

# MEDIATION SERVICES & GUIDELINES

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## MEDIATION SERVICES

- Mediation sessions are typically 2 hours in duration.
- Please read and review the mediation guidelines before your first session.

## PAYMENT TERMS

- All services are “pay as you go.” A retainer is not required for mediation services.
- Payment is due before meetings and before the preparation of mediation documents.
- Fees that have been paid for work performed are not refundable.

## YOUR ROLE

- Your role is to gather information, discuss important topics, and make decisions for yourself and your family.
- Help from other professionals, such as accountants, realtors, mortgage brokers, therapists, and your own lawyer, is encouraged.

## MEDIATOR ROLE

### **Your mediator will:**

- Help you discuss all important topics.
- Provide information to help you make informed decisions.
- Work in an impartial manner.

### **Your mediator will not:**

- Advise either of you about individual legal rights or obligations. **(NO LEGAL ADVICE)**
- Advocate for either of you in court.
- Negotiate for either of you.
- Evaluate the terms of the agreement.

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- File court documents for you.
- Carry lawyer professional liability insurance.

## CONFIDENTIALITY

### Confidentiality:

- **Only the people who agreed to the mediation may be in the same room during any mediation session.**
- Participants must confirm that they cannot be overheard.
- Mediation communications and mediation documents are privileged.
- Pa. Cons. Stat. §5949 applies to mediation communications and mediation documents.
- Disclosure of mediation communications and mediation documents may not be required or compelled through discovery or any other process.

### Absolute Prohibition on Recording:

- **No Recording or transmissions.**
- You, or anyone on your behalf, may **not** audio or video record any portion of the mediation session.
- If you learn of an audio or video recording of any session, you will immediately destroy the recording and will not share the recording with any third parties.
- You agree not to transmit a live or deferred video or audio relay of the mediation sessions to third parties.

### Privacy:

- Your mediator will not ask for or maintain your private documents. Please use email communication for administrative purposes only.
- You are responsible for storing your mediation and personal documents.
- All cases are closed 30 days after inactivity.

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## MEDIATION PREPARATION

### **Documents and Statements:**

- Please prepare documents and statements for the mediation session.
- Download, copy, or share account statements with each other before the session.
- Please keep and store your personal documents in a safe place. Your mediator will not collect or store your personal documents.
- Be sure to complete “homework” between sessions so that you have the information you need to make decisions for your family.

### **Budget Forms and Worksheets:**

- Please prepare your individual budgets for your finances **AFTER** the separation. This will help you make realistic decisions during the mediation process.
- You may use your own software, apps, spreadsheets, or tools or download my forms at: <https://clementmediation.com/prepare-yourself/>
- Please prepare a list and include approximate values of all assets and debts (joint and separate).

## BEST PRACTICES

**Interruption Free Zone:** During the session, you agree to:

- Take all reasonable measures to ensure you are not interrupted during your session.
- Please arrange for appropriate childcare, notify family and friends of your unavailability, and make appropriate scheduling choices.

**Technology Hiatus:** During the session, you agree to:

- Turn off or silence phones, tablets, or computers and disable alert announcements and/or texts during mediation sessions. (except for the computer or device you are using for statements and documents)

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- Refrain from using text, social media, email, and/or internet search engines, other than as may be necessary to conduct the session, during your mediation sessions.

## **Respectful Communication:**

- It is helpful to notice facial expressions and body language during the session.
- You may have to adjust how you communicate during the mediation session.
- Allowing each participant to finish their comment or statement before responding is especially important.
- Be prepared to listen carefully to the participants and take your own notes.

## **No Guaranteed Results:**

- The results of mediation are not guaranteed.
- Parties to a mediation must bring information and be prepared to discuss the terms of the agreement.