

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EXHIBIT 1

ALTERNATIVE DISPUTE RESOLUTION PROGRAM

ADR CONFIDENTIALITY STATEMENT

All ADR proceedings are confidential. Rule 408 of the Federal Rules of Evidence shall apply to information, statements and evidence generated in the course of any ADR process. In accordance with that rule, evidence of conduct or statements made during ADR processes shall be inadmissible unless they are otherwise discoverable. In addition, all work product, including memoranda, files, reports, interviews, case summaries and notes, prepared by the neutral in the course of the ADR proceeding shall be confidential and not subject to disclosure in any judicial, administrative or private proceeding. A neutral shall not be compelled to disclose in any subsequent proceeding any communication made to him or her by a participant in any ADR process in the course of, or relating to the subject matter of, the ADR process. No admission, representation, statement or other confidential communication made in setting up or conducting the ADR proceedings, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery.

The parties to this ____ Early Neutral Evaluation, ____ Mediation, ____ Mini-trial, ____ Summary Jury/Bench Trial, having read the above ADR Confidentiality Statement, do hereby agree, as a condition of participation in the ADR process, to be bound by the conditions set forth in the above Statement.

Dated: _____
Plaintiff or Plaintiff's Counsel

Dated: _____

Dated: _____
Defendant or Defendant's Counsel

Dated: _____