directly related to the case are allowed to be present.
2. CDR mediators are required to adhere to the Rules of Confidentiality (R. 1:38) and are therefore prohibited from discussing the case with anyone either prior to or after the conference.
3. CDR mediators have no authority to determine guilt or impose sanctions but rather help disputants explore possible solutions to the problem.
4. Disputants are given an equal opportunity to speak.
5. Attorneys may accompany their clients in order to provide counsel, but the mediators will decide the degree of their participation.
6. Disputants are allowed to present pertinent information such as receipts, estimates, pictures, etc. that may help resolve the dispute.
7. Though not necessary, each party may present witnesses.
8. Mediators may limit discussion or discontinue the session.

WHAT TYPE OF CASES WILL BE HANDLED IN MEDIATION?

The Municipal Court Mediation Program is intended to deal with citizen complaints such as, but not limited to:

- Harassment
- Defacement of Property
- Disorderly Conduct
- Trespassing
- Criminal Mischief
- Simple Assault
- Noise Complaints
- Animal Complaints

BERGEN VICINAGE MUNICIPAL COURTS



MUNICIPAL COURT MEDIATION

A Win/Win Program

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WHAT IS MEDIATION?

Mediation is a process of settling disputes in which a panel of mediators listen to all the involved parties and help them reconcile or settle the dispute without court intervention. This process involves negotiation which gives the disputing parties control of the outcome of their case. The mediators' role is to promote a free flowing exchange between the disputing parties in anticipation of reaching an agreement.

WHAT IS "THE MUNICIPAL COURT COMPLEMENTARY DISPUTE RESOLUTION PROGRAM"?

The Complementary Dispute Resolution Program (CDR) was created to achieve several goals: early intervention, easing of tensions, disposal of minor personal disputes a judge does not have to hear and reduces the complaints in municipal courts. The CDR program utilizes state trained community volunteers as mediators to help settle disputes.

WHY IS MEDIATION RECOMMENDED?

1. There is no court cost for either party. Going to court involves costs.
2. If mediation proves successful, there is no court record when the complaint is dismissed.
3. Mediation promotes harmony among disputing parties because they have played a role in the resolution of their case.

4. There is no "win/lose" situation. All parties involved are winners.
5. There is no pressure upon the parties to reach a decision.
6. Mediation supports the idea of community involvement, by using volunteer members of the community as mediators in teams.

HOW ARE CASES REFERRED TO MEDIATION?

1. A complainant files an informal notice of mediation with the court administrator to initiate the mediation process. Once this form is signed, a mediation date is set and a copy of this notice is forwarded to all involved parties to attend.
2. If a citizen reports an incident to the police department, the police will (when appropriate) introduce the Complementary Dispute Resolution (CDR) program and refer the citizen to the court administrator of that town for further information.
3. After a formal complaint has been filed and the involved parties appear before the Municipal Court Judge, the judge may decide, after reviewing the complaint, that the case is appropriate for mediation. In this instance, the judge will then explain Complementary Dispute Resolution (CDR) and may order the parties to mediation.

THE ROLE OF THE DISPUTING PARTIES

The disputing parties play the primary role in reaching a realistic and workable agreement. All involved

parties are expected to refrain from name calling, profanity, or threatening behavior. Parties are expected to listen to each other and to negotiate a fair and reasonable agreement.

WHO ARE THE MEDIATORS ON A TEAM? CITIZENS:

- a. With experience in assisting parties to resolve contested issues, and who have received training as mediators.
- b. With skills to identify issues quickly, who can remain neutral and objective.
- c. With compassion and suitable temperament and skills in dealing with people.
- d. Whose purpose is to facilitate the exchange of information to help parties discuss their needs and differences, and to work out an amicable agreement.
- e. Who possess integrity and impartiality.

WHAT HAPPENS IF AN AGREEMENT IS REACHED BUT IS BROKEN?

If a case was court referred, the party can notify the court administrator to determine what further action should be taken.

If a complaint was not previously filed, one can be filed with the court administrator, or an additional mediation session can be requested.