

## Agreement to Mediate

### Re: Conciliation of Canon IV Disciplinary Matters

Canon IV.10.1 says, “Conciliation shall seek a resolution which promotes healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community, other persons and the Church.” The more concrete aim of the process is to attempt to reach an Accord (or Accords) that would settle some or all of the pending complaints. IV.14.

Conciliation is not a judicial process like a “trial,” nor is it an investigation. It is a form of mediation, an informal process where parties seek to find a basis to agree. An Accord is a voluntary agreement. As Conciliator I have no power, and no intention, to compel anyone to agree. If we are unable to resolve some or all of the complaints in a reasonable time, I will so inform the Presiding Bishop and the unsettled complaint(s) will proceed through the disciplinary process. IV.10.3.

My role is to serve as a neutral and impartial facilitator. In that role I will ask questions in order to assist parties in clarifying interests and exploring options. While from time to time I may suggest options for you to consider, it is not my role to determine or suggest that any particular outcome is the “right” solution. Although I happen to be a lawyer, I do not serve as legal advisor to anyone in this process. Parties may consult with their own Advisors (IV.2) or legal counsel. Advisors or counsel are welcome to participate in the Conciliation process. Because an Accord may affect legal rights, parties should invite their counsel to review any agreement before signing. As Conciliator I may participate in the drafting of any Accord, but in doing so my role is only to memorialize the agreement of the parties.

Canon IV.10.4 provides that parties may communicate confidentially with the Conciliator. This opportunity for confidential communication, I hope, will encourage each of you to speak candidly with me in an effort to explore potential areas for agreement. I will treat our communications as confidential unless you tell me otherwise. Of course, as Canon IV.10.4 anticipates, you also may ask me to communicate proposals or information to other parties. At your request, I can fill that role as well.

In order to protect both the confidentiality of the process and the impartiality of the Conciliator, participants in the Conciliation must understand and agree that:

-Statements and documents generated in the process of Conciliation are confidential unless otherwise agreed by all parties and the Conciliator;

-Confidential materials and communications are not subject to disclosure or subpoena in any judicial, administrative or disciplinary proceeding;

-Neither the Conciliator, nor the McCammon Group, nor any of its employees is subject to subpoena for testimony in any judicial, administrative or disciplinary proceeding, nor to compelled disclosure of any communication or document, nor to liability for acts or omissions relating to the Conciliation, except as provided in Virginia law pertaining to the professional services of certified mediators.

The persons signing below agree to the terms of the Agreement to Mediate as set forth above:

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Conciliator

Participants: (please sign on left and print name on right)

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