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Family Law & Mediation

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GUIDE FOR PARTICIPANTS IN MEDIATION

Mediation is a process in which an impartial mediator assists people in conflict to have a constructive conversation about their dispute in a neutral setting. It is expected that the participants will say what they need to say and hear what they need to hear, so each participant can develop a better understanding about the participant's own concerns and the perspectives of the other participants. Through the discussion, the participants are able to make sound decisions for themselves and others affected by their decisions.

Parties are asked to adhere to the following principles:

(1) Mediation is voluntary. Participants should not feel forced into making decisions during mediation and always have the option not to participate or discontinue the mediation at any time (except as provided by law or court order).

(2) Mediation involves informed decision-making. Participants are free to access any information that may help them make informed decisions during the mediation. In order to help facilitate the decision-making process, participants may want to consult with outside experts if they have specific questions or do not have knowledge about a particular issue. Attorneys are welcome to participate.

(3) Participants make the decisions in mediation. Participants are solely responsible for making all decisions. There are many types of decisions that participants may make, including whether or not to pursue mediation, who should be involved in the discussion, how to explore additional information, what options are preferable, how parenting is shared among parents, how costs are shared, and other decisions. However, participants should be careful to follow state law when making critical decisions about parenting, custody, visitation, and child support.

(4) Mediators are impartial. Mediators will not make decisions for the participants or make any judgments about who is right or wrong. Mediators have no stake in any particular outcome and treat all participants in a fair and balanced way. Their main goal is to help create a helpful environment so the parties can discuss what is important and make voluntary, informed decisions. The parties will report any conflicts of interest or perceived bias by the mediator directly to the mediator or the family mediation program administrator.

(5) Mediation is a confidential process. Mediators will not reveal anything that is said during mediation to any other person except as permitted by law and as required by the family mediation program's research and evaluation component. Allegations of child abuse or threats of harm to any person will *not* be held confidential and may be revealed as appropriate by the mediator. Likewise, participants are asked to keep confidential everything that is communicated during mediation, except as agreed otherwise or as permitted by law. No record of the mediation will be made, unless the parties reach an agreement, in which case a decision summary will be written by the mediator and provided to the parties, and then to the court.

(6) Summary of decisions. Mediators will assist the parties in developing a written summary of the decisions made at the mediation table. Each party will receive a copy and the mediator will keep a copy. The writing should be in the parties' own language and capture what the parties have agreed. The parties will have seven days to reconsider decisions made at the mediation table and to review the decision summary with their attorneys. The mediator will not draft legal documents for the parties to sign and to be presented to the court.

(7) Research and evaluation. The family mediation program requires that everyone participating in the process complete the evaluation tools provided in a timely manner. Parties will be asked to complete a form at the end of mediation and may be contacted for an interview about their experiences in the process.

I have read and understand the principles related to mediation as described in the Guide for Participants in Mediation.

Signature of Participant

Date

Address

Phone Number

Signature of Participant

Date

Address

Phone Number

Additional Participants:

Signature and relationship to the parties

Date

Address

Phone Number

Signature and relationship to the parties

Date

Address

Phone Number

*Signatures are voluntary.