

INFORMATION ABOUT TELEPHONE MEDIATION

June 8, 2020

In the Maine courts, mediation in your Family Matters now takes place by telephone or video. No mediation happens in the courthouse during the Covid-19 public health emergency. You will hear more about these options when you speak with the judge or magistrate about mediation. You can let the judge or magistrate know if you choose to mediate by telephone or video.

What You Need to Mediate By Telephone

Good phone service. To mediate by phone, you need a strong, clear signal or phone line.

Connection to a power source. Be sure your phone is connected to a power source or you have a power cord to charge your phone. Mediation can take two or three hours, and you don't want the battery to run out.

Private space. You will need a private, quiet location where you won't be interrupted and can speak freely about all of the issues in your case. Due to the confidential nature of mediation, phoning from a public place (such as a library or coffee shop) will not work for mediation. You and the other party need to use separate phones in different locations.

No Children Present Children may not be present or hear the mediation session.

How Do I Get Started?

The court will send you notice by mail of the date and time of your mediation. If your mediation is by phone, the court order or Scheduling Notice will list a telephone conference call number with PIN number. At the time when mediation is scheduled to start, you will call the phone number, then enter the PIN number (followed by # key).

Phone Numbers for Telephone Mediation. In most cases, parties will receive two phone numbers, each with a PIN number. The phone number and PIN listed on the court order or Scheduling Notice is the Primary Number. Unless otherwise ordered by the court, both parties will receive the Primary Number.

You will also receive a second phone number with PIN number from the court printed on a half-sheet of paper inserted with the order or Scheduling Notice. This is the Plaintiff Number or Defendant Number. If you are a plaintiff in the case, you will receive the Plaintiff Number. If you are the defendant in a case, you will receive the Defendant Number. Your attorney, if you have one, will receive the same phone number and PIN. (However, if you are

ordered to dial this number only--not a Primary Number given to both parties--you would dial this number first.)

First phone call. To start mediation, call the Primary Number provided to you and enter the PIN number (followed by the # key) when prompted. When you are on the telephone conference call, the mediator will ask you to say “Here” or “Present” and make sure you have a second phone number and PIN. The mediator will provide other information.

Second phone call. After the mediator takes attendance, the mediator will ask you to hang up and dial your second phone number with PIN. This will be the Plaintiff Number or Defendant Number, depending on whether you are the plaintiff or defendant in the case. This is the number enclosed with your court order or Scheduling Notice. The mediator will talk separately with each party (and attorney, if you have one). **If you would not feel safe talking with the other party on the phone, tell the mediator on this call when the other party is not on the phone.**

Joint session. After talking with each party, if it is safe and appropriate, the mediator may bring both of you together to talk by phone in a joint mediation session. If so, the mediator will ask you to call the Primary Number again and enter the PIN (followed by the # key). This is the same numbers as the first phone call. The mediator will talk with you, the other party, any attorneys, any other professionals, and any support persons on the phone line together.

The mediator might also decide to continue talking with you and the other party separately. If so, you would stay on the second number, the Plaintiff Number or Defendant Number.

Guidelines

Confidentiality. The mediator will explain the rules of mediation confidentiality to you.

No Recording. You are not permitted to record any part of the mediation. Remember to turn off all devices like Alexa and other smart speakers in the room.

No Texting. Do not text or chat with the other party privately during the mediation. Please talk to the other party only with the mediator (or attorneys).

How Do I Sign the Court Forms and Get Copies?

Agreements and court forms. The mediator will fill out a report about mediation called the Report of Completed Mediation Session. The mediator will read this form to you.

If you and the other party make agreements at mediation, the mediator will type the agreements on a court form called the Points of Agreement. The mediator will read the

agreements to you. The mediator might also email the forms for you to read if you (or your attorney) provide an email address.

Signing the forms. After you have an opportunity to hear or review the typed court forms, the mediator will ask you if the form is correct. The mediator will type “/s/” and your name on the signature lines and ask if you agree that your signature can be presented in this way.

Copies. If the mediator has email addresses, the mediator may email completed forms to parties, attorneys, and other professionals involved in the case. If not, the clerk will send copies to you in the mail.

Troubleshooting

If you are disconnected from telephone mediation, you can re-join the mediation by re-dialing the phone number and entering the PIN (followed by the # key) again.