

**IN THE OFFICE OF DISPUTE RESOLUTION OF GWINNETT COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_  
Plaintiff

Civil Action No. \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant

**GUIDELINES FOR MEDIATION**

The parties in the above-styled case have agreed to enter into mediation under the following guidelines:

1. The parties and their representatives understand that the purpose of mediation is to attempt to find a mutually acceptable resolution of the dispute. The mediator will lead the negotiations and assist the parties and their counsel in ensuring that each party understands the facts asserted and the contentions of all parties.

2. For mediation to be successful, open and honest communication and negotiation is essential. The parties will 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 mediation may be set aside.

At any time during the session the mediation can be terminated by either party or the mediator.

3. Information gathered in the mediation process is confidential and privileged. Open and honest communication is essential and 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. The parties and their representative 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 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. The parties understand that the mediator does not provide legal or financial advice and is not functioning as an attorney. The mediator's role, as a neutral person, is to assist the parties in securing a fair agreement. All parties are encouraged to have an independent attorney or financial

advisors look over any completed agreement.

7. By signing this agreement, all parties agree to participate in good faith and work toward a resolution of the issues. If an agreement or partial agreement is reached, the mediator will prepare said agreement, and review same with the parties. If attorneys do not attend, the parties will have ten (10) days in which to have the agreement reviewed and approved by separate attorneys for each party. The Plaintiff is responsible for having the agreement drawn to present to the court. If an agreement is not reached, the case will be immediately returned to the assigned judge.

8. I understand that payment of the mediator shall be due at the close of the mediation session. The agreed upon fee for this session shall be \_\_\_\_\_.

9. I understand by my participation in this mediation, I am affirming 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, understand and agree to each of the provisions of this agreement, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

Plaintiff

Defendant

Plaintiff Attorney

Defendant Attorney

Mediator

I, \_\_\_\_\_ (signature), an observer of this mediation, agree to the terms of confidentiality in this agreement.

**FORWARD THE ORIGINAL OF THIS FORM TO:**

Office of Dispute Resolution  
Office of Court Administration  
75 Langley Drive  
Lawrenceville, Georgia 30045