

- **Saves money.** It can cut the costs of legal fees because the parties in a dispute resolve their disagreement themselves.
- **Confidentiality for most of the process.** Information discussed during the process will remain within the process and is not a part of the public record. Only the agreement that comes out of the process is shared with the court.
- **Settlements are fair.** The parties involved decide how they can resolve their case.
- **Agreements are voluntary.** Parties have the option of participating in the Mediation Program or of following the customary trial procedure route.
- **Relatively quick process.** Due to the backlog of cases in the Court of Common Pleas, it takes many weeks to go to trial. In most cases, mediation can be accomplished within two or three weeks.

The Court of Common Pleas Mediation Program Subscribes to the Following Beliefs:

- Face-to-face mediation promotes restoration, which benefits all parties and the community as a whole.
- Individuals can often resolve their own conflicts more effectively and satisfactorily than the Courts.
- The mediation process can be quicker and more effective than the trial process.
- The Court of Common Pleas Mediation Program focuses on restoration of all parties.
- Criminal acts impact the entire community; therefore, the community should have a role in determining the outcome.

Participants have access to
all programs & services at DCJ
free of charge.

To learn more, visit
www.dcjustice.org
or email
BFischer@dcjustice.org.

The Delaware Center for Justice, Inc. (DCJ) is the leading non-profit organization in Delaware committed to transforming the quality of justice through advocacy, policy, and practice.



Court of Common Pleas/ Victim Restoration & Community Mediation Program

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Our Program

By capitalizing on the benefits of mediation, we give victims the chance to be heard and feel that justice has been served, and we provide individuals who have committed harm with the opportunity to make restitution, complete community service, and learn skills needed to lead a law-abiding life. For example, our Adult Diversionary Program involves mediating certain misdemeanors instead of prosecuting them, so we keep the case out of court while empowering victims to help shape the resolution. Charges are dropped for individuals who have committed harm who fulfill all required obligations. This program is part of the Restorative Justice Project and is funded by the Administrative Office of the Courts.

Mediation provides the following benefits to the parties involved:

- **Victims get answers to their questions and concerns.** Victims are able to ask questions and voice concerns during the process they would not necessarily be able to during a trial.
- **Focus on responsibility & accountability.** Those who cause harm are see the human consequences of their behavior and presented with concrete ways to take responsibility and be held accountable for their actions.
- **High success rate.** Mediation has proven to be one of the most successful tools of the Criminal Justice System. In similar programs, parties have reported satisfaction rates over 90%.
- **Accommodating to your schedule.** Appointments will be scheduled to suit the needs of the parties involved.

Types of Mediation Referrals

Through the Court of Common Pleas

Mediation Program

Court-Generated Mediation

cases for which criminal charges have already been filed. To benefit from mediation, the case **MUST** be transferred from Justice of the Peace Court to the Court of Common Pleas.

- ⇒ At the time of the defendant's Arraignment in the Court of Common Pleas, the case is selected and approved for Mediation by the Mediation Officer and the Deputy Attorney General. If the defendant and their attorney agree, the case is referred to the Court of Common Pleas' staff to initiate the process. **The case remains on the regularly scheduled event calendar in case mediation is not successful. The parties must attend all scheduled Court hearings.**
- ⇒ The case is referred to the Delaware Center for Justice, (*Center for Community Justice for Kent & Sussex cases*) which will contact all victims involved to determine if they are amenable to Mediation as a means to resolving the case. If the victims and defendant agree, a mediation session will be scheduled at the facility handling the referral.
- ⇒ The session is facilitated by a trained Mediator, who attempts to fairly resolve the case and satisfy the needs of all participants. All parties are given the opportunity to express their feelings about the case and to state the facts as they see them.
- ⇒ A written agreement is prepared and signed by all parties. The agreement may contain specific conditions which must be met within a specific period of time.

⇒ Staff will monitor the conditions of the agreement and assist parties in keeping the terms of the agreement.

⇒ Once the conditions of the agreement are met, the charges against the defendant are formally dropped by the Court.

Community-Generated Mediation

cases in which no charges have yet been filed. In these cases, victims and alleged offenders are usually referred by an investigating police officer or by a Justice of the Peace, sometimes referred to as Magistrate.

- ⇒ After investigating, the police officer or a Justice of the Peace (Magistrate) will identify cases as being eligible for the Mediation process. The parties involved will be given information about the program. No criminal charges are filed at this point.
- ⇒ One of the parties, usually the victim, will contact the program by reaching out to:
**Joann I. Personti, Mediation Officer
Court of Common Pleas
500 North King Street, Suite 1600
Wilmington, DE 19801
302-255-0939**
- ⇒ The other parties to the case will be contacted by the program to determine if they agree to the mediation. If the parties all agree, the case is referred to the Delaware Center for Justice.
- ⇒ The same process as the Court-Generated mediation is then followed. Assuming the mediation process is successful, a written agreement is then prepared. The conditions of the agreement are monitored in the same manner. If the mediation is unsuccessful, the victim has the right to proceed with criminal prosecution.