

MEDIATION CONFIDENTIALITY AGREEMENT

(Circuit Court Rule Part 6.35)

IT IS HEREBY AGREED by and between the mediator and each mediation participant identified below that all matters discussed during any and all mediation sessions shall be confidential, may not be admissible in any court proceeding, nor shall not be disclosed by the participants or the mediator in any court proceeding or any court of law, except as follows:

- A. If all parties consent in writing to the disclosure; or
- B. The communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another; or
- C. The communication reveals evidence of abuse or neglect of a child; or
- D. Non-identifying information may be made available for research or evaluation purposes approved by the court; or
- E. The communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.
- F. The parties may disclose communications occurring during mediation to his or her attorney or counselor who shall maintain confidentiality.

(The next paragraph is only applicable if the mediator is an attorney):

The parties to mediation acknowledge that Attorney _____
of the law firm of _____ acting as mediator,
is not acting as attorney for either party, and is not providing legal advice or services to either party.

Dated: _____

MEDIATOR:

Signature

Print Name

Mediating Participant

Print Name

Mediating Participant

Print Name