



AGREEMENT TO MEDIATE

This is an agreement between Holly E. Poulin (“Mediator”) and the undersigned (“Parties”). The purpose of this agreement is to ensure that the Parties understand what the mediation service can and cannot provide, and that they are in agreement with the service being offered.

UNDERSTANDING THE MEDIATOR’S ROLE

The Mediator’s role is to help identify problems or issues that the Parties may want to talk about; discover the Parties’ mutual interests; assist the Parties through the process of joint problem solving in an attempt to satisfy the Parties’ needs and interests; and possibly discuss how the Parties’ relationship might look in the future. The Mediator provides a safe environment and an opportunity for the Parties to discuss their views and concerns openly while listening to understand so as to produce a self-determined rather than court ordered outcome. The Mediator is impartial and neutral in this process toward the Parties and how they choose to solve the dispute. The Mediator will hold the conversation at the mediation table in strict confidence with the exception of information regarding serious threat or harm to any individual. In the State of Vermont, the Uniform Mediation Act protects the client-mediator relationship in that the Mediator cannot testify in court for either Parties regarding what is discussed at the mediation table unless the privilege is specifically waived by all the parties to the mediation.

UNDERSTANDING THE PARTIES’ ROLE

Mediation is a private and voluntary process as Parties can stop at any time. While resolution rests with the Parties the Parties do not lose their right to go to court with or without an agreement. The Mediator is not an attorney and will not provide legal advice and encourages the Parties to consult with independent professionals such as attorneys and accountants. The parties agree to fully disclose all information, financial and otherwise, necessary for the mediation. Subsequent findings of nondisclosure may constitute grounds for nullifying any agreement reached by the parties:

- If an agreement is made the Mediator will write it down in the form of a Memorandum of Understanding for the Parties to sign. This agreement can become legally binding if it involves issues covered by law, or it may be left as an informal agreement to which is morally binding. The Parties may want to consult an attorney at the end of mediation to put the agreement in the form of a contract. If you already have an attorney, a Mediation Summary may be preferred.
- If an agreement is not made, you are free to pursue other means of dispute resolution that you feel are appropriate.

FEES

The Mediator’s fee for mediation is \$ _____ per hour (it will be divided equally between the Parties), and is expected to be paid at the end of each session unless otherwise agreed upon.

ACKNOWLEDGEMENT OF AGREEMENT

By signing below, the Parties are indicating their full understanding of this agreement and are doing so of their own free will. The Parties understand that no agreement will be considered final and binding unless the Memorandum of Understanding & Acknowledgment is signed by both Parties.

Signed: _____

Date: _____

Signed: _____

Date: _____