

## FED VOLUNTEER MEDIATION PROGRAM

1. FED cases are two part cases. The first is the possession trial, where the court determines whether the landlord or the tenant is entitled to immediate possession. The second part is the trial on damages, where a landlord seeks to recover damages (like past due rent or utilities or any damage caused to the unit by the tenancy)
2. FED cases are formal district court civil cases that are scheduled for expedited possession hearings and then, after Answer, they are scheduled for pre-trial scheduling conference before the assigned district court judge
3. The proposal for Volunteer Mediation of these cases is for mediation of the claims in the second part of the case, the damages – and any counterclaims
4. All FED cases would be scheduled as usual for a possession hearing. In cases where both parties appear at that hearing and damages may be an issue, the court will schedule both parties for Mediation of their damages claims three weeks after the possession portion of the hearing. The Law Clerks will be responsible for contacting the mediators and providing the presiding judge at the possession hearing with the times that the mediators will be available. Mediators will be available throughout the week.
5. The parties would be ordered to proceed as follows:
  - a. The landlord and tenant shall do a walk-through of the premises before the tenant vacates to determine the extent of any damages
  - b. The landlord shall provide the tenant with itemized written notice of damages within 14 days of the eviction date as required by AS 34.03.070(b)
  - c. Defendant tenant shall file an Answer with the court prior to the Mediation date
  - d. Both parties shall appear at the scheduled mediation
  - e. Each party shall bring any documents in support of their claim(s) to the Mediation
  - f. A volunteer mediator will be assigned to each case and mediations will occur on the scheduled Thursday morning
  - g. A District Court Law Clerk will contact the parties and inform them of the location of the mediation
  - h. Settlement agreements will be placed on the record by telephone on the date of the mediation or within several business days
  - i. Any case that does not settle will be scheduled for the next available pre-trial scheduling conference before the assigned judge