

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

AGREEMENT TO MEDIATE

I understand and agree that:

- Mediation is a private and consensual process in which I will work to explore options for resolving the matter that brought me here today. Responsibility for resolution of the dispute rests with me and the other parties and I will be responsible for any agreements I may make during the mediation.
- I am in mediation voluntarily and in good faith. By consenting to this mediation, I affirm my willingness to speak honestly and disclose information important to bringing this matter to a fruitful outcome.
- The mediator is an impartial person whose role is to help us have a productive conversation about the matter that brought us here today and to help us decide how and on what terms we might resolve this matter. The mediator will not counsel, give advice about or make decisions regarding the outcome or resolution of this dispute.
- The mediator is not providing me with legal advice or counseling services.
- The mediator will hold confidential the written and oral communications that occur prior to, during or after the mediation, except as provided by NH law or Probate Division Administrative Order 11.
- I will not call or subpoena the mediator as a witness in, or request the mediator's records for, any court, legal or administrative proceeding arising from this mediation as provided in Probate Division Administrative Order 11. The mediator will destroy notes taken before or during the mediation.
- Any memorandum of understanding generated by the mediation shall be a record of the parties' mutually acceptable understanding of the issues discussed. The mediator gives no opinion regarding the legal implications of the Agreement to Mediate, the memorandum of understanding, any summaries of the parties' discussion or any resolution that is reached.

_____/s/ _____ /s/ _____
Date Participant Counsel for Participant

_____/s/ _____ /s/ _____
Date Participant Participant

_____/s/ _____ /s/ _____
Date Participant Participant

_____/s/ _____ /s/ _____
Date Participant Participant

_____/s/ _____
Date Mediator

Case Name: _____

Case Number: _____

AGREEMENT TO MEDIATE

REMOTE MEDIATION PROVISIONS

(Mediation by video or telephone)

By participating in this process, I acknowledge that:

- I understand that this agreement supplements the Agreement to Mediate. The provisions in this agreement do not negate, replace, abrogate, or in any other way change the provisions in the Agreement to Mediate
- I understand that I am fully responsible for the privacy at my location of the telephonic and/or video mediation session.
- I will ensure that only court-approved parties to the case are within hearing distance of my location unless previously agreed to by all parties.
- I agree that I will not record or permit the recording of all or any part of the mediation without the consent of all parties and the mediator. I will ensure that each additional attendee at the mediation for which I am responsible also acknowledges and agrees to this.
- If mediation is by video, have been informed of the mediator’s video conference service provider and have had the opportunity to assess the provider’s online security and agree to its use.
- I understand that most privacy and confidentiality breaches are due to user error. Therefore, I agree that I will not share or disclose any Meeting IDs and passwords of the mediation session.
- I understand that there may be risks in using a remote platform for a mediation and have freely consented to do so. The mediator is not liable, except as outlined in RSA 490-E.
- I understand that the remote mediation is considered “mediation” for the purposes of all applicable legislation, regulations, and rule.

_____	/s/	_____	/s/	_____
Date		Participant		Counsel for Participant

_____	/s/	_____	/s/	_____
Date		Participant		Participant

_____	/s/	_____	/s/	_____
Date		Participant		Participant

_____	/s/	_____	/s/	_____
Date		Participant		Participant

_____	/s/	_____
Date		Mediator