

What is a mediator?

A mediator is an impartial third party who helps parties in a dispute reach agreement by defining issues, emphasizing common goals, keeping negotiations focused and facilitating the development and discussion of options. They have no authority to decide the outcome or enforce agreements. The focus of a mediation meeting is to reach a settlement agreeable to both parties in a case.

Who can take part in mediation?

A farmer, creditor, person dealing with a farmer, person eligible for mediation with an agency of the United States Department of Agriculture, a landowner, or an owner, lessee or lessor of mineral interests may request assistance from NDMS.

How long will mediation take?

Many factors determine the length of the mediation process including schedules and number of issues that need to be resolved.

Is mediation confidential?

Mediation allows all parties involved in the dispute to speak openly about the issues in a confidential manner.

Where are the mediation sessions held?

Sessions are held at a neutral location determined by the mediator.

How much will it cost?

Mediation staff will discuss the fees with potential clients.

What if an agreement is not reached?

The situation remains “as it was” before mediation began. All parties retain all their options for seeking resolution through legal or other means.

Emotional toll

Farmers/ranchers and their family members experience pressure from all directions. While all of us must contend with economic ups and downs or family concerns, farmers have added uncertainties such as the weather and commodity prices that directly influence their lives and farming operations.

Farm/ranch families often experience pressure, conflict and uncertainty, especially during harvesting and planting. If feelings of frustration and helplessness build up, you are not alone and there are services available. For stress-related illnesses or concerns, depression and/or suicide risk:

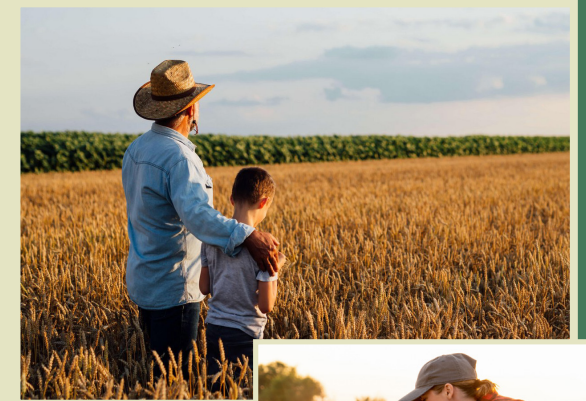
- Call 211: statewide 24-hour crisis intervention, health and human services information and referral.
- Refer yourself or anyone you have concerns about to a local health-care provider or local mental health professional. If you run into difficulty or resistance, suggest and accompany the person to a professional you know. Some examples might be clergy members, medically trained personnel, nurses or other health-care professionals, law enforcement agencies or personnel, and local counselors, social workers or other mental health professionals.

This section compiled from NDSU Extension Services, Family and Consumer Sciences.

NORTH DAKOTA MEDIATION SERVICE

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NORTH DAKOTA MEDIATION SERVICE



Agriculture Commissioner
Doug Goehring

NDMS

A program of the North Dakota Department of Agriculture, the North Dakota Mediation Service (NDMS) was established in 1984 to help financially distressed farmers and ranchers by providing assistance in credit and financial matters and resolving disputes.

Reaching agreement

Mediation is a voluntary, confidential process using a neutral mediator to guide the parties involved in a dispute through a thorough discussion of the issues. The mediator also helps the parties identify possible solutions.

Reasons to mediate

- Previous negotiations have failed
- Personality conflicts exist
- Miscommunication
- A desire for resolution exists

Benefits of mediation

- Voluntary
- Confidential
- Avoids litigation
- Resolves issues
- Saves time and money
- Avoids disputes that can negatively impact both parties and the community



Agricultural credit counseling

A North Dakota agricultural borrower can request credit counseling to assist with an agricultural credit issue.

A NDMS credit counselor works with the family to analyze the profitability of the farm or ranch operation and develop options and alternative plans for the operation to present at mediation.

Agricultural mediation

NDMS provides mediation to farmers and ranchers on a wide range of issues, including:

- Wetlands determinations
- Farm programs
- Rural water loan programs
- Pesticides
- Lease issues
- Family farm transition
- Farmer-neighbor disputes
- Energy development disputes



Energy development

Mediation is available to address many energy development-related issues, including:

- Surface damage
- Property access
- Well location
- Oil and gas-related pipelines
- Easements
- Compensation

Getting started

To request mediation services or for more information, contact the North Dakota Department of Agriculture at 701-328-4158, 844-642-4752 or ndms@nd.gov. Forms can also be downloaded at www.ndda.nd.gov and mailed to the North Dakota Department of Agriculture.

“The outcome of mediation is controlled by the parties involved.”