

## 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. 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.

*In Person 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, UK, and Europe.

*Online Mediations:* I prefer the Zoom encrypted platform and my *Online Mediation Protocol* document sets forth guidelines 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 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 9:30 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 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 (only if required) whether I am still working with the parties.

*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, 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 an attendance sheet and signed documents memorializing a settlement. No recordings are allowed of any mediation session.

*Conflicts and Disclosures.* I have no client in a mediation, no private clients, and no affiliation with a law firm. I'm the sole owner of Van Osselaer Dispute Resolution PLLC, which I started in January 2014 to continue my full-time ADR practice as a solo. 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 field. If you have any questions about my background or any other relationships I may have, please call me 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, the *Online Mediation Protocol* document (if applicable) and in the mediation 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.