

OFFICE OF ADMINISTRATIVE HEARINGS

Case # _____

Plaintiff(s)

v.

JOINT REQUEST FOR MEDIATION

Defendant(s)

The parties jointly request that this matter be referred to a mediator in the Office of Administrative Hearings ("OAH"). This matter is presently set for hearing on _____. By requesting this mediation and signing below, the parties understand, represent and agree:

1. The parties are prepared to commence mediation and will be available for mediation on the date set by the mediator.
2. The parties represent that they will participate in the mediation process in good faith, that the request for mediation is not intended to hinder or delay administrative proceedings, and that no party will contend that the mediation in any way limits the power of OAH and its administrative law judges to conduct a hearing and make decisions under A.R.S. § 41-1092 through -1092.12 .
3. The parties agree to be courteous and respectful throughout the mediation process to all participants.
4. The mediation is completely voluntary, and the principal purpose is to allow the parties a full and fair opportunity to discuss settlement.
5. The mediator may conduct joint and separate meetings with the parties and may suggest resolutions to the parties' dispute, but the mediator has no authority to impose a settlement upon the parties.
6. The mediation process is confidential. Communications made, material created for or used and acts occurring during mediation are confidential and may not be discovered or admitted into evidence in any proceeding except as provided by A.R.S. §12-2238.
7. The mediator is not subject to service of process or a subpoena to produce evidence or to testify regarding any evidence or occurrence relating to the mediation except as provided in A.R.S. §12-2238(C).

8. As provided in A.R.S. §12-2238(F), neither the mediator, the Registrar of Contractors nor the Office of Administrative Hearings is subject to civil liability for any act or omission in connection with any mediation service or activity except for acts involving intentional misconduct or reckless disregard of a substantial risk of injury to the rights of others.

9. The mediation process will terminate when (a) the parties reach settlement, (b) the mediator determines that further efforts at mediation are no longer likely to achieve a settlement, or (c) one of the parties withdraw from the mediation.

10. That each party will have present during the mediation proceedings a representative who shall have full settlement authority to settle all claims at issue in the administrative proceeding.

Complainant (or representative)

Respondent (or representative)