

Mediation Disclosure Notification and Acknowledgment for Non-Party

To promote communication in mediation, California law generally makes mediation a confidential process, California's mediation confidentiality laws are laid out in Sections 703.5 and 1115 to 1129, inclusive, of the Evidence Code. Those laws establish the confidentiality of mediation and limit the disclosure, admissibility, and a court's consideration of communications, writings, and conduct in connection with a mediation. In general, those laws mean the following:

- All communications, negotiations, or settlement offers in the course of a mediation must remain confidential.
- Statements made and writings prepared in connection with a mediation are not admissible or subject to discovery or compelled disclosure in noncriminal proceedings.
- A mediator's report, opinion, recommendation, or finding about what occurred in a mediation may not be submitted to or considered by a court or another adjudicative body.
- A mediator cannot testify in any subsequent civil proceeding about any communication or conduct occurring at, or in connection with, a mediation.

This means that all communications made in preparation for a mediation, or during a mediation, are confidential and cannot be disclosed or used except in extremely limited circumstances.

I, _____ (Non - party), understand that, unless all participants agree otherwise, no oral or written communication made during a mediation, or in preparation for a mediation, can be used as evidence in any subsequent noncriminal legal action.

[Name of Non - party]

[Date signed]

Signature