**Mediation Confidentiality Agreement**

Parties, counsel for the Parties, any observers, and the mediator agree as follows:

a.  Any communications made exclusively during or for the mediation process shall be confidential except as to the provisions indicated in this section. The mediator shall not disclose any information about the mediation process, communications, or participants to anyone except for Mediation Office staff. Mediation Office staff must also maintain confidentiality except as to the provisions indicated in this section.  Administrative aspects of the mediation process, including the assignment of a mediator, scheduling and holding of sessions, and a final report that the case has concluded or not concluded through mediation, or that parties failed to participate, are not confidential and will appear on the docket of the case.

b.  The parties may not disclose discussions or other communications with the mediator unless all parties agree, because it is required by law, or because otherwise confidential communications are relevant to a complaint against a mediator or the Mediation Program arising out of the mediation. The parties may agree to disclose information provided or obtained during mediation to the Court while engaged in further settlement negotiations with a District or Magistrate Judge. The parties may disclose the terms of settlement if either party seeks to enforce those terms.

c.  Documents and information otherwise discoverable under the Federal Rules of Civil Procedure shall not be shielded from discovery merely because they are submitted or referred to in the mediation.

d.  The mediator shall not be inquired of or called as a witness or deponent in any proceeding related to the dispute in which the mediator served, or be compelled to produce documents that the mediator received or prepared for mediation.

The undersigned have read and agree to comply with this agreement.


Dated:


Plaintiff(s): _____          Defendant(s): _____


Attorney(s) for Plaintiff(s):_____          Attorney(s) for Defendant(s):_____


Mediator:_____          Observer(s):_____