

Mediation Record Retention Policy

MEDIATION RECORD RETENTION POLICY.

Clay Phillips Mediation & Training retains records from mediation sessions conducted by Dr. Clay Phillips pursuant to and in accordance with Tennessee Law and Supreme Court Rules, and Florida Law and Supreme Court Rules. Specifically, Dr. Clay Phillips maintains confidentiality in storing or disposing of records and renders anonymous all identifying information when materials are used for research, training, or statistical compilations.

Specific mediation documentation typically retained by Clay Phillips Mediation & Training includes but is not limited to:

- mediation engagement documentation including emails and signed *Agreements to Mediate* executed by the parties and/or their representatives;
- copies of all reports of required by and filed with the Courts regarding the status of cases referred or ordered to mediation and strictly limited to: (i) which parties appeared and participated in the mediation; (ii) whether the case was completely or partially settled at mediation; and (iii) whether the mediator requests that the costs of the mediator's services be charged as court costs;
- adequate records to support charges for services and expenses and shall make an accounting to the parties or to the Court upon request;
- total charges for services and expenses reasonable and consistent with the nature of the case. If fees are charged, a Neutral shall give a written explanation of the fees and related costs, including time and manner of payment, to the parties prior to the ADR proceeding. The explanation shall include:
 - (1) the basis for and amount of charges, if any, for:
 - sessions held in the ADR Proceeding;
 - preparation for sessions;
 - travel time;

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- postponement or cancellation of mediation sessions by the parties and the circumstances under which such charges will normally assessed or waived;
- preparation of any written settlement agreement;
- all other items billed to the parties by Dr. Phillips; and
- (2) the parties' pro rata share of fees and costs for the ADR Proceeding if previously determined by the Court or agreed to by the parties.

Dr. Clay Phillips nor Clay Phillips Mediation & Training Mediation retain any records resulting from engagement in or conducting mediation sessions. All mediation work product is promptly destroyed (shredding, etc.) at the conclusion of each mediation.

Clay Phillips Mediation & Training Mediation Records Retention Policy complies with:

- The Tennessee Commission for Continuing Legal Education and Specialization
- Tennessee Supreme Court Alternative Dispute Resolution Commission
- Society for Human Resource Management
- The Standards for Continuing Professional Education (CPE) Programs approved and incorporated by NASBA and AICPA (Revised August 2016)