



AGREEMENT FOR CONDUCT OF MEDIATION

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ALABAMA AGRICULTURAL MEDIATION PROGRAM

The undersigned hereby request to engage in voluntary mediation as conducted by representatives of the Alabama Agricultural Mediation Program (AAMP) as a part of the Alabama Department of Agriculture and Industries with Lana M. Harms serving as the mediator.

Brief description of the situation which brings the parties to mediation

All participants in the mediation process agree to abide by the Rules of Conduct located on page 2 of this document for voluntary mediation. These Rules are hereby adopted as part of this agreement. Furthermore, it is the agreement of All participants in the mediation process that all mediation discussions shall be confidential. The USDA, including the USDA Inspector General, the Comptroller General of the United States, the Administrator, and any of their representatives will have access to pertinent records* as necessary to monitor and to conduct audits, investigations, or evaluations of mediation services funded in whole or in part by the USDA

All parties understand that the mediators do not legally represent any of the parties, and should a settlement be reached, all parties agree that it may be necessary to consult with their attorneys or other representatives to implement the decisions reached in mediation.

It is further understood that all parties who voluntarily enter into the mediation process shall waive their right to take civil action against the State of Alabama, the Alabama Department of Agriculture and Industries, the Alabama Agricultural Mediation Program, and the designated mediator or agent of the mediation program and thereby release the State and its designated mediator from civil liability within the scope of the mediation services.

Additional rules and/or agreements other than those stated in the Rules of Conduct are set forth as follows:

This Agreement for Conduct of Mediation is entered into on this _____ day of _____, 20_____

Name/Organization

Mediator: _____

****For the purposes of this agreement, pertinent records consist of the names and addresses of applicants for mediation services; dates mediations opened and closed; issues mediated; dates of sessions with mediators; names of mediators; mediation services furnished to participants by the program; the sums charged to the parties for each mediation service; records of delivery of services to prepare parties for mediation (including financial advisory and counseling services); and the outcome of the mediation services including formal settlement results and support documentation.***

RULES OF CONDUCT FOR VOLUNTARY MEDIATION UNDER THE ALABAMA AGRICULTURAL MEDIATION PROGRAM (AAMP)

The purpose of these Rules of Conduct is to assist participants in the mediation process in the reaching of a settlement of the matter submitted for mediation. The noted rules are necessary to protect the integrity and confidentiality of the mediation process, the individuals involved, and the matters discussed. These rules are considered to be a part of the Agreement for Conduct of Mediation and apply to voluntary mediation under the AAMP. The mediator assigned to the mediation case shall be immune from civil liability for actions of conduct within the scope of the mediator's duties.

The purpose of the mediation session is to provide a controlled environment, wherein the participants will have an opportunity to resolve their differences outside the legal process. All parties are expected to participate in "good faith" in the mediation process and be willing to seek agreement on the facts, agreement on the options that could lead to the management/resolution of the problem.

The mediation session will be conducted by the mediator in such manner as to expeditiously permit full discussion of the issues. Participants in mediation must understand and adhere to the confidentiality of the process and not fear that statements made during mediation could later be used against them in a court proceeding. Mediation incorporates a different form of problem solving than is employed in the adversarial system of litigation; however, the question of whether statements made of documents used by any of the parties in mediation may be used as evidence in a court proceeding will be determined by applicable law.

Through adoption of these Rules of Conduct, all parties to the mediation process agree that the mediator may not be called as a witness to testify in any proceeding arising from the controversy. Likewise, all parties agree that all records, files and documents in the possession of the mediator are only available to the persons who are subject of this mediation and personnel of the AAMP who need such information in order to perform their job. (Pertinent records are made available for evaluation and audit of said program as outlined on page one of this form.)

Persons involved in mediation shall fully disclose all information, such as loan records, loan applications, farm plans, record of payments, basis of appraisals and any other such information deemed appropriate by the mediator and/or personnel of the AAMP to facilitate knowledgeable communication and ensure a full discussion of the issues.

Participants in mediation are encouraged to represent their particular interest; however, advisors/counsel may be present and provide individual guidance outside the actual conduct of the mediation proceedings. Mediation will only be conducted after all parties involved in the mediation process have agreed to the provisions contained in the Agreement for Conduct of Mediation and signed said document.

Acknowledged: _____
