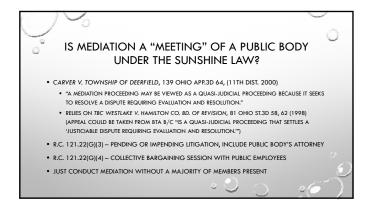
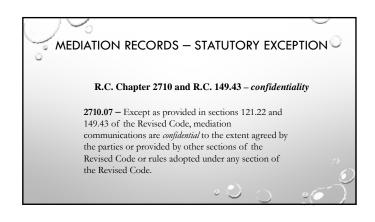
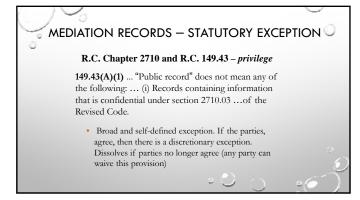
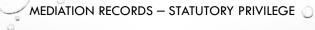


CONFERENCE







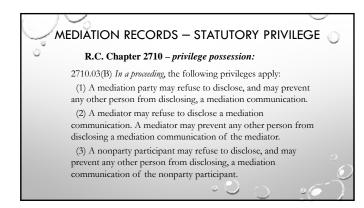


## R.C. Chapter 2710 – application:

communications will be privileged against disclosure.

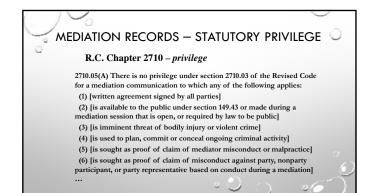
2710.01(H) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
2710.02(A) Except as otherwise provided in division (B) or (C) of this section, sections 2710.01 to 2710.10 of the Revised Code

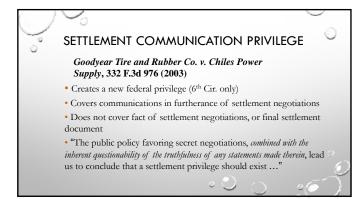
apply to a mediation under any of the following circumstances: ...(2) The mediation parties and the mediator agree to mediate in a record that demonstrates *an expectation that mediation* 

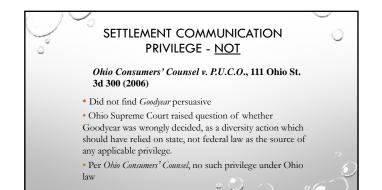


## MEDIATION RECORDS – STATUTORY PRIVILEGE R.C. Chapter 2710 – privilege waiver 2710.04(A) A privilege under section 2710.03 of the Revised Code may be waived in a record or orally during a proceeding if it is expressly waived by all mediation parties and by whichever of the following is applicable: (1) In the case of the privilege of a mediator, it is expressly waived by the mediator. (2) In the case of the privilege of a nonparty participant, it is expressly waived by the nonparty participant.

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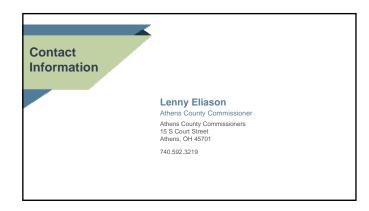












## **PUBLIC RECORDS MEDIATION BARGAINING POINTS**

The following are possible options for facilitation and compromise in public records disputes. It is an evolving list, so please share additional options as they are developed.

Interest	<b>Requester Options</b>	Public Office Options	
Speed	Trim request size	Rolling release	
	Prioritize sub-requests	Scan and e-mail	
	Clarify/specify request	Include non-records	
	Inspection v. copying	Waive exemption(s)	
		Offer free copies when inspection requested	
Information	Agree to official statement or other release of information, rather than records	Official statement	
Access	Agree to redaction of non-	Waive exemption(s)	
	records	Include non-records	
	Agree to redaction of non- responsive records	Explain records maintenance & access using statutes, admin. rules, and records retention	
	Concede specific exemption(s)		
	Agree to larger, but searchable,	schedules	
	record set	Grant interview	
		Agree to a specific server or backup search	
		Agree to start posting online	
Burden	Trim request	Include non-records	
	Rolling release	Waive exemption(s)	
	Request shared docs from	Scan and e-mail	
	"primary" office, or parts from multiple offices, to spread burden	Jointly rewrite acceptable request	
	Agree to extend response time to a specific, or conditional, date	Agree to start posting online	
	Jointly rewrite acceptable request		

Costs	Agree to pay more than "actual costs" Accept less costly or burdensome medium	Waive or reduce costs Waive advance payment
Finality	Agreement not to sue	Offer to update on a specific, or conditional, date
Predictability	Designate areas for discovery vs. public records requests	Accept standing request
Public Perception	Agree to note public office's cooperation and compliance in media story	Agree to note (in any public statement) requester's willingness to compromise
Openness/Good will	Arrange for periodic future contact	Arrange for periodic future contact Agree to editorial boards
Confidentiality	Verbal request	Inspection before copy request

## **MEDIATOR'S WORKSHEET**

For Requester:	For Public Office:
OPENING	STATEMENTS
REAL UNDERLYING	
REAL ONDERLYING	INTERESTS

AREAS OF AGREEMENT	OR PRIOR SATISFACTION
PROPOSALS	
AGREEMENT	