
CONFIDENTIALITY ACKNOWLEDGEMENT & AGREEMENT

The Matter of: _____

Judicate West Case Number: _____

Acknowledgement of Inadmissibility

The mediation to which this acknowledgement pertains is subject to the provisions of California Evidence Code sections 1115 et seq., Federal Rule of Evidence 408, and/or other similar provisions of law. Statements and/or writings (as defined by California Evidence Code section 250) made for the purpose of, in the course of, or pursuant to the mediation or mediation consultation as defined by California Evidence Code section 1115 are not admissible in any civil proceeding to the extent provided by law.

Acknowledgement Regarding Mediator and Settlement Agreements

The mediator is neutral and does not act as an attorney or representative for any party. The mediator has no authority to make any binding decisions, impose settlements or require concessions from any party. If the mediator assists in preparing a written settlement agreement, the mediator's role is only as scribe and each participant is advised to have the agreement independently reviewed by their own counsel before executing it.

Agreement

In order to allow the mediator to confidentially follow-up after the mediation session, the parties and the mediator agree to extend the 10-day period set out in California Evidence Code section 1125(a)(5) until the date the mediator terminates the mediation effort in writing, a party provides the mediator and other mediation participants with a writing stating the mediation is terminated, or words to that effect, which shall be consistent with Section 1121 (in a mediation involving more than two parties, the mediation may continue as to the remaining parties or be terminated in accordance with section 1125), or verdict is returned or decision rendered.

All participants acknowledge that all or part of this mediation may be taking place using a telephonic or video conference format. All participants understand and agree that all communications during the mediation are expressly confidential, regardless of participation method. All participants agree not to record, by any means, any of the communications, actions or events that take place pre-mediation session, during the mediation session or after the mediation session.

This agreement binds you, all parties represented by you, and all mediation participants related to your party.

So Acknowledged and Agreed By

Signature: _____

Date: _____

Attorney Name

Law Firm

Thank you for choosing Judicate West as your dispute resolution provider.