

%%PANELIST1
%%PLACELIST
%%CA_PHONE

JAMS ARBITRATION

%%PLAINTIFF		
Claimant(s),		REF. NO.%%REFNO
v.		STIPULATION FOR
		MEDIATION FOLLOWED
		BY ARBITRATION
%%DEFENDANT		
Respondent(s).		

The parties to the above entitled action have requested JAMS, and specifically %%PANELIST1, to conduct a resolution process most frequently known as "Med-Arb", a procedure which combines a mediation conference and an arbitration hearing.

In this process, the parties first attempt to agree on a resolution with the assistance of a mediator. During the mediation, the neutral will meet privately with each party and counsel and will receive information frequently not shared with, and often disputed by, the party not present.

If the dispute is not settled by agreement, it is then submitted to the same neutral for a decision pursuant to a form of arbitration, either at the same time or at a later date. This decision will undoubtedly be influenced by (and could be based primarily on) information received in the private meetings occurring during the mediation phase.

In a normal arbitration in which the neutral decides the outcome based on evidence received in an open session, it would be both unethical and unlawful for an arbitrator to receive information from one party in the absence of the other.

Accordingly, this combined process may proceed only with the consent of the parties and counsel. Moreover, JAMS and %%PANELIST1 will conduct such a proceeding only with a knowing waiver of the parties' right to have the arbitrator's decision based solely on information received in the presence of each other.

By their signature below, the parties hereto waive any right to complain of ex-parte (private) contact between %%PANELIST1 and the opposing party or counsel and waive their respective right to have an arbitration award based solely upon information communicated to the

mediator in their presence.

The parties hereto acknowledge that information so communicated during the mediation may be received by the neutral in confidence and may not be communicated to the adverse party. It is further acknowledged that such information, which the absent and adverse party may believe to be false, may influence the decision of the neutral when the neutral acts as an arbitrator. Notwithstanding these factors, it is the desire of the parties to proceed with this combined process and they hereby waive any defect in the procedure and the right to oppose confirmation or to seek vacatur of any award rendered by the neutral on account of the above-described conduct of the neutral. Further, the parties hereto specifically release JAMS and %%PANELIST1 from any liability which might otherwise exist due to the receipt of information through an ex-parte communication.

The parties also acknowledge that the fact that the neutral presided as a mediator shall not provide a basis to seek the disqualification of the neutral as an arbitrator, whether pursuant to California Code of Civil Procedure section 1281.9 or otherwise, and the parties waive the right to do so.

The parties also acknowledge that they have discussed these issues with their respective attorneys, believe themselves to be fully informed of the adverse characteristics of this process, and have determined that they wish to proceed.

The attorneys whose signatures appear below attest that they have fully informed their clients of the alternative dispute resolution process available to them and have discussed the particular characteristics of the "Med-Arb" process which is the subject of this document.

%%REPSIGBLOCK

_____ Dated this ____ day of _____, 20__

_____ Dated this ____ day of _____, 20__