

Rules for Voluntary Mediation

1. The mediation will be conducted in accordance with Section 154.001 *et seq* of the Texas Civil Practice and Remedies Code. Mediation is a voluntary settlement conference. The mediator is not a judge, and has no authority to decide the dispute or to force a settlement on the parties. The role of the mediator is to assist the parties to find a mutually acceptable resolution of the dispute.
2. During the mediation all parties are encouraged to consult with their attorneys regarding their legal rights and obligations. The mediator is a neutral party and does not represent or act as an advocate or attorney for any party. The mediator's comments are not intended and should not be taken as legal advice to any party.
3. The party representatives attending mediation must have authority to settle and all persons necessary to the decision to settle shall be present, unless otherwise agreed by all parties, the mediator and the Court (if a Court has ordered or referred the mediation). All parties commit to participate in the mediation in good faith with the intention to settle if at all possible.
4. Mediation sessions are private. Persons other than the parties and their attorneys may attend only with the consent of the mediator and all parties.
5. To the fullest extent permitted by law, communications during the mediation are confidential and privileged. As provided by the Texas Civil Practice and Remedies Code: all matters, including the conduct and demeanor of the parties and their counsel during the settlement process are confidential and may never be disclosed to anyone. Additionally, all written or verbal information received by the mediator while serving in that capacity shall be confidential and information given in confidence to the mediator by one party will remain confidential and will not be disclosed to another party unless expressly authorized by the disclosing party. Any party attempting to compel the mediator to divulge confidential information or to testify in regard to the mediation shall pay all fees and expenses of the mediator incurred in opposing such attempt.
6. Notwithstanding the rule of mediation confidentiality, in certain instances applicable law may require disclosure of information revealed as part of the mediation process. For example, Texas statutes require the mediator to report the abuse, neglect or exploitation of elderly persons, disabled persons or children. Discoverable or admissible information is not automatically rendered undiscoverable or inadmissible simply because it is disclosed in mediation. Additionally, under these Mediation Rules all mediation participants authorize the mediator to disclose any threat of physical harm made by any participant.
7. There will be no recording made of any part of the mediation session.

8. No party may cause another to be served with process of any type at or near the mediation site or during the mediation session.

9. The mediator advises the parties to have an attorney independently review and approve the settlement agreement or other legal document presented for signature at mediation before it is signed and the attorneys agree to make such an independent review.

10. By proceeding with the mediation the parties and their counsel and any non-party participants agree that the mediation will be conducted in accordance with these rules.

Your signature below indicates that you have read these Rules and agree to participate in mediation in accordance with these Rules.
