

A Guide to Mediation

1. What is Mediation?

Mediation is a process where a neutral third party, called a mediator, helps people in dispute communicate and discuss their issues with the goal of reaching a voluntary agreement. It is designed to give all parties the opportunity to resolve their differences in a timely and cost-effective way. Surveys show that people who use mediation are highly satisfied with the process.

2. Is the Mediator Like a Judge?

No. A mediator does not decide who wins or loses, make legal rulings, or determine facts.

3. Can the Mediator Force the Parties to Settle?

No. Only the parties themselves can decide to settle. The mediator's role is to facilitate discussion—not to pressure anyone into agreement.

4. How Long Does Mediation Take?

The length depends on the complexity of the case, but most mediations are completed within a few hours.

5. Who Should Attend Mediation?

Anyone with the authority to make decisions regarding the dispute should attend.

6. Will the Mediator Be a Witness?

No. Texas law generally keeps mediation confidential. If the dispute is not resolved, the mediator will not testify or share information in court.

7. Does Mediation Work?

Yes. Statistics show that mediation resolves over 75% of disputes.

8. What If the Matter Does Not Settle?

Participating in mediation does not take away your right to a trial. Many cases that don't settle during mediation end up settling later. Even if no agreement is reached, mediation usually helps narrow the issues and makes any trial more efficient.

9. How Do I Prepare for Mediation?

Decide what you want to achieve. Share important information with the other party beforehand if possible. Be ready to briefly explain your position during mediation. Identify what matters most to you and be open to compromise.

Description of DRC Mediation Services

At the Dispute Resolution Center (DRC), mediation sessions begin with each participant being given uninterrupted time to share their perspective on the situation and what outcomes they would like to see. The mediator then asks clarifying questions to understand each party's key interests.

Throughout the session, the mediator facilitates communication between the parties, identifying areas of agreement and disagreement. They help the participants explore and evaluate potential solutions to ensure that any agreements reached are practical and mutually acceptable. If an agreement is reached, it will be written down and each party receives a copy.

The mediator remains neutral at all times. They do not make decisions, determine who is right or wrong, or provide legal advice. Their role is to support open, respectful dialogue so that participants can decide what is best for their situation.

Mediation Formats

The DRC currently offers **online mediations via Zoom** and **in-person mediations** at our office. The format is chosen by the participants, and all parties must agree on the selected option. Only **half-day sessions** are available.

Online Mediation (via Zoom)

- Scheduled at **9:00AM or 12:30 PM**
- **4-hour time limit**
- Participants must use both **audio and video**, and agree to **electronic signatures**
- Tablets, laptops, or PCs are strongly recommended due to issues with smaller devices

In-Person Mediation

- Scheduled at **9:00 AM or 12:30pm**
 - **4-hour time limit**
-

Mediation Models

The DRC offers two mediation models. Participants must mutually agree on which model to use.

1. Community-Based Mediation

- May be led by a mediator who is not an attorney
- Typically held in the same room, though breakout rooms are available
- **Cost:**
 - **\$100 per party** if at least one participant resides in **Travis County**
 - **\$150 per party** if both participants live **outside Travis County**

2. Civil Litigation Mediation (CLM)

- Conducted by an **attorney-mediator**
- Begins with a joint introduction, followed by **caucus-style mediation** (parties in separate rooms), or they remain jointly.
- Best suited for cases already in litigation; most participants are represented by attorneys
- **Cost: \$250 per party**, regardless of residency

Additional Information

- **All mediations are confidential**
- All mediators have completed **at least 40 hours** of basic mediation training
- Family law cases use mediators with an **additional 30-hour Family Law training**
- All mediators are **volunteers**, many of whom have served with the DRC for years



David L. Huang
Case Management Director
Dispute Resolution Center

(512) 279-1905 | austindrc.org | david@austindrc.org

5407 N Interstate Hwy 35 Suite 410, Austin, TX 78723

