

ARE THERE ADVANTAGES TO MEDIATING AT MAUI MEDIATION SERVICES?

Yes. Some advantages to consider about mediating **before** filing a claim are:

- **Convenience.** Small Claims Court assigns you a date and time to appear. You must wait your turn until your case can be mediated and/or tried. At **Maui Mediation Services** (MMS), there is flexibility in selecting the time. MMS has mediators available in the day and evening, Monday through Friday, and Saturday morning.
- **Time.** Due to the large number of cases in court and the set time period for small claims, mediation at court is usually limited to thirty minutes or less. Mediating at MMS allows you to take the time you feel is necessary. You can come back and “fine tune” the agreement if everyone feels that changes would be helpful.
- **Cost.** MMS charges a nominal administrative fee. Small Claims Court requires payment of a filing fee, and a charge if a sheriff is used to serve the other party with the complaint.

HOW TO PREPARE FOR MEDIATION

Effective mediation requires two-way communication. This means:

- Honestly expressing your needs
- Listening to what the other party needs

The keys to a successful mediation are:

- Preparation
- Cooperation
- Flexibility

We suggest the following approaches to help reach an agreement:

- Approach mediation with a positive attitude
- Be open to new ideas and suggestions
- Seek agreement, not blame or revenge
- Look to the future, not the past
- Express yourself and listen carefully to what others say
- Help others understand you, and do your best to understand them
- Bring all relevant documents



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Going to Small Claims Court?

What you should know about mediation before you file your claim or go to Small Claims Court.

Mediation. It Works!

WHAT IS MEDIATION?

Mediation is an alternative method of resolving a dispute and has several advantages over the usual judicial process.

- **You Decide.** Once a judge makes a decision in a Small Claims case, at least one party (and sometimes both parties) leaves unhappy. There is no right of appeal. In mediation, you and the other party, with the help of a mediator, decide the solution. This way, you avoid the risk of “losing” in court or reaching an outcome that is not satisfactory.
- **Customized Solutions.** Even if you “win” your case, the court does not collect the money for you. A mediator can help you develop an agreement that meets the circumstances of your case (including a clear payment plan). The agreement may become a court record and each party receives a copy.
- **Private.** A court judgment may appear on your credit records. Mediation offers more privacy.
- **No Cost.** There is no charge for mediation at the court site.
- **A Trial Is Still An Option.** If you are not able to reach an agreement through mediation, you may return to court.

HOW DOES MEDIATION WORK?

Contested cases on the Small Claims calendar are referred to mediation. This means that before you present your case to a judge, you must attend a mediation session.

Mediators are available at the court house. If you want to mediate **before** filing a claim, you may contact Maui Mediation Services at 244-5744.

- **Who Are The Mediators?** Mediators are impartial; they help parties explore solutions. Mediators also help develop options. All Small Claims mediators are trained by Maui Mediation Services.
- **Mediating At Court.** At court, the judge briefly explains the Small Claims process. Then the Court Clerk calls each case and instructs parties with contested cases to meet with a mediator. Generally, only the parties named as plaintiff or defendant attend the mediation session.

The mediator may ask you to exchange information (including documents, photographs and materials that support your claim). The mediator helps you work toward a resolution of the claim. The process takes about thirty minutes. Afterward, you return to court.



WHAT IS MAUI MEDIATION SERVICES?

Maui Mediation Services (MMS) is a non-profit organization that helps people resolve conflicts of all types. MMS uses trained mediators to work with the parties involved in the disputes. MMS has served the community since 1982 and has mediated thousands of cases.

The process for mediating a problem or potential small claims dispute at MMS is simple.

- Call **244-5744** and explain that you would like to mediate a dispute.
- You will need to provide some background information about yourself and the dispute, as well as the names and telephone numbers of others involved.
- A MMS case manager will contact the others and determine if they are willing to mediate. Mediation at MMS is voluntary unless ordered by the court.
- If everyone agrees to mediation, a meeting will be scheduled at the most convenient time, Monday through Friday (day or evening), or Saturday morning.