



**Farm, Agricultural & Rural  
Mediation Services**



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## **MEDIATION INFORMATION SHEET**

### **What Is Mediation?**

Mediation is a voluntary, no-cost to low-cost, non-adversarial process through which a neutral third party is introduced into discussion and negotiations between conflicting parties. Mediation provides a confidential setting that encourages individuals to take responsibility for solving their own problems. Mediation identifies and seeks agreement on the facts, agreement on the problem(s) to be solved and the creation of options to solve the problems. A successful mediation is almost always based on the voluntary cooperation and participation of all the parties.

### **What Is A Mediator?**

A mediator has been trained to work with individuals and organizations in identifying mutually acceptable solutions to shared problems. The mediator is not a judge, but is there to direct the mediation process and stimulate communication between the involved parties. Through the process, there is no finding of right or wrong and the mediator has no power to impose a solution. The mediator will work with the parties to develop mutually acceptable and feasible options.

An agricultural mediator has additional training related to the kinds of problems related to agricultural issues. The process is based on fairness, integrity and the mediator's skill in helping agricultural producers, agencies, companies and Maryland citizens to arrive at their own solutions to their problems.

### **Why Mediate?**

Mediation is an alternative process to taking a particular conflict to court and incurring burdensome legal expenses or filing an appeal. Participants in the mediation process create their own solution. The mediator does not arbitrate the settlement. Flexibility in considering a full range of realistic options is encouraged in the solution process. The fact that disputing parties are meeting together in the same room for the purpose of working out a solution to the particular

problem(s) enables everyone to deal openly and knowledgeably with the full array of issues. All steps are taken to ensure confidentiality.

### **Steps in Agricultural Mediation**

1. An agricultural producer or an organization or individual with a dispute concerning agricultural or agriculturally related issues may request mediation by contacting the Maryland Agricultural Conflict Resolution Service (Maryland ACRoS) and completing the form entitled "Request for Voluntary Mediation."
2. Maryland ACRoS staff will confirm that the other party (or parties) is willing to participate in mediation. A brief description of the situation is gathered by the Mediation Coordinator to prepare a briefing report for the mediator.
3. A mediator is assigned by the Mediation Coordinator.
4. All the parties are notified as to the date, time and neutral location of the mediation session.
5. Most mediation sessions will be concluded in two to three hours unless everyone agrees that more time is needed.

### **What Happens In A Mediation Session?**

1. The mediator is in charge of the session and arranges the room and participant seating to promote effective communication.
2. The mediator welcomes all parties and introductions take place.
3. The mediator establishes ground rules for the conduct of the session.
4. Each participant is given the opportunity to make a brief opening statement concerning the problem or his/her involvement in the particular relationship.
5. Following this, time is allowed for each participant to briefly express his/her feelings associated with the conflict.
6. Next, the issues are clarified, relevant data is considered, and desirable actions begin to be examined.
7. An exploration of the options and the consequences leads toward problem solving.
8. The mediator records agreements reached based on input from the parties.

### **What Happens If An Agreement Is Not Reached?**

If a final agreement cannot be reached, the outcome will simply be an "as was" situation before mediation began with one difference... everyone involved will have a better understanding of their own and others' perspectives, will have explored several options and have a fuller grasp of the situation and why a solution was not achievable. All parties will retain their full set of options to seek a solution through legal or other means. At no time should the mediation process be considered a delaying tactic.

## **What Does Mediation Cost?**

Mediation is a no-cost to low-cost means of resolving disputes, especially when compared with traditional legal processes. Maryland ACREs is administered by the MDA in cooperation with the US Department of Agriculture. Consultation with Maryland ACREs staff and the initial mediation session is at no charge. If additional mediation sessions are needed, costs are shared by the parties. Full or partial waivers of fees may be available based on income. Any additional legal, financial or technical advisors, if needed, are paid by the participants.