

# PRE-SUIT MEDIATED SETTLEMENT CONFERENCE AGREEMENT

The undersigned parties, in person and/or by counsel, agree to mediate their dispute, prior to the filing of litigation, pursuant to the following terms:

1. \_\_\_\_\_ will serve as the mediator and will be compensated at the total hourly rate of \$ \_\_\_\_\_. Each party is responsible for paying one-half of the mediator's fees and expenses unless otherwise agreed by the parties prior to or during mediation.
2. The mediation will be conducted in accordance with the Pre-Suit Mediated Settlement Conference Rules designated as Exhibit A of the Rules for Alternative Dispute Resolution Proceedings in the Superior Courts of the 26th Judicial District.
3. The mediator does not represent either side and does not offer and will not give legal advice or legal counsel.
4. The mediator shall have immunity in the same manner and to the same extent as a judge in the State of North Carolina. Any attempt to challenge this immunity in any proceeding shall entitle the mediator to a judgment against the party raising such challenge for the amount of reasonable attorney fees and court costs and other direct and indirect costs incurred by the mediator as a result of such challenge.
5. Information relating to or disclosed during the Pre-Suit Mediated Settlement Conference shall be governed by Rule 408 of the North Carolina Rules of Evidence.
6. The parties, their counsel, and the mediator agree that each has a privilege to refuse to testify and to prevent the other from testifying about any communications made during mediation.
7. The mediator will report to the Trial Court Administrator's Office that a Pre-Suit Mediated Settlement Conference was held and that it did or did not result in a settlement, without further comment or recommendation.
8. If the Pre-Suit Mediated Settlement Conference does not result in settlement, the parties, upon the filing of a law suit, are still subject to all the requirements found within the Rules for Alternative Dispute Resolution Proceedings in the Superior Courts of the 26th Judicial District.
9. Either part may terminate the mediation at any time by letter to the mediator with a copy being sent to the other party.
10. The mediator may terminate the mediation at any time because of an impasse or if for any reason the mediator deems it improper or unproductive to continue. The mediator will not be required to disclose the reason for terminating the mediation but may do so, to the parties and their attorneys only, at the mediator's sole discretion.
11. The parties shall mediate in good faith but are not required to reach an agreement.

\_\_\_\_\_  
Party

\_\_\_\_\_  
Party

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Mediator