

**Sixth Judicial District
Alternative Dispute Resolution Program**

Case Name: _____

Case No.: _____ County: _____ Court: _____

Informed Consent & Waiver

Mediation is a non-adversarial process which is most effective if the parties involved work within the following guidelines:

1. The parties understand that the purpose of the mediation is to work together to find a mutually acceptable resolution of the dispute through cooperation between parties and attorneys. To achieve a mutually acceptable resolution, the mediator, the parties and their counsel will work to ensure that each party understands the effects of any agreement reached as well as any possible consequences of not reaching an agreement.
2. For mediation to be successful, open and honest communication, negotiations, and statements are essential. By signing this agreement, the parties agree to make complete and accurate disclosure of all financial matters relevant to the process of settlement. This includes providing each party and the mediator with all relevant financial information which would be available in the discovery process in a legal proceeding. If a party deliberately withholds information or supplies false information relevant to the settlement, then the agreement reached in mediation may be set aside.
3. Information gathered in the mediation process is confidential and privileged. All such communications by the parties shall be treated as strictly confidential by the mediator and the parties. The mediator will not disclose any information shared during a break-out session or caucus which a party has specifically requested to remain confidential. NO recording devices are permitted during the session.
4. In order to maintain confidentiality, the parties, by this agreement, agree not to call the mediator or any member of the mediation staff or court representative to testify as a witness at any proceeding nor to subpoena or otherwise seek discovery of any written materials in his/her/their possession developed for or in the course of this mediation. To the extent that the law permits such discovery from the mediator, the mediation staff or court representative, the parties hereby waive their rights thereto. The laws protecting settlement negotiations shall apply.
5. Nothing in this agreement shall be construed to prevent or excuse the mediator from reporting situations in which a) there are threats of imminent violence to self or others; or b) the mediator believes that a child is abused or that the safety of any party or third person is in danger.
6. It is expressly understood by the parties that the mediator does not offer legal advice in this mediation and is not functioning as an attorney whether or not the mediator is in fact an attorney. In this mediation, the mediator's role is to aid the parties in seeking a fair agreement in accordance with their respective interests. The construction of a proposed agreement and any question of law should be referred by the parties to their own legal counsel. All parties are encouraged to have an independent attorney look over any completed agreements.

