

## **RULES FOR MEDIATION**

1. **Definition of Mediation** - Mediation is a process in which an impartial person, the mediator, facilitates communication between disputing parties to promote understanding' and settlement. Participants include the mediator, the parties and their representatives, if any. The mediator may meet with participants all together, and separately ("caucus").
2. **Responsibilities of Mediator** - The mediator is an advocate for settlement and uses the mediation process to help the parties fully explore any potential areas of informed agreement. The mediator does not serve as a judge; the mediator has no authority to render any decisions on any disputed issues, or to force a settlement.
3. **Responsibilities of Parties** - The parties themselves are responsible for negotiating any resolution(s) to their dispute(s). All parties commit to participate in mediation in good faith, and to put forth their best efforts with the intention to settle if possible. Even if they do not reach a complete settlement they may reach agreement on various issues
4. **Conflict of Interest** - No person with any financial or personal interest in the result of mediation may serve as mediator. Prior to agreeing to mediate a dispute the mediator shall disclose any circumstance likely to create a presumption of bias or prevent a prompt meeting with the parties.
5. **Privacy** - Mediation sessions are private. Persons other than the parties may attend only with the consent of the parties and the mediator.
6. **Confidentiality** - Mediation is a confidential process. No participant may disclose, without consent, any confidential information acquired during mediation. This does not constitute a restriction upon a participant's communication with his or her attorney. There shall be no stenographic or electronic record (i.e., audio or video) of the mediation process.

7. **Settlement Negotiations** - Discussions, representations and statements made during or in connection with the mediation by any participant shall be considered offers to compromise pursuant to 12 O.S. 240S. No participant shall be subject to process requiring the disclosure of any matter discussed or any information obtained in connection with the mediation proceedings.
8. **No Service of Process** - No subpoena, summons, complaint, petition, citation or other process of any sort may be served upon any person who is at or near the site of any mediation session and is there because of the mediation.
9. **Time and Place** - The mediation program shall notify the parties of the time and place of each mediation session.
10. **Conclusion of Mediation** - The mediation shall be concluded: a) by resolution of the dispute by the parties; or b) upon declaration by the mediator that further efforts to resolve the dispute are no longer worthwhile.
11. **Delay of Proceedings** - Referral to mediation shall not delay or stay other proceedings unless approved by the court upon advice from the director of the certified Early Settlement program.