

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

PETITIONER,	*	
v.	*	
	*	
	*	
RESPONDENT.	*	
	*	

MEDIATION GUIDELINES

Mediation is a non-adversarial process which is most effective if the parties involved work within the following guidelines:

1. The purpose of the mediation is to find a mutually acceptable resolution of the issues identified by the parties. The mediator will lead the negotiation to assist in developing a settlement that is acceptable to the parties. The mediator does not make decisions for the parties.
2. For mediation to be successful, open and honest communication, negotiations and statements are essential. The parties agree to make complete and accurate disclosure of all matters relevant to the process of settlement. This includes providing each party and the mediator with all relevant information which would be available in the discovery process in a legal proceeding. If a party deliberately withholds information or supplies false information relevant to the settlement, then the agreement reached in the mediation may be set aside.
3. Information gathered in the mediation process is confidential and privileged. All such communications by the parties shall be treated as strictly confidential by the mediator and the parties. The mediator will not disclose any information learned during the mediation without the express permission of the parties. Confidential matters disclosed in a private meeting or caucus with one party will not be divulged to the other party without the consent of the party making the disclosure.
4. To maintain confidentiality, the parties agree not to call the mediator nor any member of the mediation staff or court designee to testify as a witness at any proceeding nor to subpoena or otherwise seek discovery of any written materials in his/her possession developed for or in the course of this mediation.
5. Nothing in this agreement shall be construed to prevent or excuse the mediator from reporting such crimes, imminent threats of bodily injury or abuse to a child or a party, or such other matters as to which the law imposes a duty to report.
6. If this is a domestic case, the parties acknowledge that they have completed the required screening for domestic violence.
7. No one shall record any part of the mediation conference.
8. It is expressly understood by the parties that the mediator does not offer legal advice in this mediation and does not function as an attorney whether the mediator is in fact an attorney. In this mediation, the mediator's role is to aid the parties in seeking a fair agreement in accordance with their respective interests. The construction of a proposed agreement and any

question of law should be referred by the parties to their own legal counsel. All parties are encouraged to have an independent attorney look over any completed agreements. A completed stipulation form will incorporate all issues agreed upon.

9. The mediator is not liable for the results of the mediation. Any agreement written is the agreement of the parties to the mediation. The mediator, in a court-annexed program, shall not be held liable for civil damages for any statement, action, omission, or decision made in the course of the mediation process unless that statement, action, omission or decision is (1) grossly negligent and made with malice or (2) is in willful disregard of the safety or property of any party to the mediation process.
10. All agree to participate in good faith, in each scheduled mediation session. All parties agree to work toward resolution of the issues. Should it be impossible, however, to reach an agreement through mediation, all parties understand the case will proceed through the court process.
11. I understand that payment shall be made to the mediator at the time services are rendered at the rate of \$_____ per party. Comments: _____

12. By participating in the mediation session, I affirm that I have the capacity to conduct good-faith negotiations and to make decisions for myself, including a decision to terminate the mediation if necessary. I have read (or have been read) and understand the above guidelines for mediation. I understand that neither the mediator, mediation staff, nor court designee shall provide legal or financial advice. I understand that I have been directed and encouraged to seek independent legal advice. I agree that I will not violate confidentiality by using any type of recording device or digital camera including, but not limited to, telephone camera, tape recorder, video recorder or any other type of recording device.

COMMUNICATION WITH THE COURT

Once the mediation process is underway in a given case, contact between the mediator and the court concerning that case shall be limited to the following:

1. Communicating with the court about the failure of a party to attend.
2. Communicating with the court with the consent of the parties concerning procedural action on the part of the court which might facilitate the MEDIATION process.
3. Communicating to the court an assessment that the case is inappropriate for the MEDIATION process.
4. Communicating any request for additional time to complete the MEDIATION process.
5. Communicating information that the case has settled or has not settled and whether agreement has been reached as to any issues in the case.
6. Communicating the contents of a written and executed agreement or memorandum of agreement unless the parties agree in writing that such agreement should not be disclosed.
7. Communicating with the consent of the parties any discovery, pending motions, or action of any party which, if resolved or completed, would facilitate the possibility of settlement.

PETITIONER'S SIGNATURE

DATE

RESPONDENT'S SIGNATURE

DATE