

John R. Maher
John R. Maher Mediation
Portsmouth, NH

Agreement to Mediate

This is an agreement between and among _____
_____ (hereinafter referred to as “the parties” and Maher
Mediaion as represented by John R. Maher. The parties have entered into mediation with Maher
Mediation with the intention of reaching a consensual settlement. The provisions of this agreement are
as follows:

- 1) The mediator is an impartial facilitator who will assist the parties to reach their own settlements. The mediator will not make decisions about “right” or “wrong” or tell the parties what to do.
- 2) It is understood that open and honest communications are essential if mediation is to work. The parties agree to make full and honest disclosure to each other and to the mediator of all relevant information and documents. This includes providing to each other and the mediator all information that would be available through the civil discovery process. Failure to disclose this information may result in this agreement being set aside.
- 3) The parties and the mediator agree that all written and oral communication, negotiations and statements made in connection with the mediation will be treated as privileged settlement discussion and are confidential. Therefore:
 - a. The mediator will not reveal the names of the parties or matters discussed in the course of mediation unless expressly requested to do so by all parties.
 - b. The parties agree that they will not, at any time before, during, or after mediation, call the mediator as a witness in any legal or administrative proceeding concerning the dispute.
 - c. The parties understand that the mediator will destroy his notes taken during the mediation immediately after the mediation.
- 4) Although the parties intend to continue with the mediation until they reach an agreement. It is understood that any of them may choose to withdraw at any time. It is agreed that if this occurs, best efforts will be made to discuss the decision in the presence of all parties and the mediator.
- 5) In the event that legal advice is appropriate, each party is advised to retain his or her own attorney in order to be properly counseled about his or her legal interests.

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- 6) Each party has read and agrees to the mediation policies of John R. Maher, his fees, and billing arrangements, and those documents are made a part of this agreement.
- 7) Each party has had the opportunity to review this agreement to mediation, incorporated documents, and to ask any questions regarding the agreement and other policies and procedures.