

MEDIATION AGREEMENT OF \_\_\_\_\_ and \_\_\_\_\_

**1. THE MEDIATION PROCESS:**

1. The goal of mediation is to reach a mutually acceptable settlement agreement and final order, and to take all steps necessary to accomplish the dissolution of your marriage and/or post-decree divorce issues.
2. All issues pertaining to the divorce are negotiated in good faith. Therefore, it is essential that both parties share all information.
3. A series of meetings are held until resolution is reached on all issues. Most meetings are held with both parties; however, there could be occasions of communication with each of the parties separately.
4. The issues to be negotiated usually include: division of property, division of debts, spousal support, child support and parenting plans.
5. The mediator's job is to help the parties explore options and obtain information so that they can reach an agreement that will work for both of them. The mediator does not make the decisions, the parties do.
6. The mediator will help the parties deal with the difficult moments that are a normal part of the mediation process.
7. Although I am an attorney, I do not represent either mediating party or give legal advice during the meditation. While I may draft documents for you, I do so as a mediator, and not as an attorney giving legal advice.
8. The parties understand this limited scope of service, and agree to it. The mediator has a legal duty to report child abuse and neglect and to report danger to any party or a third party.

**B. OUR AGREEMENT TO MEDIATE:**

We, \_\_\_\_\_ and \_\_\_\_\_, agree to the following:

1. To leave all assets and insurance policies unchanged, except by mutual agreement.
2. To disclose to each other your assets, debts, income and expenses, and to bring back completed disclosure forms and assets/debt documents to the next mediation session.
3. To obtain appraisals of our major assets, including but not limited to businesses and pension plans, if needed by any of us.
4. To consult with accountants and/or other experts if we agree, and the mediator recommends that we do so.
5. That we have the right to discuss our property settlement agreement and terms of the divorce decree and/or post-decree divorce issues with independent attorneys, and then

to attend a review session to discuss any revisions that we may want in our settlement agreement and final order, prior to signing it.

6. To keep confidential all statements made during the mediation and all documents prepared for the mediation. We understand that we cannot use these as evidence in Court, but that we may share this information with any attorney. However, this mediation agreement and the fee agreement are not confidential for the purposes of collection of the fee.
7. Not to subpoena the mediator or her records into any arbitration or court action.
8. To avoid phoning the mediator, unless urgent need exists. Email is the best form of communication. Emails can be shared with everyone, and helps everyone stay on the same page.
9. To pay the mediator \$285 per hour. The mediator's legal assistant is \$125 per hour. A retainer of \$2500 shall be required unless other arrangements are made. Any portion left from the retainer will be returned. If the retainer is used up, it will need to be replenished.
10. The mediator and legal assistant bill for time spent on the case. That includes meeting time, document creation, exchanging emails, and conversations in person or on the phone. Charges are also made for copies and court runs.

**C. BARBARA'S AGREEMENT AS YOUR MEDIATOR:**

I, Barbara Ann Bartlett, agree to the following:

1. Not to represent or to be a witness for or against either party in any court action regarding this mediation or any modification of its terms.
2. Not to communicate with an attorney for either party without the consent of both parties.
3. To release papers from my file only with the consent of both mediating parties and the agreement of the mediator.
4. To withdraw from mediation if it is not productive or if either party breaches this agreement.

\_\_\_\_\_ Date: \_\_\_\_\_, 201\_\_\_\_  
Husband

\_\_\_\_\_ Date: \_\_\_\_\_, 201\_\_\_\_  
Wife

\_\_\_\_\_ Date: \_\_\_\_\_, 201\_\_\_\_  
Barbara Ann Bartlett, Mediator