

Mediation Locations (including online) and Amenities

In-Person Mediations outside of Austin: Mediations may be held anywhere in the U.S. or abroad convenient to counsel and the parties. If you do not have a location in your chosen city, I can assist you in finding one.

In-Person Mediations in Austin: If you prefer to mediate in Austin, I use facilities less than 30 minutes from the airport.

Online Mediations: I prefer the Zoom encrypted platform and my *Online Mediation Protocol* document sets forth guidelines and requirements for all parties to have a seamless and secure online mediation.

Amenities: All in-person mediations will have Wi-Fi and other amenities conducive to an efficient and comfortable mediation. Lunch is provided for full-day in-person mediations. Please let me know of any other needs you have.

Hours

Unless otherwise agreed or noted, mediations will begin promptly at 9:30 a.m. in the locale of the mediation (US Central Time, if we are mediating online). We will try to end by 6 p.m., but that is not always possible and sessions needing to go much later are included in your fee. (See *Mediation Fees* document).

Legal Issues Regarding the Mediation

Role of Court. Let me know of any court order affecting the mediation. After a mediation, I don't communicate with a court unless all parties agree or a court directs by local rule or order. Even then, absent party agreement on additional topics, post-mediation communications with a court are limited to the date of the mediation, whether the case settled, who attended, my fee, and (if required) whether I am still working with the parties.

Role of Mediator. I am not counsel for any party and my statements are not legal advice, including providing a draft of, or assisting counsel regarding preparation of any document relating to the mediation. Further, states' laws vary regarding mediation or settlement confidentiality and privileges. I abide by the strictest confidentiality standards, but make no representations on such laws, including which state's laws may apply or their effect if someone later seeks information communicated during our session. Each counsel is responsible navigating such as appropriate. Finally, while I welcome input, it is in my discretion whether to declare an impasse.

Documents. My notes and all documents given to me will be destroyed shortly after a successful mediation session, or 6 months after an unsuccessful one, unless a party requests otherwise or I believe it necessary.

Subpoenas, Service of Papers and Recordings. At the mediation, no party may serve a summons, subpoena or other paper on a person in attendance. In addition, you agree that I will not later be requested or compelled to testify about anything done or said at the mediation or to produce anything beyond any attendance sheet and signed documents memorializing a settlement. No recordings are allowed of any mediation session.

Conflicts and Disclosures. I have no clients in the mediation or otherwise, and no affiliation with a law firm. I'm the sole owner and mediator at Van Osselaer Dispute Resolution PLLC, which I started in 2014. Other than my wife (a retired tax attorney) and my son (an attorney in the Austin office of Haynes and Boone LLP), I have no family member in the law or insurance fields.

Terms of Retention. Participation in the mediation, including by substantive pre-session conversations with me, submission of a mediation statement or attendance on mediation constitutes agreement to these terms, as well as those of the *Mediation Fees* and *Online Mediation Protocol* documents, and the confirmation email.

Before the Mediation

Pre-Mediation Submissions: Mediation submissions are due ten (10) days before the mediation unless our confirmation requires a different date. The content is up to you, but please give me the necessary background and discuss key issues or documents, so I can hit the ground running. Please also include the names of those attending, as well as the status of the case and any prior settlement discussions. While not required, I strongly encourage parties to consider exchanging the submissions, sending me parts you want confidential.

Pre-Mediation Calls: You should anticipate a call from me before the session to discuss issues, to learn about your case, and to solicit your views on how I can best do my job. But don't wait on me. Your calls are always welcome.

Persons in Attendance

All parties or their representatives must attend in person and be fully capable of making decisions.