

Mediation Location and Amenities

Mediations outside of Austin: Mediations may be held anywhere in the U.S. or abroad convenient to counsel and the parties. The great majority of my mediations are outside my home city of Austin. Each year I mediate in U.S. cities from coast to coast. If you do not have a location in your chosen city, I can assist you in finding one.

Mediations in Austin: If you prefer to mediate in Austin, I use facilities less than 30 minutes from the Austin airport, which has non-stop flights from over 50 cities in US, Canada, Mexico, and Europe.

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

Hours

Unless otherwise agreed, mediations will begin promptly at 9 a.m. 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 the mediation, I do not communicate with the court unless all parties agree or the court directs. In all instances, communication is limited solely to whether the case settled and who attended, and my fee.

Role of Mediator. Parties agree I am not counsel for any party and that my communications during mediation are not legal advice, including providing a draft of, or assisting counsel in finalizing, a mediated settlement agreement. Further, while I welcome party input, the parties agree 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 one of the parties request otherwise.

Subpoenas and Service of Papers. At the mediation, no party may serve a summons, subpoena or other paper on a person in attendance. In addition, I will not later be compelled to testify about anything done or said at the mediation or to produce anything beyond an attendance sheet and signed documents memorializing a settlement.

Conflicts and Disclosures. I have no client in a mediation and I'm not affiliated with any law firm. I'm the sole owner of Van Osselaer Dispute Resolution PLLC ("VDR"), which I started in January 2014 to continue my full-time ADR practice as a solo. On occasion, though, I still get asked for legal advice (unrelated to insurance or litigation) by a small college I first represented in 1980. I have trouble turning them down. But that is the entirety of my law practice outside of being a mediator and arbitrator. With the exception of my wife (an attorney now CFP) and my son (a law student who will join the Austin office of Haynes and Boone in Fall 2018), I have no family member in the law or insurance field. If you have any questions about my background or any other relationships I may have, you are welcome to call me and/or look at my website and LinkedIn page.

Terms of Retention. Parties and counsel agree that participation in the mediation by submission of a mediation statement or attendance on mediation day constitutes agreement to these terms as well as those on the *Mediation Fees* document and in your emailed mediation confirmation.

Before the Mediation

Pre-Mediation Submissions: Mediation submissions are due one week before the mediation unless our confirmation requires a different date. The content of what you send is up to you. More is not always better, but do give me 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 also 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.