

BERKSHIRE PROBATE COURT CONCILIATION PROGRAM

Plaintiff(s)

Docket No. _____

v.

DRAFT

Defendant(s)

PARTICIPATION AGREEMENT

The above-referenced parties have agreed to participate in a conciliation session being conducted by the Berkshire County Bar Association at the Berkshire Probate and Family Court. There is no charge to the parties for participating. Conciliation is a voluntary process in which a neutral conciliator attempts to help the parties settle a case by clarifying the issues and assessing the strengths and weaknesses of each side. If a settlement cannot be reached, the conciliator will try to help the parties narrow the issues that are in dispute, and ascertain the steps which remain to prepare the case for trial.

At the conclusion of the conciliation, the conciliator will complete and submit to the Court a Conciliator’s Report.

The parties agree that any discussions undertaken during the conciliation process, and any documents created for the sole purpose of facilitating the conciliation, with the exception of the Conciliator’s Report, shall be strictly confidential and may not be disclosed by either party in any legal proceeding or otherwise, except as ordered by a court of competent jurisdiction.

The parties further agree that they will not subpoena, nor cause a subpoena to issue to the Berkshire County Bar Association Conciliation Program, any of its officers, agents, employees or personnel, or any conciliator, seeking the production of testimony, documents, conciliator’s notes, or any other information relating to the conciliation of this matter, except as ordered by a court of competent jurisdiction.

By signing below, the parties acknowledge that they understand and agree to the terms set forth above, and that any agreement reached will be entered into voluntarily by them.

Plaintiff(s)
Sign _____
Print Name _____

Defendant(s)
Sign _____
Print Name _____

Attorney for Plaintiff(s)
Sign _____
Print Name _____

Attorney for Defendant(s)
Sign _____
Print Name _____

Date: _____

Date: _____