

Agreement to Mediate

Husband and Wife have agreed to mediate and have engaged Frank Laney as the mediator. The mediation will be conducted under the statute and rules and standards set forth by the North Carolina Supreme Court implementing Family Financial mediation in the state courts.

1. **SELF-DETERMINATION** In mediation, the mediator works with the parties to reach an agreement which is satisfactory to all parties. The mediator will be neutral, allowing the parties to make their own decisions to resolve their own case.
2. **CONFIDENTIALITY** The parties understand and agree that under state law and rules of the mediation program, the mediator will hold confidential all information revealed in the mediation and will not share it with the court or anyone else. The parties understand and agree that any information revealed in mediation is inadmissible and may not be used in court hearings in this or any other related case. Therefore, the parties agree not to subpoena or otherwise call the mediator to testify in any proceeding arising out of this matter. If a party does attempt to call the mediator to testify, that party agrees to pay the mediator \$500 per hour for any time the mediator spends preparing for or attending any hearing or proceeding, including filing and litigating motions to suppress or any other efforts seeking a court order that the testimony is not required. Any information related to child or elder abuse or neglect is not confidential and the mediator is required to report it to the appropriate authorities. Pursuant to the rules of the mediation program, the parties understand and agree not to record in any manner any of the mediation.
3. **FEES** As a mediator selected by the parties, Frank Laney's fee is \$250 per hour for time spent in the mediation. The fee is split between the parties unless the parties agree to a different division, and is due and payable at the end of the mediation session.
4. **LEGAL ASSISTANCE** The parties understand and agree that they have been advised and encouraged to seek independent legal counsel to explain the relevant law and how it applies to their case. The mediator may not and will not give legal advice or counsel to either of the parties. When an agreement is reached, concluding the mediation, it may need to be reduced to writing and signed by the parties. The mediator will assist the parties in creating the written agreement, but it is the responsibility of the parties and their attorneys to prepare the settlement documents.
5. **VOLUNTARY** Mediation is a voluntary process. Although you have agreed to attend, your participation and anything you say is voluntary. If it appears to you that this process is not moving toward a fruitful outcome, you may withdraw.

In consideration for the mediation services herein contemplated, the parties agree to hold the mediator harmless and without legal or financial responsibility for any cause of action arising out of the

