

APPENDIX T: ETHICAL CONSIDERATIONS

The ethical considerations associated with the mediation program (and the host agency as well) are too numerous to completely cover in this manual. Most mediator training programs spend several hours looking at the issues that arise in a mediation session and the ethical dilemmas they present to the mediator. When the mediation program recruits volunteers, the Program Administrator may want to review the training agenda for each volunteer applicant to determine each has had appropriate training. Additionally, it is important to have continuing education regarding ethics, and this can be done at a volunteer meeting. Lawyer mediators, as well as professionals from other disciplines, can often use these sessions for continuing education credit.

Some of the ethical issues that should be included in training for volunteers are:

1. Confidentiality – The general guidelines and reporting issue in cases of abuse and other types of cases that may raise confidentiality issues.
2. Terminating a mediation session – What issues would prompt this action and how to do it.
3. Neutrality – How to handle when the mediator or a party feels neutrality has not been maintained.
4. Self-determination – Issues regarding pressure to settle
5. Co-Mediator Feedback – Providing information to the Program Administrator about breach of ethical responsibilities.
6. Different considerations when working with represented and unrepresented parties.
7. Handling party complaints about mediator behavior.
8. Handling complaints about attorney behavior in mediation.
9. Conflicts of interest from the mediator's perspective.

There are numerous resources available for those wishing guidance on ethical issues. Please see below for a partial list of available resources.

Dispute Resolution Ethics: A Comprehensive Guide, available from the ABA Section of Dispute Resolution (512 pages). For ordering information, see the publications available from the ABA Section of Dispute Resolution – <http://www.abanet.org/dispute>.

The ABA/AAA/SPIDR Revised Model Standards of Conduct for Mediators. See <http://www.abanet.org/dispute>.

The CPR-Georgetown Principles for Provider Organizations. Available at (<http://www.cpradr.org>).

The Model Standards of Practice for Family and Divorce Mediation. See (<http://www.afccnet.org>. ABA Model Rules of Professional Responsibility (Rules 1.2, 1.4, 1.6, 2.1, 3.3, 4.1, 4.2, 4.4, 8.3, and 8.4).