SITKA TRIBAL COURT

AGREEMENT TO MEDIATE

Sitka Tribe of Alaska
Sitka Tribal Court
204 Siginaka Way
Sitka, Alaska 99835
(907) 966-9627

Date:
Case Number (if any): Referring Court (if any):

We understand and agree to the following:

ABOUT

Mediation is a voluntary process. While a court may require you to attend, your actual participation and engagement in mediation is self-driven. An agreement can be reached only if the parties come in good faith.

Mediation in the Sheet'ká Kwáan Sitka Tribe of Alaska Peacemaking Forum will observe the following Southeast Traditional Tribal Values:

- Respect for Self, Elders, and Others
- Patience
- Humor
- Listening Well and With Respect
- Speaking with Care

Mediation is generally in person, with the option of separate rooms or use of a remote platform (such as Zoom) if appropriate.

Sitka Tribal Court has the authority to select which mediation petitions to accept or decline – completely at its own discretion.

HOW DOES MEDIATION START?

Mediation referrals can come from Tribal, federal, or state courts, as well as from individuals seeking to resolve disputes outside of the courtroom. One person can request mediation, and the STA Tribal Court will reach out to the other party on their behalf. Outside of a court order, both individuals must be willing and in agreement to come to mediation.

Both parties are responsible for submitting their own mediation requests. This allows each individual to outline their key issues, priorities, and what they're hoping to achieve. These details are confidential; only consent to participate in mediation is shared, not the specifics of the submission.

To inquire about mediation, please contact the Sitka Tribe of Alaska Court by email (court@sitkatribe-nsn.gov) or by phone (907-966-9627).

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Any agreement reached in mediation is non-binding until both parties' sign the final agreement. If you have an open court case, the mediator will file the final signed mediation agreement with the presiding court. The judge of that court can review it and issue an enforceable order.

The typed agreement can be drafted by the Mediator with the parties present if they chose, or drafted and given to parties and council after mediation.

Any enforcement, modification, or dispute regarding the agreement must be addressed by the original court assigned to the case (if any).

If mediation isn't ordered by a court, any agreements that may be reached by the parties in this mediation do not modify or replace any current Court Orders. If the parties wish to have this agreement turned into an Order of the Court, it must be presented to the Court by the parties in the form of an agreed entry.

THE MEDIATOR

During mediation, the Mediator will act as an unbiased third party to help guide the conversation by discussing important issues, explain and understand each party's proposals, clear up misunderstandings, explore creative solutions, and reach a mutually acceptable solution.

The Mediator will be a neutral third party and is not an advocate for any participant. The Mediator is not acting as a judge and has no authority to force participants to reach an agreement. The Mediator will not give participants legal advice at any time during the mediation process. The participants have the right to consult an attorney at any time during the mediation process. All participants understand that each may withdraw from mediation at any time. Parties understand that withdrawing from mediation will result in notification to the Court that mediation was unsuccessful.

CONFIDENTIALITY

Mediation is a confidential process. Information discussed during mediation is not disclosed to the Court. The Court will only be informed whether a signed agreement was reached or if the mediation was unsuccessful.

Parties understand and agree by signing this agreement, that what is said during the mediation process and any written mediation communications (except for written agreements all parties wish to turn into an Order of the Court and/or information parties mutually agree to be discussed outside of mediation) are confidential and may not be used against any participant in any Court Proceeding.

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CONFIDENTIALITY EXCEPTIONS

The Mediator may inform the Court or report to proper authorities certain information revealed during mediation including:

- Unreported allegations of abuse or neglect,
- Treats of harm to other people or yourself,
- Things said during the mediation process to plan or hide an ongoing crime, and
- Things said during the mediation process that reveal unreported felony and other criminal activity as required by statute.

Absent a specific agreement between and among the parties otherwise, reporting of the aforementioned exceptions, and/or disclosure of information as required by statute, the only information the mediator will provide to the Court is party attendance and the outcome of the mediation.

Verification

I state on oath, or affirm, that I have read this petition and that all of the statements made in it are true and correct to the best of my knowledge and belief.

_____ _____

Date Petitioner's Signature

_____ _____

Date Petitioner's Signature

Subscribed and sworn to, or affirmed, before me in Sitka, Alaska on _____.
Date

(Seal)

_____
Tribal Court Clerk, Notary Public, or other person authorized to administer oaths.
My Commission Expires _____