

## **MEDIATION INFORMATION FOR PARTICIPANTS**

### **The mediator will:**

1. Establish an understanding of the mediation process
2. Clarify and confirm the issues in dispute between the parties
3. Assist and guide the involved parties in efforts to resolve the issues of concern and to facilitate the consideration of alternatives and options
4. Encourage communication, creative problem-solving and mutual agreement in a constructive and positive manner
5. Assist the participants in writing an agreement stating the parties' responsibilities and clarifying the details each party has agreed to during mediation

### **The participants will:**

1. Agree to share information openly within the mediation meeting, but will comply with confidentiality outside the mediation
2. Respect the need for a safe, non-adversarial atmosphere to resolve the disputed issues
3. Agree that no attempt will be made to compel the mediator to testify or otherwise disclose information in any current or future court proceedings
4. Think of possible alternatives or ways of solving the problem that might be proposed to the other participant(s)
5. Maintain responsibility to follow procedural safeguards and requirements of timeliness and notification in any hearings, complaints, or civil proceedings that may be in place
6. Follow-up with any necessary procedural safeguards resulting from agreements reached through the mediation meeting
7. Agree to work in a good faith effort that can result in a resolution of the situation that has brought the parties to mediation

## **What to expect in the mediation meeting:**

1. The mediator's role is not that of a judge, hearing officer, counselor, therapist, or an attorney; therefore, the mediator will not render a decision or offer advice.
2. The mediator has no authority to compel any action by either party.
3. Mediation requires the full and voluntary participation of both parties and can only continue as parties may agree.
4. The number of participants at each mediation meeting will be kept to a minimum to establish an atmosphere for effective problem solving.
5. Participants at each mediation meeting must include persons who have the authority to commit to decisions relating to the case.
6. Generally, the participants in the meeting are the disputing parties.
7. Other participants, as agreed upon by the parties and the mediator prior to the meeting, might include legal representatives of the parties, professionals directly involved in the disputed issues, or representatives of other agencies involved in the disputed issues.
8. No records of the mediation will be maintained other than intake and assessment information, The Consent to Mediate form, the Mediation Agreement form, documentation of the scheduling and outcomes of the mediation, and notes taken by the mediator or attorneys.
9. Audio or video tape recordings of the mediation meeting are not allowed, and matters discussed in the meeting shall not be disclosed outside the context of the meeting.
10. The Mediation Agreement may become part of the court file if the case has been referred or ordered to mediation by a Judge.
11. Respective counsel for the parties may review any agreements reached in the mediation session. For family and divorce mediations, it will be the responsibility of the parties' attorneys to submit the memorandum of understanding to the court for approval.
12. The mediator may discontinue the mediation meeting at the request of either party or in the event that the mediator determines no resolution or agreement is forthcoming.