

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
(if known)

**MEDIATION PARTICIPATION AGREEMENT**

1. Mediation is a private process where we will work to explore options for resolving the matter that brought us here today.
2. The mediator is an impartial person whose job is to help us reach an agreement that is fair to all, without making the decisions for us.
3. The mediator will not provide counseling or legal advice.
4. We may seek legal advice from an attorney of our own choosing at any time. We understand that it is our best interest to have an attorney review the final agreement before we sign it.
5. We will honestly disclose in mediation all information essential to bringing this matter to an agreement.
6. Everything said or written during the mediation is confidential, except as provided by New Hampshire law or Division rules.
7. We will not subpoena the mediator or his/her records about anything said or agreed upon during the mediation.
8. The mediator is paid a standard fee of \$300 for up to five hours of mediation services, as follows<sup>1</sup>: (please check the appropriate choice):
  - A.  \_\_\_\_\_ will pay the entire fee in accordance with the Order on Appointment of Mediator (NHJB-2069-F).
  - B.  The fee will be proportionally shared in accordance with the Order on Appointment of Mediator (NHJB-2069-F).
  - C.  If the Court determines that **Petitioner** qualifies, his or her fee will be paid, initially, by the Office of Mediation and Arbitration Family/Indigent Mediation Fund. He or she will arrange with Office of Cost Containment to pay back that share of the total fee.
  - D.  If the Court determines that **Respondent** qualifies, his or her fee will be paid, initially, by the Office of Mediation and Arbitration Family/Indigent Mediation Fund. He or she will arrange with Office of Cost Containment to pay back that share of the total fee.
  - E.  OTHER:  
\_\_\_\_\_  
\_\_\_\_\_

Date	Petitioner	Attorney for Petitioner (if present)
Date	Respondent	Attorney for Respondent (if present)
Date	Mediator	

<sup>1</sup> If the parties agree to continue beyond 5 hours the sliding scale in accordance with Supreme Court Rule 48 B will apply. Please see the addendum to this participation Agreement on page 2.

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**MEDIATION PARTICIPATION AGREEMENT**

**MEDIATION PARTICIPATION AGREEMENT - ADDENDUM**

Please review the options below, circle the appropriate letter for the section that applies, check all boxes that apply in that section, and sign the form. (Both sections may apply if only one party has been approved for advanced payment from the fund).

**A. Please complete this section if a party or parties has been approved for mediation payment through the Office of Mediation and Arbitration Family/Indigent Mediation Fund and the parties have agreed to continue with mediation beyond 5 hours.**

1. The party(ies) is/are approved for payment for mediation through the Family/Indigent Mediation Fund and agree and understand that they will be responsible for reimbursing the fund through the Office of Cost Containment. (Each party and counsel (if present), should sign below if each agrees with the terms under Section A. Both parties must agree or the matter will not continue in mediation).

2. The mediator has explained to the parties that they can continue to mediate beyond five hours with court approval, and that the sliding scale under Supreme Court Rule 48-B will apply. The mediator has provided the parties/counsel with information about the sliding scale hourly fee and what each parties fee will be when the sliding scale rate begins.

3. The parties/counsel understand that they are not required to continue mediation beyond 5 hours, but have requested the mediator prepare and file a Motion to Exceed to permit mediation to continue.

4. If the Motion is granted, the parties agree to be responsible for repayment to the Family/Indigent Mediation Fund through the Office of Cost Containment for the initial \$300 fee and any additional sliding scale fee that is assessed. (Motion to Exceed is incorporated by reference as to the amount and allocation of additional fee.)

**B. Please complete this section if the party(ies) do not qualify for payment the fund, have agreed to continue with mediation, and will be paying the mediator directly for mediation services beyond 5 hours in accordance with the sliding scale:**

1. The mediator has provided information to the parties (and counsel if any) about their options to continue with mediation beyond the initial 5 hours (\$300 fee) for mediation services. The sliding scale has been provided to the parties and each party is aware of the sliding scale hourly rate that will apply to him/her.

2. The parties understand and agree to pay for mediation services in accordance with the sliding scale pursuant to Supreme Court Rule 48-B, for any time beyond 5 hours.

3. The mediator will be paid at each session for the time at that session unless the party(ies) and the mediator agree otherwise.

**Sliding Scale Fee Schedule**

Individual Annual Gross Income	Fee Per hour	Combined Annual Gross Income	Fee per hour
\$10,000 and under	\$15. per hour	\$100,000 - \$199,999	\$150. per hour
\$10,001 - \$15,000	\$20. per hour	\$200,000 or more	\$200. per hour
\$15,001 – \$20,000	\$25. per hour		
\$20,001 - \$30,000	\$35. per hour		
\$30,001 - \$35,000	\$45. per hour		
\$35,001 - \$40,000	\$55. per hour		
\$40,001 - \$50,000	\$65. per hour		
Over \$50,000	\$75. per hour		

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Attorney for Petitioner (if present)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Attorney for Respondent (if present)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mediator