



**MEDIATION AND CONFIDENTIALITY “MAC” AGREEMENT**  
**Southern California Family Mediation Inc. (SCFM)**

**By signing this mediation and confidentiality agreement, I hereby understand and agree:**

- 1. To clear my schedule for the day of mediation from 8:45am to 3:30pm.** (It may end earlier.)
- 2. To remain focused on this important day, not at work or multi-tasking.**
- 3. To arrange to be in a private location for the duration of the mediation.**
- 4. Mediation communications are confidential.** California Evidence Code sections 1115–1128 apply. Section 1119 broadly prohibits any recording of mediation communications. Specifically, anything said, written, or otherwise communicated in mediation is confidential and cannot be recorded, disclosed, or used in any court or arbitration proceeding.
  - a.** A mediator may not and will not be subpoenaed to testify.
  - b.** Introducing otherwise existing information into mediation doesn't necessarily make it confidential.
  - c.** If a party raises new, unique allegations, the mediator(s) will: 1) Pause or stop the mediation, 2) Refer the parties to their attorneys, and 3) Discuss with the attorneys how to best proceed.
- a.** If you share something private with the mediator(s) that you do not want another party to know, make that clear to the mediator(s), otherwise the mediator(s) will use their own discretion.
- b.** As a teaching and learning nonprofit organization, student mediators or others, bound by the rules of mediation confidentiality, may observe.
- 5. Mediation is voluntary.**
  - a.** A court may order parties to appear in good faith for mediation. Courts decide safety issues. Within what the court will allow, the parties control if there will be an agreement and what that agreement will be. Mediation cannot change an order of a Court.
  - b.** The court may be informed who didn't appear or wasn't available, but we don't recommend to a court.
  - c.** Mediator(s) may withdraw from or discontinue a mediation. A party may request a mediator be withdrawn from a mediation by contacting SCFM at: 818-575-6900 or [mediation@socalfm.org](mailto:mediation@socalfm.org).
- 6. A mediator cannot give legal advice.** Mediators do not judge you or decide for you. Mediators will suggest solutions, but a mediator cannot decide the outcome. Get your legal advice from your attorney.
- 7. Participation:**
  - a.** Your attorney is welcome to participate, but is not required. You may consult with your attorney, anytime.
  - b.** To avoid involving children in adult conflict conversations, mediators will attempt to reach the child(ren)'s attorney.
  - c.** Mediator(s) may allow support persons to attend, but they do not get a vote in the final agreement.
- 8. A Mediated Agreement reached by the parties** will be provided to the attorneys on the case for discussion and review, and potentially for submission to the court.
- 9. A Mediated Agreement** is nonbinding (does not go into effect) until it is approved by a court. Ask your attorney for details. Seek advice from an attorney, before agreeing to anything that could affect your legal rights.

**I hereby understand and agree to all of the above rules and conditions to mediate.**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_