

**CLATSOP COUNTY STATE COURT  
SMALL CLAIMS MEDIATION CONFIDENTIALITY CONSENT AGREEMENT**

Mediation is confidential. Confidentiality is very important to mediation. It encourages openness and makes it easier to talk about solutions.

Under Oregon law, confidentiality in small claims mediation generally means that:

- Each party agrees not to discuss what happened at mediation with anyone who was not there. However, you can discuss what happened with:
  - Your spouse;
  - Your attorney, doctor, therapist, or clergy for professional advice; and
  - Anyone else to get advice that both sides agree to, as written here:

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- Neither side can tell the judge what happened in mediation.
  - The mediator cannot discuss what happened at the mediation, even if they are asked to testify in court.
  - The mediator may meet separately with each side. The mediator will not share what happened in that private meeting unless you give your permission.

Some of the Exceptions to Confidentiality:

- Your final written agreement will be public record and will be made part of your court file. It will be enforceable in court if the judge signs it as a Stipulated Order.
- The mediator will tell the court whether the case settled or not.
- Information that was already known or evidence that existed before the mediation is not confidential.
- All court mediators must have ongoing training to improve their skills, and they follow an ethical code established by the Oregon Mediation Association. At times, mediators may talk with other mediators about what happened in mediation, but they will not use names. The other mediators will keep what they learn confidential. If this is not okay with you, please initial here: \_\_\_\_\_
- Additional exceptions to confidentiality: Any information about child or elder abuse, threats to commit a crime, or threats to cause serious bodily injury can be reported to the authorities.

**Please Note:** There are other rules and exceptions about confidentiality, but they do not usually come up in small claims cases. The law on confidentiality in mediation is at Oregon Revised Statutes 36.220 - 36.238. Please ask your mediator if you have any questions or concerns before you begin discussing the actual case.

I have read this information. The mediator has answered any questions I have. I understand that I should get advice from professionals and not the mediator.

I agree to the above:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

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