

**78B-10-102 Definitions.**

As used in this chapter:

- (1) "Mediation" means a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) "Mediation communication" means conduct or a statement, whether oral, in a record, verbal, or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (3) "Mediation party" means a person that participates in a mediation and whose agreement is necessary to resolve the dispute.
- (4) "Mediator" means an individual who is neutral and conducts a mediation.
- (5) "Nonparty participant" means a person, other than a party or mediator, that participates in a mediation.
- (6) "Person" means an individual, corporation, estate, trust, business trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.
- (7) "Proceeding" means:
  - (a) a judicial, administrative, arbitral, or other adjudicative process, including related prehearing and posthearing motions, conferences, and discovery; or
  - (b) a legislative hearing or similar process.
- (8) "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.
- (9) "Sign" means:
  - (a) to execute or adopt a tangible symbol with the present intent to authenticate a record; or
  - (b) to attach or logically associate an electronic symbol, sound, or process to or with a record with the present intent to authenticate a record.

Renumbered and Amended by Chapter 3, 2008 General Session