Form M6: Confidentiality Agreement

[*Sub-paragraph 14.2*]

Heading: *same as in Form M 1*

Confidentiality Agreement

The parties will participate in a mediation session to be conducted in accordance with the Practice Direction regarding court-connected Mediation.   The parties agree that:

1) statements made and documents produced in a mediation session and not otherwise discoverable are not subject to disclosure through discovery or any other process and are not admissible into evidence for any purpose, including impeaching credibility;

2) the notes, records and recollections of the Mediator conducting the session are confidential and protected from disclosure for all purposes;

3) where a mediation has been finalised all notes taken at any session in respect of the mediation shall be destroyed in the presence of the parties;

4) no recordings or capture of information by electronic devices shall be allowed in any mediation session;

5) at no time shall any party summon, subpoena or call the Mediator as a witness to testify as to the fact of the mediation or as to any oral or written communication made at any stage of the mediation;

6) this Agreement when signed in counterparts shall be as binding and effectual as one in respect of which all parties have signed as a single document;

7) delivery of an electronically scanned executed counterpart of this Agreement by facsimile or electronic mail shall be equally effective as delivery of a manually executed counterpart of this Agreement; and

8) any party delivering an executed counterpart of this Agreement by facsimile or electronic mail shall also deliver a manually executed counterpart of this Agreement, but failure to do so shall not affect the validity, enforceability, or binding effect of this Agreement.

Each of the parties and their Legal Practitioners have read this Agreement and agree to proceed with the mediation on the terms contained herein.

Dated:

………………………..
Claimant

…………………………..
Defendant

…………………………………
Legal Practitioner for the Claimant

…………………………………….
Legal Practitioner for the Defendant

To: The Mediation Coordinator

(Name, address, telephone number, email)