

MARSHALL | MEDIATION

The Agreement to Mediate is a basic agreement I ask all parties to sign at the beginning of the mediation. The Agreement establishes the role of the mediator, the confidentiality of the process, and the costs of the mediation.

AGREEMENT TO MEDIATE

We the undersigned participants, agree to utilize the mediation services of Dena Marshall, to facilitate a settlement of the dispute, and acknowledge and accept the following terms and conditions:

1. The mediator shall act as an advocate of resolution and shall use her best good faith efforts to assist the parties in reaching a mutually acceptable settlement. The mediator will maintain impartiality toward all parties.
2. The cost of the mediation is \$150 - \$190 per hour. The parties will split the cost of the mediation. If the parties are represented by counsel, counsel agree that his/her law firm is primarily responsible for the client's share of the mediation fee.
3. Mediation is a voluntary process for settlement negotiation. In this context, the mediator will act as a neutral exclusively and does not represent any party. As a result, the mediator will not give legal advice. Likewise, the mediator is not a judge, nor does the mediator have the power or authority to force a settlement on the parties. Participants are encouraged to consult with their own attorney regarding their legal rights and responsibilities.
4. All communications that are made in the course of or in connection with the mediation are confidential and inadmissible for any purpose in any subsequent proceeding. Information that is otherwise discoverable remains discoverable even though it may be first proffered in the mediation. The parties will not subpoena or otherwise require the mediator to testify or produce records, reports, notes, or other documents reviewed, received, or prepared by the mediator during the course of the mediation process.