

NORTHERN VIRGINIA MEDIATION SERVICE

Types of Community Mediation Cases

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Types of Community Mediation Cases: Not all CMCs mediate all of the following types of cases. However, mediating a range of different types of cases is a typical characteristic of community mediation centers.

- (1) **Neighbor/Neighbor Disputes:** These types of disputes can involve a very broad range of issues such as property line issues, trees, shrubs, fences, children, parking, use and maintenance of driveways, pets and animals, cars, uses of the home and lot, noise and bright lights, party-walls, trash disposal, basket ball hoops, homeowners associations, etc. The type of dispute alone does not determine the level of conflict or degree of complexity in a case. Many neighbor/neighbor disputes are resolved almost instantly as the parties sit down and begin to talk with each other. Other cases involve a history of personal attacks, the calling in of authorities in a tit-for-tat cycle of revenge and retaliation, and/or multiple levels of conflict and involvement of other neighbors – sometimes up to hundreds of neighbors!
- (2) **Public Disputes:** Public disputes, or public policy disputes or community-wide disputes are conflicts that involve more than just a few people and where a public policy issue may be at stake. CMCs may be involved in the larger types of these processes such as those involved in the siting of large public works projects like highways, buildings, parks, power stations, nuclear reactors and landfills or in resolving large scale environmental issues, community visioning, etc. But more typically, CMCs are involved in the small scale versions of these types of conflicts and decisions. These might include school community conflicts around re-districting or personnel changes or policy changes; church-community conflicts concerning expansion or the addition of a school or health facility, municipal-community conflicts regarding the location of half-way houses, drug treatment centers, or subsidized housing units. They might also include deciding how to handle difficult social issues. For example, recent immigration to this country has created a pool of undocumented workers who are not eligible for legal work but are needed to fill positions such as landscape workers and construction laborers. This can create a situation where workers seeking work congregate at a location known to employers so that they can make a work arrangement for the day. However, this often creates a situation that the local neighborhood finds disagreeable. Public disputes process can involve government, police, immigrants, residents, etc. in examining the issues and making some decisions that will work best for the community.

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- (3) **Parent/Teen Mediation:** CMCs will use adult mediators or sometimes pair up a youth and adult mediators to assist parents and teens in resolving conflict or making decisions. The goal of the mediators is not to intervene in or challenge parental authority but to provide a relatively safe, quiet and structured atmosphere for discussions between a parent and teen to take place. Teens respond favorably to this process because they are treated with the same level of respect and consideration in the process as the adult parent. Parents respond well because they have a structured environment within which to conduct discussions and one in which the mediators are not trying to evaluate, judge or correct them.
- (4) **Landlord/Tenant:** There are many small landlords who manage just one or a few properties for rent. Frequent issues can arise with their tenants concerning such issues as return of the security deposit, responsibility for damage, presence of pets and additional people in the unit, care and upkeep of the property, relations with neighbors who may complain of noise, trash or other issues, etc.
- (5) **Intra-Family & Housemates:** There is much conflict within families and between roommates or housemates. Issues such as sharing of facilities, responsibility for utility payments, how to deal with a parent suffering from dementia, how to divide property after the death of a parent, medical decision making for disabled parents or other family members who cannot make decisions for themselves, etc.
- (6) **Restorative Justice:** CMCs are becoming increasingly involved in restorative justice type processes. There are a number of different names for similar processes that have the goal of helping victims of crime and the offender who committed the crime deal with each other and the results of the crime. Goals include reintegration of the offender into the family and community, encouraging personal responsibility, restitution to the victim and bringing a sense of closure to those involved. Cases can range from youth offender misdemeanors to serious adult felonies including even murder and rape.
- (7) **Misdemeanor Criminal:** Traditional mediation, rather than restorative justice processes, might also be used by CMCs in working with parties involved in criminal misdemeanors. These cases typically involve minor assaults and accusations of property theft and they often arise among roommates, friends, family members, neighbors and others who have a pre-existing relationship. The goal is to try to resolve the underlying issue in the hope that the criminal acts will not be repeated. Because these cases are often brought by individuals, rather than filed by police or prosecutors, a successful resolution can lead to dismissal of the charges.
- (8) **Consumer/Merchant:** Many relatively small disputes between consumers and merchants are not easily susceptible to settlement through the courts either because of the cost or the difficulty of implementing a court judgment. For example, a consumer might purchase a used car from an independent used car dealer or just someone selling their car. Shortly after purchase, the car blows a gasket or starts to leak fluids or stops running. This is actually fairly typical for older cars costing only a few thousand dollars. Both the seller and the buyer are often persons of limited financial resources. If they go to court neither may be able to collect on their judgment. The seller cannot readily refund the purchase

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- price. In mediation they can work out some kind of payment plan, a repair plan or a car replacement plan.
- (9) **Small Claims & Court Litigation:** There are many types of cases brought in small claims and other lower level courts that involve relatively small amounts of money but may have the same level of complexity as a case involving much larger sums. CMCs have been particularly good at helping to settle these cases because they are typically able to give the parties much more time to discuss the issue than the court does. Typically, small claims court trials last only 3-8 minutes! Mediators can usually give the parties an hour or more and, if needed, the parties can meet several times over the course of weeks to discuss, negotiate and implement a decision. An advantage of mediation is that implementation of the agreement is almost guaranteed whereas a court judgment is a complicated process and there is no guarantee that the court's order will be carried out.
- (10) **Divorce & Custody Mediation:** This is another traditional specialty area for community mediation centers. Traditional litigation of custody and visitation issues is very destructive and not very effective. With mediation, parties can spend sufficient time to explain their needs, interests, values, goals and principles and then identify ways of parenting that satisfy those needs. For example, one parent might be locked into a position demanding "sole custody" of the child. It turns out that the child has severe asthma and this parent has always been in charge of managing the child's medications and communicating with the doctor about the child's care. Demanding "sole custody" could be this parent's way of ensuring that the child would continue to receive proper asthma management. During mediation the parents could work together to craft ways that the asthma would continue to be well managed - by focusing on medication routines, monitoring, scheduling of doctor visits, emergency procedures, etc. By establishing agreements on these issues, the parent who had not usually managed the asthma care develops greater knowledge and understanding of the child's illness. This will also help ensure good asthma care when the child is with that parent whether they ultimately agree on a joint or sole custody arrangement.
- (11) **Public Dialogues:** Many CMCs are interested in helping to change the world by giving people alternatives to traditional conflict settlement and decision making by authorities. One way they help to do this is by facilitating community dialogues around difficult and controversial issues that divide communities. The goal of these dialogues is not usually to resolve the issues but to put the face of humanity on each side, develop respect for people even when there are strong disagreements and to learn to value and respect differences. Dialogues are often conducted around such difficult issues as racial equality, ethnic differences, sexual preference issues and abortion.
- (12) **School Peer Mediation:** CMCs are often involved in helping to build and maintain school peer mediation programs through training and mentoring. For example, in Massachusetts, the Attorney General's office has funded on-site community mediators in high schools and middle schools through local CMCs.
- (13) **Youth Issues:** There are a number of youth issues that are often susceptible to resolution through mediation even when they cannot be resolved through other methods. Such issues as runaway teens, truancy, intra-family assaults, etc. can

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often be mediated because mediation can include all those who need to be involved in making a decision, such as the parents, the youth, school officials, police representatives, social service office representatives, etc.