



The National Association of
Locum Tenens Organizations

MEDIATION PROCEDURES NATIONAL ASSOCIATION OF LOCUM TENENS ORGANIZATIONS® **

1. Mediation Chairperson
 - a. The President of NALTO® shall appoint the Chairperson for a term of three years.
 - b. Duties:
 1. Chair all meetings of Mediators.
 2. Answer questions of Mediators especially in regard to mediation procedures.
 3. Review all cases for form, logic, and completeness prior to the publishing and distribution of each Mediation settlement.
 4. Make recommendations for the revision of the “Mediation Process and Procedures” and update it.
 5. Send statistics on all Mediation cases and a copy of all successful settlements, unless objected to by the parties to the mediation, to the association headquarters to be kept in a permanent file.
 - c. The President may remove the Chairperson from office.
 - d. The Committee Chairperson shall appoint additional qualified members of NALTO® to the committee.
 - e. The Chairperson shall appoint an alternative Chairperson from the Mediation Committee to fulfill the duties of the Chairperson in his/her absence from the Mediation committee or in the event that the Chairperson is unable to serve on a particular matter for any reason and due to need to recuse for any number of reasons, most notably conflict.
2. Qualification of Mediators
 - a. A qualified mediator shall be someone who, in the opinion of the Mediation Committee and the NALTO® Board of Directors:
 1. Has the necessary experience, education and expertise;
 2. Possesses the necessary temperament and patience to effectively mediate sensitive disputes.



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3. Mediation Process (Every effort will be made to complete the mediation process within 30 days)
 - a. The initiating party or either party shall send to the headquarters office of NALTO®
 1. A written request for mediation.
 2. A statement of the issue in dispute, citing any NALTO® Code of Ethics and/or the NALTO® Best Practice Guidelines which may be a part of any argument made.
 3. The amount of money involved, if any.
 4. The remedy or solution sought.
 5. A copy of all pertinent documents.
 6. The names of any other persons who have previously attempted to resolve the case.
 - b. NALTO® headquarters will forward the information to the Mediation Chairperson. The Chairperson will determine if any litigation has been initiated on this issue. If so, the Chairperson shall decline the issue for mediation.
 - c. The NALTO® chairperson shall pick a member of the Mediation Committee to be the mediator in the case. The Chairperson will confer with the chosen mediator to see if any conflict of interest exists with the parties to the mediation. NALTO® headquarters shall give notice by Certified Letter (Return Receipt Requested) or email to all parties, stating that the case has been accepted for mediation and identifying the chosen mediator. If any party objects to the mediator chosen, with a valid reason outlined, the Chairperson shall select another mediator. Within 20 days of the final selection of a mediator, each side shall submit a Confidential Settlement Statement, outlining their respective positions and any points of potential compromise. Failure to file a Confidential Settlement Statement shall not delay mediation as all members of NALTO® agree to participate in the mediation process when they sign their application for membership. The mediator shall proceed as soon as possible after receiving the applicable materials from the Chairperson.
4. Mediation Procedures
 - Preliminary Meeting



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- a. The mediator will meet with both parties and/or their representatives prior to the joint mediation session (the meeting will be facilitated through video conference provided by NALTO®).

This initial meeting or conference call will review:

1. An introduction to the mediation process
2. A review of the information previously submitted
3. An opportunity to determine what information would be helpful for the mediator to have in advance of the mediation
4. An opportunity to discuss any concerns a party might have about the mediation process

The Mediation Meeting

- a. The mediation session itself may be either in person or by video conference, as agreed upon by the parties and the mediator. If conducted remotely, the equipment or system used must permit the participants to hear and be heard by all other participants during any joint session, as well as permit for separate conferencing where other parties cannot hear the discussions. The system should be set up for sharing documents for viewing by all parties. Video or audio recording of the mediation itself is not permitted.
- b. Each party shall be represented by at least one individual with the authority to reach a settlement of the dispute. Each party may also have counsel present, and may also bring other representatives to the mediation to the extent that such individuals might assist in the discussion and/or resolution of the matter.
- c. Each party will have an opportunity to make opening statements, if they wish to. In these opening statements each party will have an opportunity to reference key documentation submitted and express their views of the case to the other participants.
- d. The mediator is a neutral third party to help the parties reach a mutually beneficial resolution of their dispute. The mediator helps the parties reach a resolution by facilitating communication, promoting understanding, assisting them in identifying and exploring issues, interests and possible bases for agreement.
- e. In addition to being a neutral third party, the mediator may also, at the request of the parties, provide clarification and recommendations based on and as it relates



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to the NALTO® Code of Ethics and/or the NALTO® Best Practice Guidelines. As stated above, any reliance upon the Code or the Guidelines should be provided by the parties in advance.

- f. If both parties reach an agreement the mediator will capture the details of the agreement to document and provide each party following the close of the mediation meeting.

Agreement/Follow Up

- a. If both parties reached an agreement in the mediation then the mediator will send a follow-up recap of the agreement to each party, the mediation committee chair and NALTO headquarters.
- b. If an agreement is not reached in the mediation meeting then the mediator will make one follow-up attempt with each party (within one week's time) to help both parties reach an agreement. After that last attempt and if no agreement is reached, the proceedings will be closed out and the mediator will send a recap to each party, the mediation committee chair and NALTO headquarters informing that the proceedings did not result in an agreement and that it is now viewed as a closed case in NALTO®.

5. Confidentiality and Other Mediation Procedures

- a. All discussions with the mediator shall be kept confidential, and the mediator shall not disclose the contents of any discussion with a party to mediation, absent consent by that party.
- b. Nothing that is said during the mediation process, either in discussions with the mediator, in the Confidential Settlement Statements, or in the mediation itself, may be disclosed outside of the mediation. Nothing from the mediation may be used as evidence in any subsequent court case, and the mediator may not be called as a witness at any trial of the dispute. Neither the mediator, the mediation committee, nor any NALTO® representative may be subpoenaed, either as a witness or to produce documents in any proceeding.
- c. No party shall be bound by anything said or done in mediation unless a settlement is reached. If a settlement is reached, that settlement is binding on all parties.
- d. Once a mediation is completed, the mediator shall not retain any notes or documents.



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- e. The Mediation Committee shall maintain statistics on all mediations undertaken, including the number of mediations per year, the parties to any mediation, and the number of successful resolutions reached. If an agreed resolution is reached in the mediation, the Mediation Committee shall maintain a copy of that agreement in its files, unless objected to by the parties to the mediation. No other details of the mediation shall be retained by the Committee. The details of the mediation agreement shall be limited to the mediator, Mediation Chair and Board President.

** It is important to note here that this mediation process is voluntary. The mediation process does not follow any particular state or federal laws, nor is it governed by any states' laws or regulations, or federal laws or regulations as relates to mediation, whether the state of either party or the state of the mediator assigned to the process. NALTO will not interpret any states laws or federal laws as part of this process. Should it be determined by the Committee Chairperson that the dispute cannot be resolved because of a state law or federal law dispute, the Chairperson shall inform the parties that absent an agreement to move forward with an attempt at resolution without said state or federal law dispute being resolved in the process, then the parties will have to find an alternative forum within which to resolve their dispute.