



Colorado Department of Personnel & Administration

DPA

Customers • Credibility • Communications

Office of Administrative Courts – Alternative Dispute Resolution Unit

Agreement to Mediate

This agreement sets forth the understanding of the parties listed below concerning the mediation services provided through the Alternative Dispute Resolution Unit of the Colorado Office of Administrative Courts. The agreement shall pertain only to the matters arising during the mediation.

1. Nature of Mediation

The parties understand that mediation is an agreement-reaching process in which the mediation Judge assists parties in a collaborative, consensual and informed manner. It is understood that the mediation Judge has no power to decide disputed issues for the parties. The parties understand that mediation is not a substitute for independent legal advice. The parties understand that the mediation Judge's objective is to help the parties reach an agreement.

2. Mediation Is Voluntary

In consideration of receiving services from the Alternative Dispute Resolution Unit, we agree to enter into this mediation **in good faith**. We will sincerely attempt to resolve the issues of this dispute. We understand that we are not required to enter into any agreement and that any resolutions resulting from this mediation are entered into voluntarily.

The parties also understand that the mediation Judge may suspend or terminate the mediation if s/he feels that the mediation will lead to an unreasonable result, an impasse has been reached, or if s/he can no longer effectively perform his/her facilitative role.

3. Confidentiality

It is understood between the parties and the mediation Judge that the mediation will be strictly confidential. Mediation discussions, written and oral communications, any draft resolutions, and any unsigned mediated agreements shall not be admissible in any legal proceeding. The parties further agree to not call the mediation Judge to testify concerning the mediation or to provide any materials from the mediation in any legal proceeding between the parties. The mediation is considered by the parties and the mediation Judge to be settlement negotiations. The parties understand the mediation Judge has an ethical responsibility to break confidentiality if s/he suspects another person may be in danger of harm.

4. Mediator Impartiality

The parties understand that the mediation Judge must remain impartial throughout and after the mediation process. Thus, the mediation Judge shall not champion the interests of any party over another in the mediation or in any legal proceeding. The mediation Judge may communicate separately with an individual mediating party, in which case such "caucus" shall be confidential between the mediation Judge and the individual mediating party unless they agree otherwise.

Signature of Party Date

Signature of Party Date

Print Name and Organization

Print Name and Organization

Signature of Party Date

Signature of Party Date

Print Name and Organization

Print Name and Organization

Signature of Mediation Judge Date

Case Number_____