



## **AGREEMENT FOR MEDIATION SERVICES**

This is an agreement between (Party A) and (Party B) (hereafter referred to the parties), and co-mediators (Mediator 1) and (Mediator 2) (hereafter referred to as the mediators). The parties have entered mediation with the intention of reaching a consensual settlement of their dispute. The provisions of this agreement for mediation services are as follows:

1. The mediators are neutral facilitators who will assist the parties to reach their own settlement. The mediators may suggest options and/or outside resources to enable the parties to make informed decisions. The mediators will not represent the interests of any party.
2. The mediators do not offer legal advice or legal counsel but may provide information about legal issues. Each party may be advised to retain counsel in order to be properly advised about their legal rights, interests, and obligations as well as the legal implications of their agreement should that be at issue.
3. In order for mediation to be successful, open and honest communication is essential. Accordingly, all written and oral communication made in the course of mediation will be treated as privileged settlement discussion and are absolutely confidential. This includes all oral and written information received by the mediators prior to the signing of this document. Therefore, the parties agree that they will not at any time call the mediators as witnesses in any legal or administrative proceeding concerning the dispute.
  - A. The parties agree not to subpoena nor call for the production of any records, notes, or work products of the mediators in any legal or administrative proceeding that arises before, during, or after the mediation of this dispute.
  - B. Agreements made in mediation will be written by the mediators as a Memorandum of Understanding (“MOU”). Any written agreement made and signed by the parties as a result of mediation may be used in any relevant proceedings unless the agreement specifically provides to the contrary. These written agreements will be released only with the consent of all parties.
  - C. The mediators will not reveal anything discussed in mediation without the consent of all parties, including the mediators. The exceptions to this are if there is suspicion of child or elder abuse (emotional, financial, sexual) or neglect, if there is a threat or concern about physical injury to either party, or if there is knowledge that either party intends to commit a felony.
4. Mediation is a voluntary process. It is understood that any party or the mediators may terminate the proceedings at any point. If the mediation process is to be terminated prior to reaching an agreement, the mediators will encourage the parties to express their concerns about the process and to spend some time in session to reach some closure and discuss next steps.

