

# MEDIATION



## Another Method

for  
**Resolving Disputes  
In the Tennessee Judicial System**

Published by the  
**Tennessee Supreme Court Alternative Dispute Resolution Commission**

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### WHAT IS MEDIATION?

*A voluntary settlement process to help you resolve disputes.*

Mediation is an informal process where a mediator helps people with a dispute to reach agreement. The mediation process identifies important issues, clarifies misunderstandings, explores solutions, and negotiates settlement.

### WHAT IS THE MEDIATOR'S ROLE?

The mediator is not a judge and does not make a decision or impose a solution on the dispute. Rather, the mediator helps those involved in the dispute talk to each other, thereby allowing them to resolve the dispute themselves. The mediator manages the mediation session and remains impartial.



### HOW DOES MEDIATION WORK?

At the mediation session each person involved in the dispute presents a summary of his or her point of view. If you have an attorney, he or she may go with you to the mediation session if you want. The mediator will meet with everyone together and may also meet individually with each side. This offers participants the opportunity to communicate to the mediator their real interests in the dispute as well as to vent anger or frustrations outside the presence of the opposing side. The mediator will work with each person until an agreement is reached that is acceptable to everyone. The agreement is put in writing and signed by the people involved, with the advice of their attorneys.

### HOW LONG DOES MEDIATION TAKE?

The time required for mediation varies. It depends on the complexity of the issues and the concerns of the people involved. It may be necessary to meet with the mediator more than once.

## **WHO PAYS FOR THE MEDIATION?**

The cost of mediation is shared equally by the persons involved unless they agree otherwise. You should know in advance what the mediator charges and when payment is expected.

## **WHAT TYPES OF DISPUTES CAN BE MEDIATED?**

- Landlord and Tenant
- Neighbor and Community
- Business
- Consumer
- Employer and Employee
- Divorce and Family
- Juvenile
- Negligence
- Products Liability
- Construction
- Contracts
- Personal and Real Property
- Environmental
- Other Civil Matters

## **WHAT ARE THE BENEFITS OF MEDIATION?**

- People keep control over the resolution of their own problem.
- Disputes can be settled promptly. A mediation session can be scheduled as soon as everyone agrees to use mediation to resolve the dispute, even before a lawsuit may be filed.
- Mediation costs are significantly less than taking a case to trial.
- Mediation promotes better relationships through cooperative problem-solving and improved communication.
- Mediation is private and confidential. The mediator and the people in the dispute must maintain the confidentiality of the information disclosed during mediation.
- Mediation is voluntary. Although a judge may order a case to proceed to mediation, the mediation may be terminated at any time by the people involved or by the mediator. Settlement is also entirely voluntary. If you cannot reach an agreement, you still have the right to take the dispute before a judge or jury.

## **HOW DO I LOCATE A MEDIATOR, OR FIND OUT MORE ABOUT MEDIATION?**

A roster of active Rule 31 listed mediators can be found on the Administrative Office of the Courts website at [www.tsc.state.tn.us](http://www.tsc.state.tn.us) (select "Programs", then "ADR/Rule 31"). To find out more about mediation, ask your attorney, the court clerk, your local bar association, or call the Alternative Dispute Resolution Commission.\*

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**TENNESSEE SUPREME COURT**  
**ALTERNATIVE DISPUTE RESOLUTION COMMISSION**

April 1998