

Central Susquehanna Valley Mediation Center, Inc.

AGREEMENT TO MEDIATE

Agreement to mediate made on this
_____ day of _____, 20____ between

_____ and _____
(the parties)

The parties understand and agree to the following provisions as they enter into the process of mediation:

1. Purpose and Voluntariness

The purpose of mediation is to help parties in conflict communicate more effectively. Participation in mediation is voluntary. Therefore, this agreement to mediate cannot be used to force a party to mediate. Each party may withdraw from mediation at any time for any reason or no stated reason. Furthermore, any mediator may stop the mediation at any time.

2. The Role of the Mediator

Mediators help parties talk and listen to each other. The parties set their own guidelines and goals for the discussion. Through this process, the parties gain new understandings of one another and make decisions about the conflict they face.

A mediator does not tell the parties what to do, make decisions for the parties, or determine “right and wrong,” as would a judge or an arbitrator. Mediators are impartial and neutral at all times.

Mediators do not provide legal representation or legal advice, counseling or therapy, even when their education, training, experience, or other occupation may qualify them to do so.

Any decisions or agreements made in mediation may be put in writing in the form of a summary. Mediators may assist the parties in the preparations of such summaries.

3. Legal Advice and Representation

A party may seek legal advice before signing this agreement to mediate, reaching any decision, or at any other time independent legal advice is desired. Attorneys may be present during the mediation only if all parties agree.

4. Confidentiality of Communications and Documents

Generally, the Center’s staff and mediators will not disclose outside the Center anything discussed in mediation or any documents relating to the mediation, without permission from all parties. If mediators meet separately with a party, what the party may say in a separate session will not be disclosed unless permission to do so is given by that party. There are exceptions. For example, a statement made in mediation that threatens injury to a person or property may be disclosed; and statements that raise suspicion of child abuse may be subject to reporting.

In a court-referred mediation, parties may request that the agreement be forwarded to the court by checking and initialing the request on the court-approved form.

The Center and the mediators may keep a copy of this Agreement to Mediate and a copy of any other agreements reached in mediation. The mediators’ notes and copies of all documents given to the mediators by the parties will be destroyed at the end of the final mediation session.

Unless the parties agree otherwise, if any observers are allowed to witness the mediation, the observers will be bound by the same rules of confidentiality that apply to the Center, its staff, and its mediators, and will acknowledge their obligation of confidentiality by signing this agreement.

Unless otherwise agreed, the parties are not obligated to keep information and documents obtained in mediation confidential.

5. Release

Each party releases Central Susquehanna Valley Mediation Center, Inc. and its board of directors, agents and employees, including mediators, of and from any and all liability relating to this mediation; and agrees not to call any mediator or any member of the Center staff or board as a witness in any related administrative or judicial proceeding, or compel any mediator, board or staff member to produce or disclose any mediation communication or mediation documents.

By their signatures below, the parties affirm that they have read, understood and voluntarily signed and entered into this Agreement to Mediate on this

_____ day of _____, 20_____.

Signature

Signature

Signature

Signature

Signature

Signature

We sign as witnesses to the Agreement to Mediate and acknowledge and agree to the obligation of confidentiality regarding the mediation as set forth above.

Mediator

Mediator

Attorney

Attorney

Mediation observer

Mediation observer