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## Mediation offers alternative to courts

■ **RESOLUTIONS:** Small claims disputes are often resolved more successfully through mediation than when a judge decides the issue

By Tiffany Smith  
Oregon Daily Emerald

If you take someone to court, you may end up in mediation instead.

"You can expect to see by the year 2010, mediation will be the standard before going to litigation," said Professor of Law Dominick Vetri.

Mediation is a process in which both parties who are engaged in a lawsuit sit down with a facilitator to work out a resolution together. In Lane County, most judges order mediation hearings for small claims cases.

Vetri said mediation differs from an out-of-court settlement because it eliminates the discovery, or fact-finding, process. Lawyers use the information learned in discovery to negotiate the terms of the settlement with their client's approval while mediation involves the parties of the lawsuit and a facilitator. A lawyer may be present, but the parties essentially speak for themselves throughout the course of the mediation.

"The process of meeting across the table and stating the problem in their own way gets a lot of emotion out of the way," Vetri said. "By the expression of responsibility back and forth, they realize that we don't live in a perfect world and finding an amicable agreement is far more impor-

tant."

People who go through the mediation process are twice as likely to comply with the resolution they agreed to than a judge's decision in court, said Lynne Cox, an associate law professor and director of the Law Entrepreneurship Appropriate Dispute Resolution (LEADR). The compliance rate for small claims decisions is 37 percent, while the rate for small claims mediation resolution is 74 percent, Cox said.

"The value of mediation is that its premise lies on the belief that the best solution to the problem lies in the person with the problem," she said.

The movement away from litigation toward a dispute resolution system has been generally accepted by professors at the University of Oregon's School of Law, Cox said. Mediation challenges lawyers who have practiced law in the traditional way to think about new ways of resolving disputes. It de-emphasizes competitiveness and encourages everyone to work together to explore ways to meet the needs of everyone touched by the situation, she said.

"One of the reasons I do this work is because I believe people need to take responsibility for their lives and they need lawyers to be involved in encouraging them to solve their own problems," Cox said. "The traditional habit of delegating our problems to government for solutions robs us of the opportunity to grow through grappling with life's challenges."

The mediation program started in the Multnomah County Courts

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associate law professor

in 1989. Cox was one of the first facilitators in the program and now trains others to be mediation facilitators.

For the last three years, the School of Law has conducted Mediation Clinics in conjunction with the Lane County courts. These clinics put students and faculty through hands-on training in mediation strategies, negotiation and communication tools. The clinics were paid for by a three-year federal grant, Cox said.

The clinics turned into the self-supported LEADR program which is part of the Law and Entrepreneurship Center. The Oregon Dispute Resolution Commission, which regulates the program in Oregon, has asked LEADR to be available to the Oregon courts to help create a roadmap for the future's "multi-option" justice system.

According to "Justice 2020: The New Oregon Trail," a publication of the Future of the Courts Committee, by the year 2020 the state courts will offer the public a variety of choices through its integrated dispute resolution plan.

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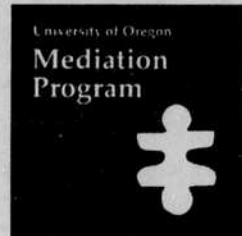
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