Community Mediation and Justice Center
Community Mediation Protocol

1. Record keeping

Case records are kept electronically in a database on CJAM's server and in a locked filing cabinet in suite 16.

a. The physical file never leaves the office. Copies of physical documents may be made for mediators as necessary, but mediators must keep them in a secure way consistent with CJAM's confidentiality policies.

b. The database is kept current by case managers, lead mediators, and office staff. The electronic file for the case includes the inquiry/referral date and source, the parties' and other participants' names and contact information, assigned mediators, an activity log for the case, and documents that have been retained in electronic copy.

c. Office staff places the case file in the CM Appointments tray in advance of scheduled appointments. Documents generated in interviews and mediation sessions, including consents to participate, demographic data forms, and agreements, should be placed in the case file which should be left in the Appointments Completed tray on the CJAM1 desk. Mediators may make copies of documents when needed to take with them. All documents in mediators' possession, including mediator notes, should be destroyed at the conclusion of mediators' work on the case. There is a secure bin for documents needed to be destroyed in the office which is available for mediators' use if independent destruction is not convenient.

d. In cases in which litigation is pending, lead mediators should consult with the case manager regarding aspects of possible agreements regarding the disposition of the litigation and the submission of agreements to the court.

2. Case Administration

Prior to assignment of mediators, the case is managed by the case manager. When mediators are assigned responsibility for a case, administration is transferred to the lead mediator. When the case is transmitted to the mediators, it includes a Case History, generated from the database, with important information about the referral and the parties and an up-to-date activity log. From that point, the lead mediator is responsible for keeping the electronic case file, including the activity log, up to date. On the first occasion that lead mediators assume this responsibility, they will receive instruction for accessing the database from their home computers and entering data into the electronic case file. An assistant case manager monitors the database to assure that the activity log is current and that these protocols are being followed. Consent to Participate in Mediation, client and mediator evaluations, and other materials which mediators may need as they administer their cases are available on the Mediator Resources page at www.cjamcenter.org.

3. Communication with case manager and office staff

E-mail to office staff should be sent to admin@cjamcenter.org; phone office staff at 812-336-8677. E-mail to the case manager should be sent to mediate@cjamcenter.org. E-mail is the best way to communicate with the case manager, however use the case manager's personal phone number (available on the Mediator Roster) when needed since the case manager is not regularly in the office. Please include the case number in the subject line.

Lead mediators should inform the case manager of significant case developments, including the scheduling and conduct of interviews and mediation sessions.

4. Office staff communication with clients

When case inquiries or referrals are received at the office, whether by phone call or walk in, office staff takes information to fill in the community case referral form. Otherwise, staff refrains from engaging in substantive discussion with the referral source, saying the information will be forwarded to the case manager who will get back to them promptly. Staff communicates the inquiry/referral to the case manager either by entering the information into the database, if trained and authorized to do so, and forwarding a case history to the case manager, or by scanning and forwarding the referral form to the case manager, leaving the original on the cjam1 desk for administrative staff to enter into the database.

a. If a current or former client contacts the office to ask about a case, staff may confirm the time and place of appointments, but otherwise staff takes the message, saying the case manager or lead mediator will reply promptly.
b. Send case related messages intended for the case manager to mediate@cjamcenter.org. Where the case has been assigned to a lead mediator, the lead mediator, if known, should be copied. Mediate@cjamcenter.org e-mail account is monitored by the case manager.

5. Mediator communication with clients

Mediators may communicate with clients from their personal telephones and e-mail accounts when they judge it is safe to do so. Office staff and case managers will make phone calls from the office phones or forward messages from the community mediation e-mail account on request, and mediators may come to the office to phone clients. **All communications to and from clients and other case participants should be recorded in the activity log.** All e-mail concerning the case should be copied to mediate@cjamcenter.org.

Keep clients (and co-mediators) updated on the status of their cases with reasonable frequency. Especially, do not leave one party hanging for substantial time while you are waiting for another party to return your messages. Do not e-mail parties in a way that will share addresses between parties unless they have authorized you to do so or unless it is clear that they already have each other’s addresses. Do not send messages to parties that include e-mail chains since it is too easy to mistakenly send confidential material from other parties or evaluative exchanges between co-mediators that way.

