

# Mediation & Restorative Services

*Creating Peaceful Solutions*

File No.:

## AGREEMENT TO MEDIATE

1. **The purpose of the mediation** is to provide a neutral forum in which you can resolve the matter.
2. **Mediation is a voluntary process.** The effort to resolve the matter through mediation may be terminated without cause as follows:
  - a. Either party may withdraw from mediation; or
  - b. MARS or the mediators may terminate the mediation session.
3. **Mediation proceedings are confidential.**
  - a. Pursuant to Minnesota Statute 494.02 and 595.02, Subdivision 1(1) and Minnesota Rules of Practice 114.08, all mediation process communications, statements, meeting notes or documents related to or developed in or as a result of the mediation process are inadmissible and undiscoverable for any purpose in any legal or administrative proceeding. In addition, staff, files and mediators of MARS cannot be subpoenaed to testify on behalf of any party.
  - b. Mediators are required to report evidence of child abuse and/or abuse of a vulnerable adult.
4. **The role of the mediator** is to facilitate discussion and maintain order, if necessary. Mediators do not represent either party. The mediators have no duty to provide advice or information to a party or to assure that a party has an understanding of the problem and consequences of the matter. Mediators will not provide advice regarding the legality of the resolution.
5. **Caucus.** During the mediation, any party or mediator may request to speak with another party or mediator privately.
6. **Ground Rules.** Mediators will establish ground rules for the mediation.
7. **Information.** Parties may refuse to disclose information but will not give false information.
8. **Time limits.** Mediations usually do not last longer than two hours. Notify mediators of time constraints.
9. **Questions** about the mediation process can be addressed to mediators prior to the mediation.
10. **Settlement Agreement:** Agreements are not legally binding. Mediators cannot determine the legality of this agreement.

**I have read and understand the above information.**

Date of Mediation:

\_\_\_\_\_  
Mediator

\_\_\_\_\_  
Mediator

\_\_\_\_\_  
Observer or Assistant