## More Questions and Answers

### How long does a mediation last?

Mediation in an eviction case usually lasts about 30 minutes to one hour. It can be shorter or last for a longer period of time.

### Is mediation expensive?

There is no separate fee for mediation. The fee for filing a Forcible Entry and Detainer action includes the cost of mediating. Mediation may reduce your expenses or save time by helping you avoid a contested trial and possibly help you in collecting payment, if there is an agreement that money is owed.

### Do I need a lawyer?

A lawyer is very helpful, especially if you do not know the laws that apply to your case. You are not required to have a lawyer. Even if you do not bring a lawyer with you, you may want to consult a lawyer before coming to court.

### What happens if we don't agree?

If you are unable to reach an agreement in mediation, you will have a trial before a judge, and a judge will decide your case. Mediation does not affect your right to a trial.

# Forcible Entry and Detainer (Eviction) Mediation

**State of Maine Judicial Branch**

**Office of Court ADR**

## Court Alternative Dispute Resolution Service (CADRES)

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## Why Try Mediation?

- You may be required to try mediation on the day of your hearing if you are involved in a Forcible Entry and Detainer (eviction) case and both parties appear at court, and there is still a dispute.
- You may also request mediation before your court date. If you want to ask for a mediator or find out whether a mediator will be at court on your hearing date, contact the Clerk of Court in advance.
- Any agreements in mediation are voluntary.
- At mediation, you may find out that there are options you did not know about. You and the other party may come up with new options while in mediation.
- The mediator does not decide your case or make any recommendations to the judge. The mediator is there to help you talk about the issues that brought you to court.
- You and the other party make the decisions in mediation about settling your case, if you choose to do so. By trying mediation, you do not give up your right to a court hearing.
- Mediation gives you a chance to see if you can reach agreement about how to settle your case.

## What Happens in Mediation?

- At the start of mediation, the mediator will explain how mediation works and will answer any questions you may have.
- You may choose to mediate in a separate room from the other party if there is a good reason not to be in the same room. If either party has been ordered to have no contact with the other party (for example, due to a bail or protection order), be sure to tell the mediator. You will sit in separate rooms, and the mediator will go back and forth.
- The mediator will ask each of you to describe what happened and how you want to resolve your case.
- The mediator may ask to meet with you alone (with your lawyer if you have one), so you can talk more comfortably.
- Mediation is an informal process. You may take a break or talk to your lawyer or support person privately at any time.
- If you reach agreement, the mediator will write up the terms of the settlement for you to sign. Later, you will present the agreement to the judge. If the judge approves your agreement, it becomes a court order.
- If you do not reach agreement, the mediator will complete a form to tell the court that your case needs a trial. The judge will conduct a trial on the same day or on a different day.

## What are the Benefits of Mediation?

- You have a chance to present your ideas in an informal, private setting, with the support and advice of your lawyer if you have one. It is a time to be heard and to listen to others.
- In mediation, you have an opportunity to have some say in the outcome of your dispute.
- The mediator is impartial and trained to help you and the other party discuss your dispute so that you can try to work things out yourselves.
- Mediation may help you reach an agreement that will let you get on with your life and possibly keep you out of court in the future.
- By discussing your options in mediation, you may discover choices you did not know you had.
- Generally, what you say in mediation cannot be used as evidence in court in the same case, and the mediator generally cannot testify (with some exceptions), according to Rules 408 and 514 of the Maine Rules of Evidence. However, if a mediator learns about child abuse or neglect, or that someone is in immediate danger of physical harm, the mediator will report that information to the authorities.