

SURROGATE’S COURT MEDIATION PARTICIPANT STATEMENT OF UNDERSTANDING

1. We understand that together, the parties may select a mediator on their own. We acknowledge that if we do not select a mediator, the Court may refer our matter to a Community Dispute Resolution Center (“CDRC”) or the Court may select a mediator from its roster. We understand that if a mediator is selected from the Court’s roster, we are allowed one free, _____ minute (____) initial mediation session.
2. We understand that mediation is voluntary; we can choose which points to discuss.
3. We understand that if we do not work out an issue or resolve our case, we can return to Court.
4. We understand that we are each free to talk with a lawyer now, during or after the mediation sessions.
5. We understand that the mediator is not acting as a lawyer for either of us and will not be giving us legal advice or opinions on the law. The mediator may share with us legal information.
6. Except for allegations of child abuse or neglect, threats of imminent serious harm and information regarding the scheduling, attendance and participation at mediation sessions, and the mediator’s report, we understand that what is said during this process is confidential. The mediator agrees not to reveal any oral or written communications to others without the consent of all parties.
7. We agree that if we do go to court, we will not testify about what happened in the mediation, however, documents and information otherwise discoverable under the CPLR shall not be shielded from discovery merely because they are submitted or referred to in mediation.
8. We will not ask the mediator or the other party to testify or give evidence about what happened in the mediation and we will not demand anything prepared for the mediation or compel the mediator to produce any documents prepared for mediation or notes of the mediator unless it is allowed by law.
9. We understand that the mediator shall be immune from suit, indemnified and held harmless to the extent allowed by law. _____

Petitioner(s) _____

Attorney for Petitioner(s) _____

Respondent(s) _____

Attorney for Respondent(s) _____

Mediator _____

Date _____