

Form A: Agreement for Optional Early Mediation

The undersigned persons, and their undersigned attorneys, if any, agree to mediate their dispute in accordance with the following:

1. _____ will serve as the mediator and will be compensated at the total hourly rate of \$ _____. Each participating person is responsible for paying one-half of the mediator's fees and expenses unless otherwise agreed in writing before or during the mediation.

2. The mediation will be conducted in accordance with Rule 8 -- Optional Early Mediation of the Indiana Rules for Alternative Dispute Resolution.

3. Each participant understands and agrees that the mediator is neutral, that the mediator does not represent any participant, and that the mediator's conduct is governed by Alternative Dispute Resolution Rule 7.

4. Each participant agrees that the mediator shall have immunity in the same manner and to the same extent as a judge in the State of Indiana. Each party agrees that any attempt to challenge this immunity in any proceeding shall entitle the mediator to a judgment against the party asserting the challenge for the amount of any resulting judgment plus all reasonable attorney fees, court costs, and all other expenses incurred by the mediator as a result of the challenge.

5. The mediation shall be regarded as settlement negotiations and shall be subject to the same confidentiality protections as provided in Alternative Dispute Resolution Rule 2.11. The participants and the mediator understand and agree that the mediator cannot be compelled to testify regarding any matter discussed during the mediation, which shall be considered confidential and privileged. It is also agreed that the confidentiality requirement may not be waived by any participant or mediator.

6. The participants may agree to settle all or part of the dispute. For a settlement agreement to be binding and enforceable, however, all agreed provisions must be put in writing and signed by each participant and each participating attorney.

7. The mediation shall be conducted in accordance with Indiana Alternative Dispute Resolution Rule 2.7.

8. If the optional early mediation does not result in an agreed full settlement of the dispute, the participants may later use mediation, before or after the filing of any related law suit, and may use the same or a different mediator, as the participants may agree.

9. Either participant may terminate the mediation at any time by a letter to the mediator and a copy to the other participants in the mediation.

10. The mediator may terminate the mediation at any time because of an impasse or if for any reason the mediator deems it improper, unproductive, or unconscionable to continue. The mediator may disclose only to the participants and any participating attorneys the reason(s) for terminating the mediation, but such disclosure is optional at the mediator's sole discretion.

11. The parties agree to mediate in good faith but are not required to reach an agreement.

_____ Participant	_____ date	_____ Participant	_____ date
_____ Attorney (if any)	_____ date	_____ Attorney (if any)	_____ date
_____ Mediator	_____ date		