**FORCIBLE ENTRY AND DETAINER (FED) VOLUNTEER MEDIATION PROGRAM ANCHORAGE DISTRICT COURT**

**Summary.** District Court judges assign eviction cases to experienced volunteer mediators who work with the parties to come to a mutually satisfactory resolution of the damages phase of their FED (eviction) case, after a tenant has moved out.

FED cases are two-part cases that generally require at least three court appearances. The first part is the possession trial, where the court determines whether tenant may remain in the residence. Possession trials are set on the court’s calendar on an expedited basis and are heard at regularly scheduled times before one of the District Court judges.

The second part, scheduled at least three weeks after the tenant moves out, is the trial on damages. “Damages” in this context refers to the landlord’s claims for to recover back rent, utilities or any damage caused to the unit by the tenant. This is the point at which the court refers the case to mediation. When a case is resolved in mediation, the parties will not need to return to court for any more formal court proceedings.

If both parties agree to mediate the damages portion of the case, the court schedules the mediation for any time during court business hours, and sends the case file to be managed by the District Court Law Clerks. The Law Clerks send out calendaring notices to the parties, assign a volunteer mediator to each scheduled time slot, and coordinate the logistics of the mediation.

Prior to a mediation session, the parties will have completed the following steps:

* The landlord and tenant do a walk-through of the residence before the tenant vacates to determine the extent of any damages
* The landlord provides the tenant with itemized written notice of damages within 14 days of the eviction date (as required by AS 34.03.070(b))
* The tenant files an Answer (court form [CIV-735](http://www.courts.alaska.gov/forms/civ-735.pdf)) with the court prior to the mediation date
* Both parties bring two copies of any lease-relevant documents to the mediation, including the lease, walk-through checklists, and receipts

The mediation program requires the voluntary participation of both parties; either may decide to terminate the mediation at any time. The parties are responsible for providing their updated contact information to the court, and communicating with the law clerks about scheduling. At the mediation, the parties may remain together in the same room or may request to be in separate rooms. Both parties may bring witnesses or support people to attend the mediation, but only with the agreement of the other party.

If the parties reach an agreement through mediation, the mediator will ask the Law Clerks to schedule having the written Dismissal on Stipulated Resolution to be read on the record by a District Court judge at a convenient time for both parties.

If the parties do not reach a complete agreement, the Law Clerks will forward the case file to be scheduled for the next available pre-trial scheduling conference before the assigned judge.