6. Scheduling Interviews and Mediation Sessions

Lead mediators are responsible for scheduling interviews and mediation sessions; although office staff is available to assist (including making phone calls). Interviews and mediation sessions are ordinarily conducted in the office, but may be scheduled for other locations where appropriate. Mediators should check the Google calendar for space availability and then consult with the office staff to schedule. Office staff will record on the calendar and in the database so staff is in a position to respond to client inquiries when they phone to confirm appointments. When requesting that a session be put on the calendar by e-mail, be sure to include the case number, the kind of event (initial interview, other interview or meeting, or mediation session), and, if an interview, what client(s) will be participating.

Be sure to share with clients that our offices are not handicap accessible and that other locations can be arranged. Consult with the case manager or office staff when special locations need to be secured for interviews or joint sessions.

7. **Initial interviews and mediation sessions**

It is important that the lead mediator ensures that the consent to mediate/coaching forms have been signed before mediation sessions and that the participants understand their consent. Where mediations occur without face to face interviews and/or mediation sessions, consult with the case manager regarding obtaining consent.

Lead mediators are responsible to see that the following matters are covered.

a. CJAM is collecting demographic data on all clients we serve to enable us to provide the data required by funders in grant applications. Therefore, each client is asked (either by office staff or the mediators) to fill out a demographics form on a client's first visit to the office for an interview or mediation session. If the initial interview is scheduled for a different location, the demographics form is available in Mediator Resources. A supply of demographic forms attached to clipboards is on the file cabinet inside the office door.

b. For all interviews and mediation sessions conducted in the office, staff will have placed the case file and necessary forms and documents in the file tray on the file cabinet labeled CM Appointments. Following the event, the file and completed forms should be placed in the Appointments Completed file tray on the CJAM1 desk. This includes entering the event that has occurred in the hard copy Activity Log. Where the event occurs outside the office, the lead mediator is responsible for having the necessary forms and documents and returning them to the office after the event. (The file never leaves the office.)

c. The lead mediator consults the case manager following initial interviews and at other points in the mediation process that this may be useful. At the appropriate stage of development, this consultation includes the scope, content, and structure of agreements the parties might reach.

d. In advance of mediation sessions which may result in agreements, it is important to anticipate the points that need to be addressed; to this purpose, lead mediators should contact the Case Manager, or someone designated by the Case Manger, before such sessions.

e. CJAM has agreement forms and important items for inclusion in agreements available for mediators' use on a laptop computer available for mediators' use and has agreement forms on its desktop. It is kept in Suite 17 but can be used in Suite 14. It connects wirelessly to the office's laser printer in Suite 16. With the network password you can also use your personal laptop to attach to office Wi-Fi and print to an inkjet printer in Suite 17. Drafts of agreements or portions of agreements can sometimes be created in advance of mediation sessions. Sample agreements are also available in Mediator Resources.

f. Occasionally, mediations are conducted without the parties meeting in joint session (indirect mediation). These can occur in various formats. Sometimes they are handled by a case manager, and sometimes they are assigned to mediators. Consult with the case manager regarding how a particular indirect mediation should be conducted.

g. At the conclusion of the final mediation session in a case, parties are asked to fill out an evaluation form. Following all interviews and mediation sessions, mediators and observers debrief together.

h. Only the case manager, program director, or executive director closes a case or specifies the case disposition in the database.

8. Fees

a. CJAM's Community Mediation Fee Policy is printed on the back of the Consent to Participate form. The case manager informs clients how the policy applies to their cases.

b. In matters where the policy specifies a fee, fees may be reduced or waived only by the Community Mediation Case Manager or Executive Director (and fee reduction or waiver is not ordinarily shared with the mediators).

c. Fees are due after all parties have consented to participate and should be paid prior to the first mediation (or coaching) session. An invoice for payent is sent to the parties. Payment is most conveniently made on line on the CJAM's Web site, but can be made by cash or check at the office or by check by mail. Where parties are represented by lawyers, payment is often arranged through the lawyer.

d. Where the case is one in which no fee is charged, but in which a voluntary payment is invited, the parties receive a letter from the Executive Director or case manager following mediation sessions if they have not already made a payment.