

CAUSE NO. _____

_____	§	IN THE _____ COURT
_____	§	
_____	§	
_____	§	_____
_____	§	
_____	§	
_____	§	_____ COUNTY, TEXAS

JOINT AND AGREED ORDER TO MEDIATE

Plaintiff and Defendant jointly submit this AGREED order to the Court for consideration and state the following:

Plaintiff and Defendant AGREE that this case is appropriate for mediation and AGREE, pursuant Section 154.021 of the Texas Civil Practice and Remedies Code, and this court's policies and procedures, to mediate this case.

Plaintiff and Defendant AGREE so **IT IS ORDERED** that Plaintiff and Defendant, are referred to mediation as the most appropriate alternative dispute resolution procedure and shall make a good faith effort to settle this dispute in mediation.

Plaintiff and Defendant AGREE so **IT IS FURTHER ORDERED** that attorney mediator Emily Hull is appointed as mediator for the parties. Emily Hull's bar number is 90001946 and contact information is: emily@hullattorney.com and hullmediations.com.

IT IS FURTHER ORDERED that the parties shall cooperate with Emily Hull and provide the mediator with their contact information and information on their availability. The mediator has the authority to set a mediation date despite any conflict with the schedule of the parties. **IT IS FURTHER ORDERED** that the parties shall appear for mediation on the date and time scheduled by the mediator, pay all fees in accordance with the mediator's policies, and prepared to mediate in good faith.

IT IS FURTHER ORDERED that the mediation shall occur within **30 days** of this Order.

IT IS FURTHER ORDERED that the parties shall each bear 100% of the "per party" mediator's fee set by the mediator and shall pay the fee a minimum of three business days prior to mediation.

IT IS ORDERED that if the mediation is to be held by videoconference, the parties SHALL ensure they have or will acquire before mediation, the functioning technology, internet access required to

participate fully in the mediation, and a location appropriate for such a videoconference without substantial background noise or interruptions. **IT IS FURTHER ORDERED** that no persons, other than counsel for each party or the spouse of each party shall be present for the mediation unless agreed to by all parties and the mediator.

IT IS FURTHER ORDERED that the parties shall note that Section 154.073 of the Texas Civil Practice and Remedies Code states that: (a) a communication made by a participant in mediation, whether before or after the institution of formal judicial proceedings, is confidential, is not subject to disclosure, and may not be used as evidence against the participant in any judicial or administrative proceeding; (b) any record made at mediation is confidential, and the participants, including the mediator, cannot be required to testify in any proceedings relating to the matter in dispute; and (c) an oral communication or written material used in or made a part of mediation is however, admissible or discoverable, if it is admissible and discoverable independent of mediation.

IT IS FURTHER ORDERED that the parties shall note that Section 154.053 of the Texas Civil Practice and Remedies Code states that: (a) a person appointed to facilitate a mediation shall encourage and assist the parties in reaching a settlement of their dispute but may not coerce the parties to enter into an agreement; (b) unless expressly authorized, the mediator may not disclose to either party information given in confidence by the other and shall at all times maintain confidentiality with respect to communications relating to the dispute; and (c) unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties and their counsel during mediation, are confidential and may never be disclosed to anyone, including the court.

SIGNED on _____.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENT

APPROVED AND CONSENTED AS TO BOTH FORM AND SUBSTANCE:

PETITIONER

RESPONDENT