

CHART OF WHO HOLDS WHAT PRIVILEGE UNDER THE OHIO UMA

Assuming there is no waiver or exception to the privilege, the following chart may be useful in determining who holds the right not to have others testify, what about and what can they refuse to testify to in a proceeding under the Ohio version of the UMA.

Who holds the privilege?	Who can they stop from testifying and about what?	What can they be forced to testify about?
Each Party	Everyone and Everything	Nothing.
Mediator	Everyone but only the Mediator's communications.	Nothing.
Nonparty Participant	Everyone but only the Nonparty Participant's communications.	Everything but the Nonparty Participant's communications.

Or viewed another way:

Who holds the privilege?	Who can they stop from testifying?	What can they stop others from testifying about?	What can they be forced to testify about?
Each Party	Everyone	Everything	Nothing
Mediator	Everyone	Only Mediator's communications.	Nothing
Nonparty Participant	Everyone	Only Nonparty Participant's communications.	Everything but the Nonparty Participant's communications.

Revised on 9/2/05, by Shirley Cochran based upon a speech given by Professor Ellen E. Deason in May 2005.