

MEDIATION PROGRAM

The Cleveland Housing Court Mediation Program provides landlords and tenants with the opportunity to solve their dispute without a court hearing.

What Is Mediation?

Mediation is a formally structured process guided by a trained neutral mediator. The mediator helps the parties find a solution to their dispute. The mediator assists the parties through a series of steps to clarify the issues, propose solutions, explore options, and work out an agreement that everyone can live with.

If the parties are able to reach an agreement, the mediator will write down on an Agreement Form what each party has agreed to do to resolve the dispute. The mediation agreement is reviewed by both parties and when it states clearly what has been agreed to, it is signed by the parties. Each party in the mediation receives a copy of the Agreement Form and one copy is kept at the court.

If the parties cannot reach an agreement, then the mediation will end. If a case is pending, the mediator will inform the parties of the next steps. The mediation process can also be ended at any time if the parties refuse to follow the mediation rules.

It is important to remember that in mediation, the parties are assisted to find a solution that they work out. The mediator does not decide who is right or wrong, or make a decision.

WHY SHOULD I CHOOSE MEDIATION?

Courts have very specific powers. They take evidence and review the facts in terms of established legal principles and make a decision. Technically, when a case ends, one person wins and the other loses. However, often neither party wins because of the time and cost of going to court. Even if one party wins, it may not solve the problem since the real issues were never really discussed in court.

For example, if a tenant gets behind in rent and the landlord wins the eviction, the landlord is left with a vacant apartment and debts and the tenant has to find a new place to live and still owes the landlord money. Nobody wins. However, if both sides are able to get all their concerns on the table, they may find a way to work things out where they both come out ahead. Mediation can help to reestablish communication, help each side to understand the other person's viewpoint and then to explore if there are ways that the conflict can be resolved. The settlement agreement will outline clearly what each party agrees to do. This type of agreement is not possible through the regular court process.

WHAT SHOULD I BRING TO THE MEDIATION?

Bring receipts or copies of documents (lease, receipts, etc.) that are involved in the dispute.

WHEN IS MEDIATION AVAILABLE?

Mediation will be scheduled by the court in the following situations:

- After rent has been deposited with the Clerk of Courts;
- When a tenant files a motion to compel repairs.
- At the time of an eviction hearing if both parties agree to mediate or the Magistrate believes that the parties should try mediation.

OHIO LANDLORD-TENANT LAW

The landlord-tenant relationship is defined in Ohio by state law. The Ohio Landlord-Tenant Law (Ohio Revised Code 5321.01 *et. seq.*) applies to all residential property.

Many disputes between landlords and tenants involve issues that are covered by the Ohio Landlord-Tenant Law. Information on the law is available from a Housing Court Specialist on the 13th Floor. Prior to the mediation, parties should be clear about their rights and responsibilities under the law.

WHO DO I TALK TO IF I HAVE QUESTIONS ABOUT MEDIATION?

The Cleveland Housing Court has a Coordinator who is available to answer your questions about mediation. You can schedule an appointment to see the mediation coordinator at the Justice Center or call (216) 664-4926.

WHO CAN COME TO THE MEDIATION?

Mediation is not like a court hearing. You do not need to bring witnesses. It is important to try to have everybody who is involved in the dispute present at the mediation. You may bring someone along to assist you. However, the mediator will limit their participation since the parties must find a solution they can live with, not what other people think is right or what other people would do.

CAN I BRING AN ATTORNEY?

Yes, you may bring an attorney, however, you should inform the Court prior to the mediation that an attorney will be present. An attorney can be of assistance to provide advice during the mediation. However, since the purpose of the mediation is to help you find a solution to the conflict, only you can participate directly in the mediation.

MEDIATION & CONFIDENTIALITY

The mediation process is confidential and the mediator will not divulge anything that was said during mediation. A mediator will not testify in court or discuss the case with the Judge. However, under Ohio law the mediator may not keep certain information confidential if the mediator is informed that a crime has been committed, a crime is planned to be committed or is informed about the abuse of a child or a senior citizen. Also, the mediator can testify about what was said during the mediation if both of the parties agree.

MEDIATION INSTRUCTIONS

- Notify the Housing Court Mediation Coordinator at once if you cannot be present. You should make every possible effort to attend.
- Notify the Housing Court if you plan to bring an attorney or witness with you to the mediation.
- Please be on time.
- Be prepared to explain what you see as the dispute.
- Think about what you would like in an agreement to resolve the dispute.
- Bring everything with you that relates to the dispute (rental agreement, lease, receipts, other papers, photographs, etc.) so that the mediation may proceed without delay. Bring extra copies for the mediator and the other party.

NOTE:

- You do not need an attorney for mediation.
- Mediation is not a court hearing.
- Mediation is an opportunity for people involved in a dispute to work out their own agreement with the help of a mediator.
- Remember to bring items that may be needed to help reach an agreement.

HOUSING COURT SERVICES

The Housing Division of the Cleveland Municipal Court handles landlord-tenant disputes and criminal cases dealing with violations of the health, housing, building, fire and air pollution codes of the City of Cleveland, and State of Ohio.

The court provides a number of services:

- Application-Release of Rent
- Cleve. Codified Ordinance
- Code Violation Cases
- Eviction Process
- Lock Outs
- Mediation Services
- Motion to Compel Repairs
- Move Out Procedures
- Ohio Landlord Tenant Act
- Rent Deposit
- Restraining Orders
- Utility Shut-offs

The Court's offices are located on the 13th floor of the Justice Center at 1200 Ontario Street. The Housing Court has a staff of ten Housing Court Specialists who are available to the public to help them with matter before the court or in its area of jurisdiction.

WHO ARE THE MEDIATORS?

- Mediators are the staff members of the housing Court and have been trained in the area of mediation.
- Mediators are assigned only to those cases in which they have not had prior contact with one of the parties.
- Many of the mediators have other responsibilities; many are Housing Court Specialists as well as the mediators.

A GUIDE TO

**Cleveland Municipal
Housing Court
Judge Cheryl M. Wiltshire**

MEDIATION PROGRAM



HOUSING COURT SPECIALISTS

Chief Housing Court Specialist

Jeffrey Johnson 664-4776

Deputy Chief Housing Court Specialist

Markell Davis 664-6268

Alia Almashni	664-6143
Ebony Butler	664-4938
Thomas Fenner	664-4929
Isaac Jacobs	664-6927
Carl Kannenberg	664-4906
Jerome McCray	664-6178
Nailah Mitchell	664-4918
Rochelle Slay	664-6929
Rita White	664-3265
Shakira Hopkins (Mediator)	664-4737

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