

FREQUENTLY ASKED QUESTIONS ABOUT SMALL CLAIM MEDIATION

Q: What happens at the District Court's pretrial hearing?

A: Courts frequently find that many people who file a small claim case can solve the dispute through facilitated mediation. On the date of the pretrial hearing, if the both parties in the case are present, they will be assigned a trained mediator and required to participate in mediation. The mediator will assist the parties in having a conversation to see if the parties can come to an agreement that works for both sides. There is no additional fee for these mediation services because the case was filed in the District Court's small claims department.

If you are unable to reach an agreement through mediation, the case will be returned to courtroom for a pretrial hearing. After confirming the parties are ready for trial, the judge will schedule a trial on the Court's calendar. At trial, a judge will hear the evidence from the parties and make a decision.

If the other party is not present at the pretrial hearing, the judge will review the case to determine whether there was proper service. If service was proper the judge may hear evidence and enter a judgment against the person who did not appear, dismiss the case, or continue the case to another date.

Q: How does mediation work?

A: The mediation will take approximately an hour and will be held in a private room at the courthouse. A skilled and trained mediator will guide the parties through a process that gives the parties the chance to share information about the dispute, explain what is important to them, and suggest ways to resolve the dispute. Although many parties settle their dispute through mediation, settlement is voluntary and the parties are not required to reach an agreement.

If the parties do reach an agreement, the mediator will write down the details of the parties' agreement in the parties' own words. Both parties will sign the agreement and receive copies. The parties will ask the court to dismiss the case.

Q: What happens if the parties do NOT reach an agreement through mediation at the pretrial conference?

A: If the parties do not come to an agreement there are two options:

1. If the parties are working well together but just need more time to discuss an agreement, they can schedule a second mediation session at no additional cost to them, and the hearing date will be continued.
2. If the parties want the judge to decide the case, the court will schedule a trial date where a judge will hear the evidence from both sides and make a decision.

Q: What happens if the parties successfully reached an agreement but one party does not keep the agreement?

A: If the parties come to an agreement through mediation, the mediator will write down the agreement which the parties sign. Copies of the agreement are given to the parties. The agreement is a legally-binding document. If a party does not meet its obligations under the agreement, the other party may request the Court to enforce the agreement.

Q: What do the parties need to bring to the pretrial conference to engage in mediation?

A: The court requires the parties bring the 2 (two) copies of any evidence supporting the party's claim or defense. For example: statements, receipts, invoices, photographs, electronic files. These documents will help the other party understand your position and concerns, and allow the parties to make informed decisions, knowing the evidence that will be presented at a trial.

Q: Should the parties bring their witnesses to the pretrial hearing?

A: Witnesses are part of a trial process, not part of the mediation process. However if the parties do not come to an agreement through mediation, the parties can bring their witness to the trial.

Q: Can I bring a friend or family member with me to mediation?

A: You are welcome to bring a support person with you to the prehearing conference and mediation. However, that person will not be allowed into the mediation room unless all the parties agree the support person may be present. If the parties do not agree, the support person will be required to wait outside the mediation room.

Q: Can the Dispute Resolution Center help the parties settle their dispute before the pretrial conference date?

A: Yes, and the DRC encourages parties to attempt to do that. The DRC offers both office in-person and telephone mediation services. There is no cost for these services. Office in-person mediations are scheduled at a time convenient to the parties and mediator, at the DRC office. If the parties are willing to try telephone mediation, a DRC mediator will talk with each party individually on the phone; helping each side understand the issues, brainstorm possible solutions, and relay offers to the other party. If the parties are able to agree on a resolution, the mediator will write up the terms of the agreement in the parties own words, for the parties to sign. Each party receives a copy of the signed agreement. The Court will be advised that the parties have settled the case, the parties will not have to appear at the pretrial conference, and the case will be dismissed. If a party does not follow the agreement, the other party has the option to bring the case back to court and ask the court to enter a judgment against the defaulting party. There is no additional filing fee.

If you're interested in learning more about office or telephone mediation, please contact the DRC at www.kcdrc.org or 206-443-9603, extension 1.

Q: What if I settle my dispute without mediation before my assigned pretrial conference date?

A: Be sure to notify the Court in writing the parties have settled the case before any pretrial or trial date.

A: What if I need more information regarding small claims court?

A: King County District Court provides information about its small claims department on the Court's website: <http://www.kingcounty.gov/courts/district-court/small-claims.aspx>. While the clerks are very knowledgeable and helpful about the court's procedures, they are not allowed to provide any party with legal advice. The Court can be reached at: 206-205-9200 or email: KCDC@kingcounty.gov .

Q: Where can I obtain more information?

A: For more information about mediation, visit: www.kcdrc.org/

For self-help materials regarding small claims court, visit: washingtonlawhelp.org