

## **TIPS FOR WRITING A MEMORANDUM OF AGREEMENT**

- Only use one Memorandum of Agreement form when writing the terms of an agreement.
- Keep it simple. Make sure that the wording is clear and concise. Whenever possible, use the wording of the parties when drafting the mediation agreement.
- Agreements should strive for balance – a “sandwich” model can be useful. Start with “both parties agree” then state what each individually agrees to then close with “both parties agree.” Balance is not that each party has the same number of bullet points but that what is expected of each in the future has a sense of balance for them.
- Agreements should be written in positive language. For example, state what someone will do, not what they will not do.
- Agreements should be specific. As much as possible address: who, what, when and how questions.
- Careful reality checks should be done with the parties to ensure that the terms of the agreement are realistic and within their scope of authority.
- Carefully review each item in the terms of agreement with both parties to ensure that each item is correct and appropriately captures each party’s intent. You should read each item out loud and ask each party if the wording is accurate. Each party should be able to understand their responsibilities in the terms of agreement.
- Keep in mind that the Memorandum of Agreement is a Settlement Agreement; therefore, appropriate personnel will need to clearly understand the terms of the agreement in order to effectuate the contents of the agreement.
- When drafting the agreement, eliminate any blank space by deleting or marking through, number the paragraphs for easy identification, and number the pages of the agreement.
- Be absolutely sure that all parties sign the agreement.
- All parties should receive a copy of all documents produced in the mediation before leaving the session.

You may use a computer or hand write the terms of agreement. If you prefer to use a computer, you will need to take a laptop or arrange for the agency to provide one for your use. If you prefer to complete the form by hand, please make sure that the document is clear and legible.