



CLEVELAND MUNICIPAL COURT

HOUSING DIVISION

JUDGE RONALD J. H. O'LEARY

Frequently Asked Questions: *Mediation*

1. What is mediation and why has the Cleveland Housing Court set up a mediation program?

Mediation is a voluntary process where the parties can sit together to work out a settlement to the dispute without a court hearing. The mediator is there to assist as a neutral and impartial member of the housing court staff.

2. What happens in mediation?

A mediator gives you and the other party a chance to tell your side of the story, and then helps you work out a settlement that is acceptable to both parties.

3. What is a settlement?

A settlement is whatever both parties agree to in order to resolve their dispute. Both parties sign a settlement agreement that states what they will do.

4. What if we can't agree on a settlement?

You are not required to agree in mediation and if you cannot, the mediator will discuss with you and the other party what other options you may have for solving the problem. The mediator cannot provide legal advice. If a formal case has been filed, then the dispute will be sent back to court for a hearing.

5. Who can attend the mediation?

Both parties must attend the mediation. You may have an associate or lawyer present to assist you. However, only the parties involved in the dispute can talk and make a settlement.

6. Do I need a lawyer?

No. You may have your lawyer attend if you would like. However, court procedures are not followed during mediation. The mediator does not find a solution, but the parties do.

7. What should I bring to the mediation?

If the dispute concerns a provision of the lease, the payment of rent, or conditions of the unit, you should bring a copy of the document, any bills or receipts relating to the dispute, photos or any relevant documents. You should not bring any witnesses.

8. Will what I say in the mediation be used against me in Court?

No. Whatever you say during the course of mediation is confidential and may not be used in court. However, the mediator is not bound by confidentiality on the issue of child abuse, elder abuse and/or admission of a crime.

9. How do I schedule a mediation to resolve a housing dispute?

Mediation is available during all scheduled eviction hearings. Inform the mediator or the bailiff upon entering the courtroom that you are interested in mediating. Mediation is automatically scheduled for all rent escrow accounts. Mediation may be available for other scheduled civil cases, such as money claims. Please contact a housing court specialist for further information at 216-664-4295.

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