



Mediate.com
Mediators & Everything Mediation

Family Dispute Exercise

Dr. Clare Fowler



Agreement Checklist

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Agreement Basics

Agreement Standards

Use inclusive language whenever possible

Over-specify

Determine if contingencies are needed if agreement is not honored

Include both practical and emotional agreements

Track small agreements as they are made

Specify Process

Specify Dates and Agenda per Date





Demystifying Agreement



- > Who needs to be involved/notified. How?
- > What if? Contingency Plan. Enforcement?
- > When? Tiered Plan. Now ... Next ...
- > Where? Confidentiality. How is this stored? Only online? Shared with whom? Notify others?



Online Language

Process for meeting shared.

What was recorded and what information was stored, where.

Include language stating to the effect:

“Both parties agree that they were the only ones present during the mediation session. No one else was able to hear or observe the session.

Both parties agree that they did not make any recordings of any kind during any part of the mediation, verbal, video, or written.

The only data that will be retained is the agreement created on this date, signed at this time.”





Signing Agreements

DocuSign

DigiCert

Adobe

Formstack

Eversign

Keys:

Clear about process for signing

Clear about terms

Clear about what you are going to do

Retain agreements--for how long?



Exercise

Continuing HOA Exercise:

Fosters agreed to create a 12x18 pool with an accompanying 12x18 pool house, with a foosball table, couches, etc. Same color and style as house. Construction from June to September, 2020.

Create agreement:

Mediators draft the key terms.
Add-in: processes for sessions (Zoom audio, video, and CREK).
Dates of sessions (video on specific dates, CREK is a range)
Not recorded, no one in room
Choose software for signing
Where will it be stored?

