

CELEBRATING MEDIATION IN ALL ITS DIVERSITY

ABA Mediation Week



AMERICAN BAR ASSOCIATION

Section of
Dispute Resolution

October 16-22, 2016

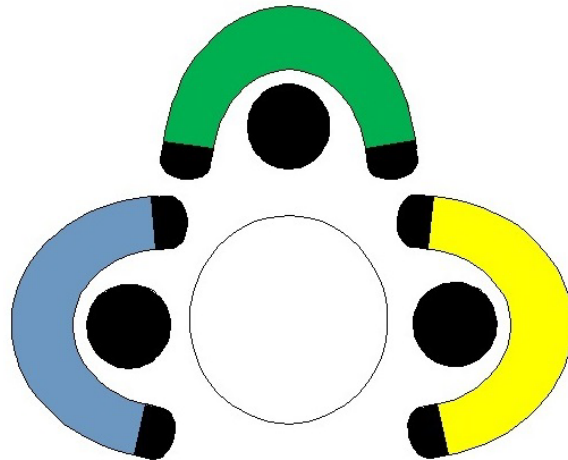




LOS ANGELES COUNTY
CONSUMER &
BUSINESS AFFAIRS

Mediation Workshop

“Staying out of Court”



AGENDA

1. Welcome and Introductions
2. Overview of DCBA's Services
3. Discussion of Mediation and it's purpose
4. Review of the Mediation Process
5. Benefits of Mediating
6. Options in Mediating

OUR SERVICES

Counseling

- Consumer Counseling
- Education and Outreach
- Debt Collection Workshops
- Financial Empowerment
- Mediation Services
- Small Business Services/Concierge
- Small Claims Court Advisory
- Volunteer/Internship Program
- Wage Enforcement

Investigations

- Consumer Investigations
 - Immigration
 - Repossession
- Real Estate Fraud
 - Foreclosure Prevention
 - Homeowner Assistance
 - Tenant's In Foreclosure
- Identity Theft
 - Foster Youth
- Elder Abuse

DCBA OVERVIEW

OUR UNIT'S MISSION

“To help parties resolve their disputes in a controlled, safe and respectful environment.”

Serving Los Angeles County consumers and businesses since 1976

WHAT IS MEDIATION?

- Mediation is one of the methods of alternative dispute resolution (ADR). Mediation is the facilitation of conversation and negotiation with the assistance of a neutral third party.

WHY DOES MEDIATION WORK?

Mediation gives the parties the opportunity to discuss the issues, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into solutions.

MEDIATION QUALITIES

- *Collaborative process*
- *Flexible & creative solutions*
- *Quick, saves time*
- *No Cost or Low Cost*
- *Confidential*
- *Insightful*

KNOW YOUR ALTERNATIVE

Small Claims Courts

- *May handle 17,000 case per year*
- *Litigants are often limited to 10 minutes for the entire case*
- *Litigants may have to wait several weeks to learn the outcome and cases may be continued*
- *Defendants (and only defendants) have the right to appeal*

MEDIATION AT DCBA

- *Any resident or business in LA County may request our services.*
- *We invite the other party to mediate. If they accept, a mediation session is conducted by a mediator.*
- *If mediation is unsuccessful, the parties can still go forward with the court process.*

HOW LONG IS THE MEDIATION PROCESS?

- *DCBA mediation process currently takes around 2-6 weeks to resolve a dispute.*
 - *2 weeks for assignment of a mediator*
 - *Roughly 2 weeks to reach the other party*
 - *Roughly 2 weeks for the mediation*

ARE MEDIATION AGREEMENTS ENFORCEABLE ?

- *It depends*
 - *Forms are available for both community and court mediations*
 - *Parties often dispense without any formal settlement agreement*

HOW IS MEDIATION CONDUCTED?

DCBA offers various types of mediation

- *Telephone Conciliation: The mediator talks to each party separately by telephone to resolve the dispute.*
- *Face-to-Face Mediation: All parties meet in person with the mediator at an agreed-upon time.*
- *Telephone Conference: All parties are on the phone at the same time.*
- *Online Dispute Resolution: Parties use a cell phone, laptop, or tablet to participate online in a video conference, real-time chat, or back and forth bidding.*

ONLINE DISPUTE RESOLUTION

VIDEO ONLINE MEDIATION

CLICK LINK TO PLAY VIDEO MEDIATION:

<http://www.virtualmediationlab.com/virtual-mediation-lab-usa-international/mediacion-online-online-mediation-webinar-july-13-2016-97-min-video/>

