

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

**Mediation Information & Consent Form**

Case No: \_\_\_\_\_

Date: \_\_\_\_\_

**Please review the following information about mediation:**

1. **Mediator Role and Neutrality.** The mediator is a neutral third-party who facilitates the mediation process, but who does not decide any issues in dispute. The mediator helps the parties discuss their conflict, assists in exploring settlement options, and making informed decisions.
2. **Court Process.** Mediation is part of the court process used to resolve civil disputes. The mediator works under the supervision of the court and is guided by very specific ethical codes. Public information about the mediator is available at the Information Window.
3. **Mediator Assistance is Not Legal Advice.** The mediator may not give legal advice to either party. Each party reserves the right to proceed to trial as a means of resolving this dispute. Each party has the right to obtain independent legal counsel, including review of any proposed mediation agreement before it becomes final. Any suggestions or opinions shared by the mediator is not legal advice and the parties should not rely on it as legal advice.
4. **Good Faith Participation.** The court expects the parties to participate fully and mediate in good faith. However, only the parties can reach agreement and **reaching agreement is voluntary**. The mediator will not judge the case or force settlement. The parties may withdraw from mediation after a good faith effort is made and the mediator may end the mediation if the mediator believes that continuing the process will not benefit the parties.
5. **Confidentiality.** Mediation communications are confidential. If the case proceeds to trial, the mediator cannot be called as a witness to testify for or against any of the parties, **nor** may the parties refer to any communication that took place during mediation.

All participants shall protect the confidentiality of all communications made during mediation subject to the following **exceptions**:

- a. The mediator shall report allegations of child abuse or elder abuse to the appropriate authorities. The mediator shall report any allegations or threats that are likely to result in death or substantial bodily injury to a specific person.
- b. Subject to the exceptions noted above, information disclosed in private session shall remain completely confidential unless permission is given for disclosure in mutual session.
- c. Without identifying the parties, the mediator may seek advice from court personnel. The mediator may discuss the case with other mediators for training purposes.
- d. A fully-executed mediation agreement becomes part of the court file and will not be confidential; however, the parties may agree that all or part of the terms of a mediation agreement are confidential.

**I UNDERSTAND AND AGREE TO THE ABOVE TERMS:**

\_\_\_\_\_  
Mediator's Signature

\_\_\_\_\_  
Interpreter's Signature *(if needed)*

\_\_\_\_\_  
Plaintiff(s):

\_\_\_\_\_  
Defendant(s):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature