



AGREEMENT TO MEDIATE

are the parties who have agreed to mediate their dispute.

The parties have agreed to mediate their dispute privately with Kathleen A. McGuire as the mediator.

Each party is represented by counsel.

No party is required to accept or agree to any offer at any time.

Each party agrees to participate in good faith.

Each party understands that the discussion which takes place and the information which is shared – whether verbal or written – is CONFIDENTIAL. This is true regardless of the outcome of the mediation. This means that neither the parties nor the mediator will discuss the mediation with the public or with court personnel should the matter not be settled.

In addition, settlement offers and settlement discussion occurring during mediation shall be treated in the same manner as settlement discussions in civil litigation: the matters discussed and offers made, shall not be used by either party against the other as evidence in later proceedings.

This confidentiality does not apply to information which must be reported pursuant to state or federal law or regulation. For example, possible child abuse or neglect is required to be reported in accordance with RSA 169-C:29, will not be confidential, and will be reported by this mediator to the appropriate agency. Violence or threats are not confidential. This agreement does not prohibit the parties' release of information in their application to a court in order to have that court enforce or otherwise act upon a mediated settlement agreement. Information which is otherwise discoverable and is gathered through discovery or the investigation process may be used as evidence, even if previously revealed in mediation.

Each party agrees not to ask the mediator to testify and agrees not to subpoena the mediator and/or her notes or any other work product in any future proceeding.

By signing this agreement, I agree to maintain the confidentiality of all discussions.

Each party understands that the mediator is a facilitator and will not direct the parties to make an offer or accept one. Rather, she will facilitate a discussion between the parties in order to assist them to reach an agreement regarding their dispute.

Each party has agreed to pay Kathleen McGuire one half of her fee for the mediation. The fee is \$300 per hour for the mediation and \$150 per hour for any prior document review should such review take more than one hour.

Each party has had the opportunity to review this agreement to mediate and to ask any questions regarding the agreement which may have arisen.

_____ Name	_____ Date	_____ Name	_____ Date
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