BACK-AND-FOURTH ONLINE BIDDING

Offers

Date	Party	Offer	Accepted	Response Date
8/23/2016 8:07 AM	Second Party	In reference to the offer. I can confirm a good faith amount of \$300 on the 9th of sept and \$600 on 16th of sept. And the res of the monthly payments of \$600 will be on the 16th of each month or next business day if it falls on a weekend or holiday. I need an account to deposit for it cost money to draw a cashier check and money order. I also need a monthly balance statements stating and acknowledging the deposit amount and the balance being reduced.	Yes	8/23/2016 8:50 AM
8/12/2016 2:03 PM	First Party	I will agree to 37.5 months of payments at a minimum of \$600 per month.starting on sept 15th 2016. I will need a good faith amount up front (you pick dollar amount). Without the good faith deposit we can not move forward. all payments need to be made out to chris Hinchman in a cashiers check, due on the 15th of every month.	No	8/23/2016 8:07 AM

CHAT MESSAGING ONLINE MEDIATION

Online Mediation Log Off

Welcome Maritza (Mediator)

System: Stephen A has joined the chat.

System: Maritza (Mediator) has joined the chat.

Maritza (Mediator) : Hello Stephen: Thank you for joining me in the mediation session.

Maritza (Mediator) : Please remember that all communication during the mediation process is confidential.

Maritza (Mediator) : Can you please explain why you requested Mediation with DCBA against your landlord?

Stephen A: Good Afternoon Maritza. Thanks you for providing your mediation services

Stephen A: I requested mediation because I do not believe the amount Mr. Cerda returned is adequate. I've reviewed the Civil Code and California Tenant's guide, and I think he deducted way too much.

Stephen A: From my security deposit, that is.

Stephen A (window is draggable) ✖

Maritza (Mediator) : Your landlord has yet to join in the conversation. If you need to share something personal with me, you can do so through this window.

Send

Stephen A Maritza (Mediator)

Send *Double click users name to start private chat

All communication during the mediation process is confidential

PRIVATE MESSAGING

Messages

First Party

Second Party

Add Message

Add Message

Messages

10/17/2016 03:54 PM - Maritza Gutierrez (DCBA)

Hello [REDACTED] Thank you for your messages. The other party has stopped responding to any requests for additional information. If you'd like, we can close this matter and reopen if once you re-file and serve the defendant per your voicemail message.

10/10/2016 08:29 PM - [REDACTED]

Hi Ms. Gutierrez. Should I contact you when I refile? Sorry forgot to ask you from before.

10/10/2016 08:17 PM - [REDACTED]

Good evening Ms. Gutierrez. I wanted to follow up with you. I haven't heard from you so I'm assuming that you haven't heard from the Defendant.
thank you in advance.

10/5/2016 01:17 PM - [REDACTED]

Good afternoon Ms. Gutierrez. I submitted an ultimatum with an offer to settle this morning. I look forward to hearing from you once you hear from [REDACTED] Thank you in advance [REDACTED]

TYPICAL COMMUNITY CASES

Landlord /Tenant

- *Evictions*
- *Security Deposit*
- *Repairs*

Debt settlement

- *Payment arrangements*
- *Reduction of debt*

Neighbor-to-Neighbor

- *Barking Dog*
- *Fences*
- *Trees*

Consumer/Merchant

- *Return of merchandise*
- *Refunds*

DAY OF HEARING/ COURT MEDIATION

STANLEY MOSK COURTHOUSE

111 N. Hill Street

Los Angeles, CA 90012

Departments

- 1. Unlawful Detainer*
- 2. Small Claims*
- 3. Civil Limited*

TYPES OF COURT MEDIATION

Small Claims

- *Civil Disputes can be resolved cheaply and quickly.*
- *Individuals may sue for up to \$10,000*

Unlawful Detainer

Landlords are attempting to regain possession of a rental property from a tenant.

Civil Limited

- *Civil case where amount of dispute is \$25,000 or less.*
- *Expedited discovery process*

REQUEST A MEDIATION



lacounty.gov

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Department of Consumer and Business Affairs
County of Los Angeles

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Welcome to DCBA

The L.A. County Department of Consumer and Business Affairs is glad to work for you. Click here to learn more about our services.



FOLLOW US

*FOR MORE INFORMATION
VISIT US ONLINE AT:
WWW.DCBA.LACOUNTY.GOV*

(800) 593-8222

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HOW CAN MEDIATION HELP YOUR COMMUNITY?

Q&A