

AGREEMENT TO MEDIATE

We, the undersigned, understand and consent to the following:

This mediation is being conducted pursuant to the guidelines of Rule 31 of the Tennessee Supreme Court.

ROLE OF THE MEDIATOR:

The court may order the parties to appear at the first session, but mediation is a voluntary, cooperative process in which the parties work on resolving their own disputes outside the court process with the assistance of a trained and impartial mediator. The mediator serves as a guide to the parties during their negotiation efforts. The mediator helps the parties to communicate effectively, gather and analyze information, define issues, generate alternatives, explore consequences and reach agreements acceptable to both parties. The mediator does not make decisions or create agreements for the parties; the parties are responsible for the terms of their own agreement.

ATTENDANCE AT SESSIONS:

The average session for family law mediation lasts approximately three and one-half hours. The number of sessions required to resolve a dispute varies with the number and complexity of the issues to be decided. Because mediation is a voluntary process, each party has the right to terminate mediation at any time and for any reason, as does the mediator. **All parties agree to appear on time for the session(s). If there is some conflict in schedule, that party will immediately notify the mediator.**

CONFIDENTIALITY:

All communications made during or in connection with the mediation which are related to the dispute, and all materials in this case file of the mediator, shall be and remain confidential, as provided by the statute. Neither party shall call the mediator as a witness in any judicial proceeding. No confidential material shall be disclosed in any such proceeding, except as agreed by the parties. Allegations of child abuse and threats of future harm to any person shall not be held confidential as per the statutes. In addition, in the event that there are any complaints against the mediator resulting from this mediation, confidentiality shall be waived in order for each party and the mediator to present and defend the complaints.

FULL DISCLOSURE:

Each party shall provide full and complete disclosure of all relevant and material property and financial matters necessary to reach a just agreement in family law mediation. Failure to provide such disclosure may make the future agreement void or subject the parties to allegations of perjury.

REPRESENTATION BY ATTORNEYS:

The mediator may provide legal information, but not legal advice. Parties are encouraged to seek such legal advice. **Each party has the opportunity to have counsel present during mediation or to consult with independent legal counsel at anytime during mediation and is strongly encouraged to do so.** Each party to the mediation should have any draft agreement reviewed by independent counsel prior to signing the agreement.

FEES FOR MEDIATOR:

The parties shall pay the required fee, in advance, per session in family mediation. If a court-ordered mediation, payment shall be as outlined on the court's sliding scale. Additional fees may be charged for the time spent drafting the agreement. At the time the parties review the agreement, they shall pay for the time spent drafting the agreement.

Mother

Date

Father

Date

Mediator

Date