

## Mediation Locations (including online)

*In-Person Mediations:* Mediations may be held anywhere in the U.S. or abroad convenient to counsel and the parties.

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

## 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 5:30 p.m., but that is not always possible and sessions needing to go later that day 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 during a session are not legal advice, including my providing a draft of or assisting in preparation of a document relating to a settlement. Further, the parties agree I may in confidence and in my discretion use artificial intelligence to assist with my work and that any output from it has the same level of protection as my notes. I use a business-grade AI platform which operates under industry-recognized security standards, including controls aligned with SOC 2 Type II, encryption of data in transit and rest, support for SAML-based single sign-on (SSO) with multi-factor authentication, and where, by default, no documents, prompts, or responses are used for model training. As to confidentiality, states' laws vary on mediation and settlement confidentiality and privileges. I abide by all applicable confidentiality standards, but make no representations on such laws, including which state's laws may apply. Each counsel is responsible for navigating those issues as appropriate. Finally, while I welcome input, it is in my discretion whether to declare an impasse.

*Documents.* My notes and all documents provided to me will be destroyed shortly after a successful mediation, or 6 months after an unsuccessful mediation, 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. Further, 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. Video, audio, or automated transcription of any aspect of the mediation is prohibited.

*Conflicts and Disclosures.* I have no clients as a mediator or otherwise, and no law firm or ADR practice group affiliation. 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 at Haynes and Boone LLP), I have no family member in the law or insurance fields.

*Agreement to Terms of Retention.* Participation in the mediation, including by any pre-session substantive or administrative communication with me, submission of a mediation statement, or mediation attendance constitutes agreement to these terms and the terms of the confirmation email and *Mediation Fees* document referenced therein.

## Before the Mediation

*Pre-Mediation Submissions:* Mediation submissions are due 10 days before the mediation unless our confirmation requires a different date. The content is up to you as long as it gives me necessary background and discusses disputed issues. Please also provide the names of people attending and the status of any prior settlement efforts. I encourage the parties to share their submissions with each other, but do not require it.

*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 participating parties or their representatives must be fully capable of making decisions.