

Family Mediation Center
Rule of Mediation

1. Legal Counsel and Legal Advice

- 1.1 The mediator is not acting as an attorney and will not, under any circumstances, give legal advice to either party. Both parties are advised to seek their own legal counsel at any time during the mediation proceedings.
- 1.2 The mediator may give legal information to both parties as may be necessary for the parties to make informed decisions.
- 1.3 Each of the parties is encouraged to seek the advice of an independent and separate legal counsel at any time during the mediation process with regard to their individual legal rights and responsibilities.
- 1.4 Each of the parties is requested to seek the advice of independent and separate legal counsel prior to signing any formal separation agreement prepared by an attorney who purports to incorporate the memorandum of understanding the parties have designed.
- 1.5 The parties agree that no legal action of any kind will be taken by either one of them during the course of mediation, except with the express agreement of the other party and the mediator. Further, if either or both parties have retained counsel prior to mediation, they shall be obligated to direct their attorney in writing that no action is to be taken on their case while the matter is in mediation.

2. Communications with the Mediator

The parties will not communicate or meet with the mediator concerning matters in mediation except in the presence of each other during a mediation session unless the parties expressly agree beforehand that such communication may be helpful and appropriate to reaching settlement.

3. Third Party Involvement

To facilitate the mediation process, the parties shall refrain from discussing the matters in mediation with friends, relatives, or others. However, they are encouraged to consult with legal counsel at any time and they may consult with mental health professionals or clergy at they may find helpful.

4. Full Disclosure

- 4.1 Each party shall fully and completely disclose in good faith to the other party and the mediator all information and writings, such as financial statements, income tax returns, pension and/or profit sharing plans, or any other documentation.
- 4.2 The preparation of budgets and financial statements by each party, if relevant to the case, is an essential part of the mediation process. If either party shall fail or refuse to prepare those documents adequately, the mediator shall have the duty to suspend or, if required, terminate the mediation process.

5. Transfers of Property During Mediation

During the mediation process neither of the parties shall transfer, encumber, conceal, sell or in any other way dispose of any tangible or intangible property except in the usual course of business or for the necessities of life. In addition, transfers by either party outside regular monthly expense shall be disclosed prior to expenditure.

6. Confidentiality of the Mediation Process

Contents of your file, or for that matter any information about you, even your identity, will not be disclosed by any person in this office without prior consent of both of you or unless compelled by law.