

## New Jersey Government Records Council Agreement To Mediate (Custodian)

RE: XXX v. XXX, GRC Complaint No. 20XX-XXX [Complaint Name]

By participating in mediation, I and my legal representative (if any) agree:

1. To engage in a good faith effort to resolve the above referenced complaint filed with the Government Records Council (“GRC”) concerning access to records or related matters described in the Complaint;
2. That all discussions and documents arising during mediation are confidential unless otherwise legally obtainable. Documents provided in mediation cannot be used in a GRC hearing or appeal from a GRC determination unless those documents are public records or the party with control over the documents consents to their use in such a proceeding. Conversations with the mediator or with the other party during mediation will not constitute statements that can be used in a later GRC hearing or appeal from a GRC determination;
3. That I will not subpoena the mediator to testify or to produce any mediation materials whatsoever following the mediation. I acknowledge that the mediator will not testify on behalf of any party in any pending or future administrative or judicial proceeding, or disclose any information obtained during mediation unless the parties expressly consent to such disclosure, or unless law or court order requires disclosure. I further agree that the mediator will be held harmless for any claim arising from the mediation process;
4. That the mediation session will not be recorded (either video or audio) and that no transcript of the session will be produced;
5. That the mediator will not decide who is right or wrong, and that I shall not ask the mediator to act as my advocate. I acknowledge that the mediator will try to help the parties reach their own resolution of this dispute by encouraging discussion;
6. That each party has a right to have a legal representative with them during mediation;
7. That when a settlement is reached, it shall be put in writing and signed, and shall be binding upon all parties to the agreement. A copy shall be provided to the GRC. If the complaint is not resolved during mediation, the complaint will be transferred to the GRC for further processing.

<input type="checkbox"/>	YES, I want to participate in mediation.
<input type="checkbox"/>	NO, I do not want to participate in mediation.

\_\_\_\_\_  
Name of Custodian  
(Please Print)

\_\_\_\_\_  
Signature of Custodian

\_\_\_\_\_  
Date

Complete below only if represented by legal counsel:

\_\_\_\_\_  
Name of Custodian’s Counsel  
(Please Print)

\_\_\_\_\_  
Signature of Custodian’s Counsel

\_\_\_\_\_  
Date

