



# Agreement to Mediate and Confidentiality

Petitioner	Appeal no.
Respondent	Mediator

The undersigned understand that participation in mediation is voluntary and certain disclosures made during mediation are confidential and protected from subsequent disclosure as explained below.

1. The Utah Uniform Mediation Act, Title 78B, Chapter 10 of the Utah Code (the "Act"), applies to this mediation.
  - a. The Act protects the disclosure of "mediation communications" by either the mediator or participants in any other forum, including the subject appeal. Mediation communications include oral or written offers, compromises, or concessions made for purposes of mediation.
  - b. Discoverable evidence may be subsequently disclosed notwithstanding that it was referenced in a mediation communication. For example, statements of fact, such as a sales price or rent roll, may be used in subsequent or separate proceedings.
  - c. Except as specifically provided in statute or administrative rule, the mediator or other party cannot be compelled to testify regarding mediation communications.
  - d. The mediator is recused from hearing or deliberating a matter the mediator mediates if the matter is not resolved at the mediation.
  - e. The settlement agreement resulting from the mediation is not protected by the Act, but portions of the settlement agreement may be protected from public disclosure as "commercial information" as discussed below.
2. Utah Code §59-1-404 governs the use and disclosure of "commercial information" disclosed during the mediation.
  - a. "Commercial information" disclosed in mediation is protected and may only be disclosed outside of this appeal in limited circumstances allowed by law. "Commercial information" is "information of a commercial nature obtained from a property taxpayer regarding the property taxpayer's property..." (See Utah Code §59-1-404(1)(c)).
  - b. Commission Rule prevents the disclosure of commercial information outside of the subject appeal except as permitted by law. (See Utah Admin. Code, R861-1A-37(6)(a)).
3. Information that is public by law remains public. Please review Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA).
4. This is only a summary and the parties are encouraged to review the Act, Utah Code §59-1-404 and GRAMA.

We have read the Mediation Agreement thoroughly and agree to the terms of mediation.

**Each person participating in the mediation must sign the mediation agreement.**

Petitioner's signature	Print name and title (if applicable)	Date
Petitioner's Representative or other petitioner's signature	Print name and title (if applicable)	Date
Petitioner's Representative or other petitioner's signature	Print name and title (if applicable)	Date
Respondent's signature	Print name and title (if applicable)	Date
Respondent's Representative or other respondent's signature	Print name and title (if applicable)	Date
Respondent's Representative or other respondent's signature	Print name and title (if applicable)	Date
Mediator's signature	Print name and title (if applicable)	Date

Additional signatures on next page as needed.

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Respondent's Representative or other respondent's signature	Print name and title (if applicable)	Date
Respondent's Representative or other respondent's signature	Print name and title (if applicable)	Date
Ex rel parties' signature (when applicable)	Print name and title (if applicable)	Date
Other parties' signature	Print name and title (if applicable)	Date