

INFORMATION ABOUT TELEPHONE MEDIATION IN FORCIBLE ENTRY AND DETAINER (EVICTION) CASES

August, 2020

In the Maine courts, mediation in eviction cases now takes place by telephone or video. Parties do **not** come to the courthouse for mediation during the Covid-19 public health emergency.

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 up to an hour or more, and you don't want the battery to run out.

Private space. For mediation you 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 should not be present or hear the mediation session.

How Do I Get Started?

The court will notify you of the date and time of your mediation. For your mediation by phone, the scheduling notice will list a telephone conference call number with PIN number. At the time when mediation is scheduled to start, call that 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 scheduling notice is the Primary Number. Unless otherwise ordered by the court, both parties will receive the Primary Number and call that number to start mediation.

You will also receive a second phone number with PIN number from the court 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. This could be the situation if you and the other party are not permitted to have any contact with each other.

Joint phone call. To start mediation, call the Primary Number shown on the scheduling notice and enter the PIN number (followed by the # key) when prompted. In most cases, the mediator

will talk with you and the other party on the phone together in a joint mediation session, unless you and the other party were ordered to have no contact.

When you're on the telephone conference call, the mediator will ask you and the other party to state your name and ask if you each have a second phone number with PIN. The mediator will ask questions about your location and explain mediation and confidentiality

Separate calls. The mediator might wish to speak with you privately (with your attorney, if you have one), or you may ask to speak to the mediator privately. If so, the mediator will ask you to hang up and dial your second phone number with PIN. This will be the Plaintiff Number you received if you're the plaintiff, or the Defendant Number you received if you're the defendant. The mediator will call each party (and attorney) to talk privately.

The mediator will let you know if the mediator will continue talking with you and the other party separately. If so, stay on the second phone line you called. The mediator would go back and forth and call each party. If the mediator will talk with both parties together again, the mediator will ask you to hang up and call the first phone number you dialed, the Primary Number.

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).

Guidelines

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. Talk to the other party only with the mediator (or attorneys).

How Do I Sign the Mediation Report Form and Get A Copy?

Agreements and court form. 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 write or type the agreements on the mediation report form. The mediator will read the agreements to you.

Signing the form. After you have an opportunity to hear what the mediator wrote or typed on the form, the mediator will ask you if the form is correct. The mediator ask if you agree that your signature can be typed on the signature line with "/s/" before your name.

Copies. If the mediator has email addresses, the mediator may email completed forms to you and your attorney, if you have one. If not, the court clerk will mail you a copy of the form.

The mediator will meet with you for mediation, but the mediator cannot help you with your case after mediation.