

BATON ROUGE CITY COURT MEDIATION PROGRAM

What is Mediation and how does it work?

Mediation is a voluntary process where a neutral, impartial third-person (the Mediator) assists disputing parties through the negotiation process in order to reach a solution that is acceptable to all and that will lead to the dismissal of the suit.

At the mediation, the parties will sit down with the mediator in private and explain the problem as they see it and talk about how they think the matter could be resolved.

The mediator oversees the discussion to allow each party the opportunity to be heard in an atmosphere of cooperation and respect. The parties develop solutions with both parties' interests in mind. When an agreement is reached, it is usually written and signed by all parties.

Where and when will the Mediation Conference be held?

The mediation conference can be held at the Small Claims Court on the day scheduled for your hearing. However, you have the option, if all parties agree, to mediate the case at the Law Clinics of LSU or Southern on a day and time convenient to all parties. This can generally be scheduled much sooner than your hearing date at court.

Who are the Mediators?

The mediators are the professors and/or students of the local law school clinics. Mediators are a neutral, impartial third- person who assists disputing parties through the negotiation process. They have skills to create an atmosphere that helps people reach positive outcomes in their discussions. The mediators make sure that everyone has the opportunity to be heard and they help the parties reach workable solutions to their dispute.

The Mediator is not a Judge or an Arbitrator and cannot tell the participants who is right or wrong, or how they should settle the case. The mediator has no power to impose a decision on the participants.

Who does the Mediator represent?

The Mediator does not represent either side in the dispute and does not give legal advice. His/her only interest is in assisting the participants to reach a voluntary solution that is acceptable to all.



ADVANTAGES OF MEDIATION

PRIVATE: Mediation is private and confidential. The mediator does not report anything to the Court about what is said in mediation. Also, in most cases, statements made during mediation cannot be used as evidence in a trial.

CONTROL: The parties are always in control of the outcome; no one “loses” a case in mediation. The mediation agreement is a joint solution; everyone generally feels better about the outcome. This is especially important when the parties have an ongoing relationship.

SOLUTIONS: A court cannot always provide a result that will best satisfy the needs of the parties. Mediation allows for creative solutions, which can avoid having a judgment entered against a party.

NO RISK: There is no risk in mediation. All participants have an equal and full voice and no one gives up their right to pursue their claim if the dispute is not resolved.

What happens if an agreement cannot be reached?

If an agreement that resolves the matter cannot be reached, the participants will return to the courtroom to have their case decided by the City Court Judge. The mediation conference is confidential and the judge will not be told what occurred during the mediation.

What Disputes May be mediated?

Almost any dispute you might file in Baton Rouge City Court, Small Claims Division, can be mediated. Mediation is voluntary, so both parties must agree to participate. The most commonly mediated disputes include:

Between Citizens

- ❖ Automobile collision damage
- ❖ Personal property damage
- ❖ Real property damage
- ❖ Unpaid personal loans
- ❖ Unreturned borrowed property

Landlord-Tenant

- ❖ Unreturned security deposits
- ❖ Repairs needed
- ❖ Unpaid rent
- ❖ Property damage
- ❖ Unpaid utilities
- ❖

Consumer-Business

- ❖ Faulty goods or services
- ❖ Non-payment for goods or services

Employer-Employee

- ❖ Wages, salary, or commission
- ❖ Employee benefits
- ❖ Un-reimbursed expenses

The Small Claims Division of Baton Rouge City Court, in cooperation with the Civil Mediation Clinics of the local law schools, offers FREE mediation conferences in advance of or on the day of court. Any party interested in mediating a claim may contact a participating law school.

Louisiana State University
Civil Mediation Clinic
Paul W. Breaux, Adjunct Clinical Professor
(225) 578-8262

Southern University Law Center
Civil Mediation Clinic
Alvin Washington, Professor
(225) 771-3333

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Court contact:

Baton Rouge City Court – Civil Division
Tanya LeDoux, Senior Deputy Clerk
(225) 389-3017

Dear City Court User:

Baton Rouge City Court is committed to providing quality and efficient services to those who utilize the judicial process at its facility. The Court is committed to improving any aspect of the system. Therefore, we are interested in your recommendations, suggestions, or observations in that effort. Those comments can be mailed to me at P. O. Box 3438, Baton Rouge, LA 70821 or e-mailed to ealford@brgov.com

Elzie Alford, Jr.
Clerk of Court/Judicial Administrator
Baton Rouge City Court
(225) 389-5279