West Hawai‘i Mediation Center

WHMC Case #_____

Court Case #_____

Agreement to Mediate

(for signature by each party, support person and/or attorney)

1. I understand that the mediators are neutral third parties who will guide the process. They will ***not*** look at evidence, determine right or wrong, or give legal judgement or advice.
2. I understand that participation in mediation is voluntary; I and others can stop the mediation at any time. I understand that agreements made during mediation must be voluntary and mutually acceptable.
3. I agree to mediate in good faith and with respect. I will share relevant information, listen carefully, be open to negotiation, and will honor any agreements made during mediation.
4. I agree that I am responsible for working towards resolving our conflict and for solutions I agree to.
5. I agree that it is my responsibility to get legal advice if needed at any time.

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Confidentiality Pledge

(for signature by all participants in the mediation including each party, support person, attorney and mediator)

1. I agree that all mediation discussions are strictly confidential and may not be disclosed to anyone including judges, hearing officers, or arbitrators. This includes statements made, proposals offered or rejected, and reasons a resolution was not reached. Parties may share information only with WHMC staff or professional advisors as needed. Information otherwise subject to discovery remains discoverable, even if disclosed in mediation.
2. I agree not to record or photograph mediation sessions in any manner. I agree not to post anything related to this mediation on social media.
3. I agree not to subpoena, call as witnesses, or request records, notes, or work product from the mediator(s), observer(s), or anyone affiliated with WHMC in any judicial, administrative, or arbitration proceeding.
4. I agree to waive and release any claims against the State of Hawai‘i, the Judiciary – State of Hawai‘i, and WHMC (including employees, agents, and mediators) for any damages or injuries arising from participation in mediation or related conflict resolution activities.
5. I agree to hold the West Hawai‘i Mediation Center and its representatives harmless from any difficulties that might arise from the mediation sessions or a resulting agreement.
6. Exceptions to confidentiality: as mandated reporters, the mediators are required to report to the proper authorities if they learn of:
    a. threats of bodily injury or violence;
    b. plans to commit a crime or ongoing criminal activity;
    c. admissions of abuse or neglect of a child, adult, or disabled person.

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