

RULES OF MEDIATION

1. Legal Counsel and Legal Advice

1.1 THE MEDIATOR IS NOT ACTING AS AN ATTORNEY AND WILL NOT, UNDER ANY CIRCUMSTANCES, GIVE LEGAL ADVICE TO EITHER PARTY. BOTH PARTIES ARE ADVISED TO SEEK THEIR OWN LEGAL COUNSEL AT ANY TIME DURING THE MEDIATION PROCEEDINGS.

1.2 The mediator may give legal information to both parties as may be necessary for the parties to make informed decisions.

1.3 Each of the parties is encouraged to seek the advice of independent and separate legal counsel at any time during the mediation process with regard to their individual legal rights and responsibilities.

1.4 Each of the parties is requested to seek the advice of independent and separate legal counsel prior to signing any formal separation agreement prepared by an attorney who purports to incorporate the memorandum of understanding the parties have designed.

1.5 The parties agree that no legal action of any kind will be taken by either one of them during the course of mediation, except with the express consent of the other party and the mediator. Further, if either or both parties have retained counsel prior to mediation, they shall be obliged to direct their attorney in writing that no action is to be taken on their case while the matter is in mediation.

2. Communications with the Mediator

2.1 The parties will not communicate or meet with the mediator concerning matters in mediation except in the presence of each other during a mediation session unless the parties expressly agree, either beforehand or during the mediation session, that such communication may be helpful and appropriate to reaching settlement. This rule shall not apply to contact between the mediator and a party to schedule the mediation or to other preliminary matters when one party is not represented by counsel and such contact is required to schedule the proposed mediation.

2.2 Unless otherwise agreed, the content of between session telephone calls and letters will not be considered confidential. As an example, if the mediator receives an email from one of the parties, a copy of that email will be provided to the other party, along with the mediator's response. The mediator may use email to communicate with the parties because it is fast and convenient for many people. Such email is not encrypted for security and passes over the internet like any other email. If you do not wish for me to use email to communicate with you, please let me know. Important letters, court papers, and copies of Settlement Agreements will be sent by U.S. Mail, in addition to being sent by email.

3. Third Party Involvement

To facilitate the mediation process, the parties shall refrain from discussing matters in mediation with friends, relatives, or others. However, they are encouraged to consult with legal counsel at any time and they may consult with mental health professionals or clergy as they may find helpful.

4. Full Disclosure

4.1 Each party shall fully and completely disclose in good faith to the other party and the mediator all information and writings, such as financial statements, income tax returns, pension and/or other profit sharing plans, asset valuations, or any other documentation.

4.2 The preparation of budgets and financial statements by each party, if relevant to the case, is an essential part of the mediation process. If either party shall fail or refuse to prepare those documents adequately, the mediator shall have the duty to suspend or, if required, terminate the mediation process.

5. Transfers of Property During Mediation

During the mediation process, neither of the parties shall transfer, encumber, conceal, sell, or in any way, dispose of any tangible or intangible property except in the usual course of business or for the necessities of life. In addition, transfers or expenditures by either party, aside from regular monthly expenses normally made or paid for, shall be disclosed to the other party prior to such expenditure.

6. Confidentiality of the Mediation Process

Contents of your file, or for that matter, any information about you, even your identity, will not be disclosed by any person in this office without the prior consent of the parties or unless compelled by law.

7. Conduct of the Parties

Each of the parties must make their best effort to set aside their anger and attempt to deal with the issues in a fair and honest manner and to keep in mind, at all times, the best interests of the children. If each of the parties will treat the other with respect and courtesy, the communication process will be maximized and the likelihood of reaching a fair and equitable agreement enhanced. The parties should refrain from interrupting one another and not make critical or demeaning comments to one another.