

BELMONT, HARRISON & JEFFERSON COUNTIES

AGREEMENT TO MEDIATE

The undersigned participants in mediation, legal counsel and the mediator agree that all matters discussed during the mediation process shall be kept confidential pursuant to Ohio Revised Code §2317.023 and therefore inadmissible in any subsequent civil or administrative proceeding. Exceptions to this agreement regarding confidentiality are:

- 1) Communications made by the mediator if all parties and the mediator consent to the disclosure;
- 2) Communications made by a person other than the mediator if all parties consent to the disclosure;
- 3) Communications which cause a person to know that a felony has been or is being committed;
- 4) Communications where a court determines disclosure does not circumvent Evidence Rule 408 and disclosure is necessary to prevent a manifest injustice and that disclosure is of sufficient magnitude to outweigh the importance of protecting the general requirements of confidentiality in mediation proceedings;
- 5) Communications concerning information that prior to its use in mediation was subject to discovery or admission under law or rule of evidence or was subject to disclosure as a public record pursuant to Section 149.43 of the Ohio Revised Code;
- 6) Communications causing a mandated reporter under Ohio Revised Code §2151.421 to suspect child abuse or neglect;
- 7) A written settlement agreement signed by the parties to the mediation.

All participants have been informed of the procedure for addressing possible grievances with the Mediator, with the mediation process itself or with the court as a result of this mediation.

All participants understand and agree that the mediation can be terminated in the following ways:

Agreement to Mediate

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- 1) A settlement of all issues being mediated.
- 2) Termination by the mediator if the mediator determines continuing the mediation would not be in the best interest of any of the participants.
- 3) Termination by any of the participants if approved by the mediator or if not approved by the mediator, approved by the referring judge.

All participants and legal counsel understand and agree that the mediator is neutral and will not make decisions for the participants. Nothing the mediator says is intended as legal advice, and all participants and legal counsel agree that statements made by the mediator will not be regarded as legal advice.

All participants and legal counsel understand and agree that the mediation is voluntary and that there is no requirement to reach agreement unless there is a desire to voluntarily do so.

AGREED, this _____ day of _____, _____.

Participant

Legal Counsel

Participant

Legal Counsel

Participant

Legal Counsel

Mediator