



CREATIVE  
MEDIATION

## Fee-Based Mediation

### Types of Cases

- *Cases with a monetary value of \$7,500 or more*
- Litigated Cases
- Business and Commercial
- Environmental
- Construction
- Real Estate
- Healthcare disputes
- Family
- Multi-party or Complex Cases

### Qualifications of Mediators

- Mediation certification training
- Advanced mediation training
- Minimum of 50 cases mediated or equivalent professional experience

### Intake Process

- Creative Mediation (CM) will charge a \$75 scheduling and coordination fee to open a mediation case. This fee is non-refundable, should the mediation not occur for any reason.
- CM will contact the other party or parties to ascertain their willingness to mediate.
- If party or parties are willing to enter mediation, CM will schedule the mediation session. A mediator will be selected based on the case type and the mediators' suitability and availability for the case.

### Mediation Fees

- CM will charge a total fee of \$150 per hour, split evenly between the parties of the dispute (unless parties determine otherwise).
- Payment is due immediately following the mediation session.

285 South Street, Suite P  
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Fax (805) 549-0654

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## **MEDIATOR ROSTER**

### **AMY STAPP**

Amy has been with Creative Mediation since 2004 and is our Mediation Program Manager. She has a Master's Degree in Business Administration and has several hundred hours of mediation experience. Amy is also a lead trainer for our Communication, Conflict Management, Negotiation and Mediation courses at Creative Mediation.

### **JENNIFER BRILEY**

Jennifer has worked in the counseling field since 1991 and earned her license as a Marriage and Family Therapist in 2001. She is also a licensed Real Estate Agent. In 2003, Jennifer participated in a mediation and became hooked on the process. She took Creative Mediation's 36-hour training in 2004 and has mediated numerous cases since then. Jennifer's therapeutic skills, broad knowledge of communication, and calm demeanor help her to assist clients towards a mutually agreeable outcome.

### **JUDYTHE GUARNERA**

Judy was first trained in Victim/Offender Mediation at Pacific College in Fresno. In 1999 she attended a 35-hour mediation training course at Creative Mediation. Since then, Judy has mediated numerous victim/offender, parent/teen, Small Claims, and community cases. She has trained as a facilitator for Family Group Decision Making and Family Group Conferencing Youth Justice Model (28 hours) and has also facilitated a number of these meetings. In 2005, she helped Creative Mediation to pilot a Juvenile Dependency Mediation Program and mediates Dependency Court cases regularly. She has had additional training in Advanced Negotiation, Facilitation and Community Solutions to name a few. Judy has mediated over 170 cases in her mediation career and has spent over 300 hours mediating.

### **JOHN LEINEN**

John is a retired attorney who completed a 35-hour mediation training course with Creative Mediation in 2001. Since then he has been an active mediator for small claims court and community cases and has mediated over 100 cases. In 2005 he began working as a divorce mediator with Core Mediation. He also has worked as an arbitrator for personal injury cases.

### **JESSE SOSTRIN**

Jesse Sostrin, PhD is Chief Executive Officer of Creative Mediation. In addition to overseeing the day to day operations of the firm, he conducts mediations and facilitates meetings to help organizations improve their performance and accelerate their overall effectiveness.

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**IRA WINN**

Ira is trained in sociology, social sciences (including group dynamics) and education. He came to mediation work after retirement from the university. He took 45 hours of initial mediation training and since then many courses and special mediation in-services including small claims court, community disputes, parent/teen and victim/offender. His special strength is in discussion-leading and questioning. Since 2001, he has led and completed over 150 mediations and over 250 hours conducting mediations.

**PETER H. WOLFF**

Peter is educated in science and business in both undergraduate and graduate work. He also has some legal education with an emphasis in Business and Personnel law. He is a retired senior executive from a Fortune 500 company. He has been mediating for over 8 years and has over 100 classroom hours in the study of mediation. He has mediated several hundred cases. As he has become more skilled in the mediation process, the success rate of cases concluded favorably now approaches over 70%. Pete remarks, "I am a great believer in Mediation. Over the years I have watched many impossible conflicts resolved when the parties take control over difficult situations and resolve those issues themselves. It is such a good feeling for all parties concerned. I enjoy being part of that process."

**PAUL BIELACZYK**

Paul received a Bachelor of Science degree from Western Michigan University. He relocated to California in 1975 and pursued a career as a builder of residential and commercial construction. He became a member of the California bar in 1989 and focused his legal work on many specialty areas including civil litigation. In 2003, he completed the formal certification process to become a mediator and now focuses the majority of his time on resolution of disputes. Paul has over 100 hours of training in ADR methods. He is active in various local forums. He is a private and court panel mediator for the San Luis Obispo, Santa Barbara and Ventura county court ADR programs. Paul regularly facilitates Mandatory Settlement Conferences for the Santa Barbara Superior Court. He is also a panel member for the Ventura Center for Dispute Settlement.

