

SAMPLE AGREEMENT TO MEDIATE - DIVORCE

The undersigned parties have agreed to pursue mediation to try to reach an agreement on some or all of the issues of their divorce. We understand that mediation services will be provided on an impartial basis, and that the role of the mediator is to facilitate our discussions, and that the mediator does not provide counseling or legal advice or representation.

Each party *is/is not* represented by counsel.

Each of us agrees to fully disclose, in the presence of the other person, all information and documents such as financial statements, income tax returns, etc., which are requested by the mediator, and all information requested by the other party if the mediators concurs that the requested information is relevant to the mediation process in discussing the issues.

Any stipulation, agreement or memorandum of understanding generated by the mediation shall be a record of the parties' mutually acceptable understanding or settlement of the issues discussed. The mediator gives no opinion regarding the legal implications of the Agreement to Mediate, the memorandum of understanding, any summaries of the parties' discussion or any resolution that is reached. We hereby release the mediator and her law firm from any liability or claims arising out of the mediation process and any agreement reached as a result of mediation.

Each party understands that the mediation is confidential, except as provided by law. Each party understands that this mediation is a negotiation. Each party understands that, to the extent the law allows, the negotiations are not admissible in subsequent formal proceedings. Both parties agree, on their part, to use information obtained in mediation in good faith and where necessary to obtain legal or other advice to aid in the mediation process. Each party agrees not to ask the mediator to testify and agrees not to subpoena the mediator and/or her notes or other work product in any future proceeding.

We agree to pay for mediation services at the rate of _____ per hour. We understand that fees are due at each meeting and must be fully paid before the mediator will forward the final agreement to us.

Each of us agrees to put his/her anger aside and deal with the issues in a fair way, to focus on present issues rather than the past, to take responsibility for the success of mediation, and to abide by the guidelines which the mediator may set for the conduct of the mediation sessions.

Mediator - Melinda S. Gehris

Date