

# **JUDICATE WEST**

## **Sample Mediation Provision**

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In the event any controversy arising under this agreement is not resolved through negotiations between the parties, the parties agree to participate in a non binding mediation administered by Judicate West. This mediation must be conducted and completed before any party may commence a civil action or arbitration. Each side shall split the fees equally unless otherwise agreed upon by the parties in writing. If the parties cannot agree on a Mediator within 45 days of requesting a hearing, Judicate West will provide 7 names of Mediators based on substantive and procedural knowledge, availability and location. Each side will have an opportunity to strike 3 names and rank the remaining names. The numbers will be added together and the Mediator whose rank is the lowest, which is most favorable, will be chosen Mediator. The mediation shall be completed within 90 days of the selection of the Mediator unless otherwise agreed upon by the parties in writing. The mediation will be conducted pursuant to, and governed by, California Evidence Code Sections 1115-1128.