



Office of the Public Access Ombudsman

Mediation Agreement and Ground Rules

LISA A. KERSHNER
Public Access Ombudsman

The mediation process works best when the participants agree to certain ground rules that facilitate dispute resolution and exhibit respect for the participants and the Ombudsman.

At the beginning of mediation, I will:

- Submit my request for mediation, including the PIA request, the custodian's response, and any other related communications pertaining to the disputed request.
- Await contact from the Ombudsman's Office and submit additional information as requested by the Office.

During mediation, I will:

- Approach the mediation with an open mind and be willing to consider compromise.
- Maintain the confidentiality of all mediation communications (if I have signed the voluntary confidentiality agreement).
- Not copy the Ombudsman on my subsequent communications with the other party.
- Respect the Ombudsman's role as a neutral mediator only – she is not an advocate for any party.
- Understand that the process is voluntary for all participants, and a participant can withdraw at any time.
- Understand that the Ombudsman may, in her discretion, terminate the process.

After mediation, I will:

- Follow through on any agreements.
- As required by law, *see* Md. Code Courts and Judicial Proceedings § 3-1803(b), not disclose any mediation communications in a court, administrative, or other proceeding; and (if I have signed the voluntary confidentiality agreement) strictly maintain the confidentiality of all mediation communications.
- Learn from the process and craft improved PIA requests or responses in the future.

I agree to participate in mediation with the Ombudsman and follow these ground rules.

Name _____

Signature _____ Date _____



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Voluntary Confidentiality Agreement

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This voluntary confidentiality agreement applies only to materials, information, and communications made and/or received as part of the mediation and decision to pursue mediation, not to documents or information released by an agency under the PIA.

- Confidentiality is a crucial part of any mediation, because it encourages trust, candor, and cooperation among the parties.
- By law, the Ombudsman generally may not disclose any mediation materials, communications, or information without the consent of the parties, and you may not disclose any of this material in a court, administrative, or other proceeding. See “Confidentiality of Ombudsman Mediations” one-pager.
- You are encouraged to agree to additional confidentiality responsibilities in order to facilitate open discussion between the parties.
- The other potential participant in the mediation will be informed of your decision whether or not to agree to confidentiality.

By signing below, I agree to keep confidential all mediation materials, communications, and information.

Name _____

Signature _____ Date _____