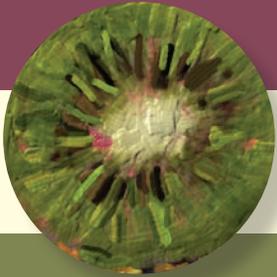


What is mediation?

Mediation is a voluntary, confidential process in which a trained, impartial person helps people examine their mutual problems, identify and consider options and carefully consider possible resolutions. A mediator has no decision-making authority. Unlike a judge or an arbitrator, a mediator does not decide what is “right” or force a decision on either party.



What happens in mediation?

The mediation process focuses on the problem, not the people or their positions. It provides a neutral setting with a trained PACA mediator who enables all parties to work out a solution that meets the interests of both sides. Each party is given the opportunity to explain his/her point of view, what the dispute is about, what the issues are, and how he/she would like to see the situation resolved. After each side has presented information, the mediator clarifies the issues in neutral language that focuses on the issues, not the people involved. The process promotes calm and rational discussion in order to identify goals and construct a plan that will benefit all parties.

What are the benefits of mediation?

The mediation process provides a non-threatening, informal procedure as an initial step in resolving conflicts. Mediation provides the following benefits:

- Participants control the outcome
- Mediation is forward-looking
- Mediation can preserve and strengthen business relationships
- Mediation is creative
- Mediation is confidential
- Mediation can be fast
- Mediation is likely to be successful

Where are mediations held?

Mediations can be conducted through a telephone conference call, or in a face-to-face meeting held in a location acceptable to both parties.

How long does mediation take?

Because mediation is a flexible process, it resolves disputes quickly and efficiently. The process usually takes 30 to 45 days from the time that mediation is requested until an agreement is reached. A mediation session can take an hour or multiple days, depending on the complexity of the issues to be resolved.

What is the outcome of mediation?

Participation in mediation is voluntary and no one is forced to reach an agreement or to accept

particular settlement terms. Mediators help the parties develop and agree upon a realistic, workable solution to their problem based on their needs and interests. If parties come to an agreement, the agreement is written down in clear, specific language which all parties sign. If no agreement is reached, the parties “agree to disagree” and mediation is closed. If no agreement is reached, all administrative and other remedies remain. Because the mediation process is confidential, discussions with the mediator and other parties cannot be used for other purposes as defined by the courts.

How much does mediation cost?

Other than the initial \$100 required for filing an informal complaint with the PACA Branch, mediation is a free service. There may be costs associated with a mediation session, such as when outside experts are used by the mediating parties, or when other services are required to resolve a dispute, but generally there is no cost for the mediation service itself.



How do I request mediation?

You may request mediation when you file a complaint under the PACA, or when you receive notice that a claim has been filed against you, or at any time thereafter, up to the time a formal complaint has been referred to PACA Branch headquarters for a formal ruling. If you want to request mediation or have questions about our mediation services, please call our toll-free number:

800-495-7222.



United States Department of Agriculture
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