

Cape Mediation Assists District Court in Settling Nearly 200 Landlord/Tenant Cases Yearly

CHALLENGE

Orleans District Court in Orleans, MA hears nearly four summary process cases per week. Due to animosity, these cases risk non-settlement and could go to trial without mediation.

SOLUTION

Cape Mediation provides trained mediators who use a voluntary, confidential process to facilitate discussion between both parties and create a calm and safe environment that encourages settlement.

BENEFIT

Cape Mediation helps save the court time, helps settle contentious cases and often results in a better settlement for one or both parties.

Non-Profit Partnership

Cape Mediation is a private non-profit organization offering high quality conflict management services and training to the courts and communities of Cape Cod since 1989. The Center is a 501(C)(3) that receives support through grants from: Massachusetts Attorney General's Office & Massachusetts Bar Association Foundation.

Judge Brian Merrick had worked with lawyers or parties during his 21 years on the bench. He would simply hear a case and decide it. The stressful, time-consuming process produced a result that left at least one of the parties unhappy. Not until his assignment to the Orleans District Court in Orleans, MA-where he first encountered Cape Mediation-did he realize the power of mediation in bringing cases to settlement.

In Orleans District Court, Cape Mediation provides mediation services for landlord/tenant cases, otherwise known as Summary Process. In typical cases, the renter is asked to leave or agrees to pay the current rent due plus an amount to be applied toward arrears. The process seems simple enough. The trouble is, animosity between the two parties often hampers resolution.

That's where Cape Mediation comes into play.

A Neutral Approach Diffuses Contentious Stalemates

Judge Merrick sends all of his summary process cases-when both sides show up-to mediation, amounting to about four each week. "Cape Mediation's involvement saves court time to devote to other matters," Merrick says, "and mediation improves the outcome for both contentious and non-contentious cases."



For Cape Mediation, listening is the key to settling such cases. Each situation starts in a polarized state where the sides are often upset and making demands of each other. In many cases, the anger people feel has little to do with the actual details of the situation that they come to court to settle. The mediators use active listening that may include restating and summarizing. And, they take the time to ask the parties how they feel about a particular situation and what they truly want as an outcome.

"We are completely hands-off", says Cape Mediation board member and mediator, Peter Bowne. "We help them talk to each other and to learn new information. We reflect back on what we heard and write it up."

Following a successful mediation, all parties sign a written statement which the judge then reviews for legalities. He assures that the parties understand the new agreement and that they have signed according to their own free will. All in the same day, the agreement becomes an order of the court.

Communication, Cooperation Lead to Settlement

Judge Merrick sees real value in the majority of cases like these going to Cape Mediation before they come to him, reducing the need for trials. "I don't mediate," says Judge Merrick. "I just hear them. I don't let them opt out of mediation, but they may not settle. If they don't settle, they go to trial. But, a very high percentage of them do get settled."