**SAMANTHA WATKINS**

Samantha joined Creative Mediation in 2006 and is our Mediation Program Coordinator. She has led and completed over 100 mediations. She has a B.S. in Social Science from Cal Poly as well as a teaching credential from San Diego State University. Samantha is also a co-trainer for our Communication, Conflict Management, Negotiation and Mediation courses at Creative Mediation.

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## **Frequently Asked Questions When Considering Mediation**

### **WHAT IS MEDIATION?**

Mediation is a way to resolve conflict by using a trained, neutral mediator to help you negotiate a mutually acceptable agreement. In mediation, you are responsible for describing what you want to achieve by mediation, listening to information from the other party, and suggesting and evaluating possible solutions to the dispute. Ultimately, you and the other party decide whether or not to settle the dispute and, if so, on what terms. The mediator is responsible for making the process understandable and workable by outlining the steps and ground rules of the mediation; by encouraging you and the other party to define and clarify issues; by adapting the process to accommodate cultural differences and variations in style; and by providing opportunities to break through impasse.

Mediation empowers you to put creative solutions in motion by unlocking your imagination and individuality. It presents the opportunity to improve relationships by expressing differences constructively, gaining insight into interests of the other party, and developing mutual understanding.

### **WHAT DOES THE MEDIATOR DO?**

Mediators are trained, impartial third parties who assist parties in reaching an agreement to settle their dispute. Mediators intervene and facilitate communication by helping disputants describe their feelings, clarify issues, determine their true interests, identify underlying concerns, and where possible, negotiate an agreement.

### **WHAT DON'T MEDIATORS DO?**

Mediators do not serve as judge or jury, do not determine right and wrong, and do not place blame on any person. Mediators do not impose a decision on either party like a judge or arbitrator. Their only interest is in helping the parties to resolve differences and reach a mutually agreeable solution. Mediators do not provide legal advice, counseling or therapy.

### **WHAT HAPPENS DURING THE MEDIATION PROCESS?**

The mediator introduces the process and then invites each party to define the conflict or problem as they see it. As the disputants express their feelings about the situation, the mediator develops a clearer understanding of the conflict, and will ask questions designed to clarify each person's perspective and define what is desired to move beyond the problem. In this way, important information comes to light, which may not have been understood by the other party. Sometimes the mediators may ask for a private meeting or "caucus" with one disputant at a time in order to get a clear idea of their goals and needs. The mediators may also ask for a "mediator caucus" without the parties present.

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**WHERE AND WHEN DO MEDIATIONS TAKE PLACE?**

Mediation sessions take place at various locations throughout San Luis Obispo County. Creative Mediation uses community centers and our own offices for mediations. The sessions can take place during the day, evening, or weekend at the convenience of the parties involved. Creative Mediation also provides mediation services at three SLO County Superior Court locations each week.

**WHAT DOES A MEDIATED AGREEMENT LOOK LIKE?**

A settlement or resolution reached between the parties may be oral or written at the discretion of the disputants. Agreements reached in mediation are considered binding and enforceable. Unless otherwise agreed upon, the agreement will be established in writing and signed by each disputant.

**WHAT HAPPENS IF THE MEDIATION DOES NOT END IN AGREEMENT?**

If participants are unable to reach an agreement on the issues in their case, they can seek other ways to resolve their dispute, including the legal system or additional mediation.

**WHAT ABOUT CONFIDENTIALITY?**

Mediation is confidential. For the process to be successful, both parties must feel free to discuss the issues openly. All participants in the mediation, including the mediators and any observers, will be required to sign a confidentiality agreement before the session begins. By signing the agreement, the parties are making the mediation confidential and preventing information discussed in the session from being used in any future legal proceedings.

**HOW LONG IS A MEDIATION SESSION?**

Mediation sessions are typically one to three hours. If necessary, a second mediation may be scheduled with the agreement of all parties. Additional fees may be required for extended mediation sessions.

**ARE ATTORNEYS OR OTHER ADVISORS ALLOWED IN THE MEDIATION SESSION?**

Each party may bring their attorney or advisor to the session but the advisors are encouraged not to participate directly in the mediation process. If an advisor plans to attend a mediation session, they must agree to honor the format of mediation and sign the confidentiality statement. In addition, Creative Mediation also requires prior notification of the advisor's attendance.

**WILL ANYONE ELSE BE AT THE MEDIATION SESSION?**

Mediation trainees may be present at your session. Please call Creative Mediation before your mediation session if you do not want observers present.

**WHAT HAPPENS IF I HAVE TO CANCEL BEFORE THE MEDIATION SESSION?**

If you decide to use the services of Creative Mediation, your decision affects many people. Since Creative Mediation mediators offer their time to resolve your dispute productively, it is extremely important that you attend the mediation session scheduled for you and that you cancel only in case of emergency. If you must cancel, Creative Mediation requires at least a 24-hour cancellation notice or you will be charged for the full cost of the mediation.

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