

Standards of Conduct
Effective Date January 1, 2012

VII. Conflicts of Interest: A mediator shall not allow any personal interest to interfere with the primary obligation to impartially serve the parties to the dispute.

- A.** The mediator shall place the interests of the parties above the interests of any court or agency which has referred the case, if such interests are in conflict.
- B.** Where a party is represented or advised by a professional advocate or counselor, the mediator shall place the interests of the party over his/her own interest in maintaining cordial relations with the professional, if such interests are in conflict.
- C.** A mediator who is a lawyer, therapist or other professional and the mediator's professional partners or co-shareholders shall not advise, counsel or represent any of the parties in future matters concerning the subject of the dispute, an action closely related to the dispute or an out growth of the dispute when the mediator or his/her staff has engaged in substantive conversations with any party to the dispute. Substantive conversations are those that go beyond discussion of the general issues in dispute, the identity of parties or participants and scheduling or administrative issues. Any disclosure that a party might expect the mediator to hold confidential pursuant to Standard III is a substantive conversation.

A mediator who is a lawyer, therapist or other professional may not mediate the dispute when the mediator or the mediator's professional partners or co-shareholders has advised, counseled or represented any of the parties in any matter concerning the subject of the dispute, an action closely related to the dispute, a preceding issue in the dispute or an out growth of the dispute.
- D.** A mediator shall not charge a contingent fee or a fee based on the outcome of the mediation.
- E.** A mediator shall not use information obtained or relationships formed during a mediation for personal gain or advantage.
- F.** A mediator shall not knowingly contract for mediation services which cannot be delivered or completed as directed by a court or in a timely manner.
- G.** A mediator shall not prolong a mediation for the purpose of charging a higher fee.
- H.** A mediator shall not give or receive any commission, rebate or other monetary or non-monetary form of consideration from a party or representative of a party in return for referral or expectation of referral of clients for mediation services.