

Code of Ethical Standards for Mediators
Multi-Door Dispute Resolution Division
Superior Court of the District of Columbia

Introduction

The following ethical standards for Multi-Door mediators are intended to serve as a guide for conduct. They are drawn from standards from a variety of sources: the American Arbitration Association, the American Bar Association, the Association for Conflict Resolution, the Florida State Courts, the Judicial Council of Virginia, the work of Robert A. Baruch Bush and the Uniform Mediation Act. They are designed to serve an educational function and provide assistance to Multi-Door clients, mediators and staff.

Multi-Door's Purpose

Our purpose is to help residents and litigants in Washington, D.C. resolve disputes through mediation and other appropriate dispute resolution processes. The name "Multi-Door" comes from the multi-door courthouse concept, which envisions one courthouse with multiple dispute resolution doors or options. The goals of a multi-door approach are to provide easy access to justice, reduce delay, and provide links to related services, making more options available through which disputes can be resolved. Multi-Door mediators assist parties in reaching agreements that meet their interests, preserve relationships, and save time and money.

Definition of Mediation

- Mediation is a process in which a neutral third party assists parties involved in a dispute to define and clarify facts, issues, and interests, understand different perspectives, explore and evaluate various options and solutions, and, if possible, generate a mutually acceptable agreement.

Role of a Mediator:

- A mediator does not have the power to impose a resolution, but rather facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem solving to enable the parties to reach their own agreement.
- A mediator shall encourage and assist the parties in deciding whether or how to resolve their disputes.
- A mediator shall refrain from being directive or judgmental regarding the issues in dispute and options for settlement.
- A mediator shall uphold ethical standards of practice to ensure the process of mediation is fair and balanced to all parties in the dispute.
- A mediator's personal values or belief system shall not interfere with his/her duty to uphold the ethical standards of mediation. Values are a set of personal belief systems, which are generally self-regulating; ethics are rules or standards governing the conduct of a person or the members of a profession. If at any time during a mediation session, a mediator believes his/her personal values are in conflict with the Multi-Door Code of Ethical Standards, he/she shall recuse him/herself from the mediation.

Ethical Standards

- **Self-determination:** Self-determination is the fundamental principle of mediation. A mediator shall respect and encourage self-determination by the parties in their decision whether, and on what terms, to resolve their dispute, and shall refrain from being directive and judgmental regarding the issues in dispute and options for settlement.
- **Informed Consent:** A mediator shall make reasonable efforts to ensure that each party understands the mediation process and the options available to him/her, and that each party is free and able to make whatever choices he/she desires regarding participation in mediation and specific settlement options. In addition, if a mediator believes a party does not understand his/her options or that consent is not freely given, the mediator may terminate mediation or withdraw from the case.
- **Confidentiality:** Apart from disclosure of case issues with program staff and mandatory reporting obligations relating to threats of violence or child abuse, a mediator shall not disclose to any non-participant, directly or indirectly, any information communicated to the mediator. No mediation shall proceed without the signature of all persons present on the Statement of Understanding/Agreement to Mediate.
- **Impartiality:** A mediator shall not exhibit favoritism or prejudice toward any party or any position taken by a party in mediation. A mediator shall be committed to serve all parties, as opposed to a single party, in exploring the possibilities for resolution. In cases in which the mediator believes that he/she cannot be impartial, the mediator shall withdraw from the mediation. A mediator should address any concerns regarding his/her impartiality and, when appropriate, should offer to withdraw.
- **Conflict of interest:** A mediator shall impartially serve the parties in the dispute by avoiding any conflicts of interest. A conflict of interest can arise from involvement by a mediator with the subject matter of the dispute or from any relationship between a mediator and any mediation participant, whether past or present, personal or professional, that reasonably raises a question of a mediator's impartiality. A mediator shall disclose all actual and potential conflicts that may call into question his/her impartiality to the parties. After disclosure, it is the right of the parties to decide if they wish the mediator to continue. The mediator also has the right to recuse him/herself from a mediation if he/she feels his/her own impartiality is impaired.
- **Quality of the process:** A mediator shall work to ensure a quality process and to encourage mutually respectful behavior among the parties. A quality process requires a commitment by the mediator to diligence and procedural fairness. If a mediator believes a party is intentionally abusing the process, the mediator should encourage the party to alter the conduct. If the person does not alter his/her behavior, the mediator may terminate the mediation, doing so in a way that preserves any confidential communications. In addition, a mediator shall not make promises regarding the results of the process.

- Distinction between Mediation and Counseling or Legal and Financial Advice: A mediator shall limit him/herself solely to the role of mediator, and shall refrain from giving legal, financial, or therapeutic advice and otherwise engaging in counseling or advocacy during mediation. A mediator shall encourage parties to seek advice from an attorney or other professional to ensure they are making informed decisions.
- Competence: A mediator shall maintain professional competence in mediation skills and, if lacking in the skills necessary for a particular case, shall consult with program staff to discuss the possibility of declining to serve or withdrawing from the case. A mediator is obligated to disclose any significant limitations of skill or expertise, both to program staff and the participants involved, whenever relevant.
- Solicitation/Advertising Services: Multi-Door mediation services are provided free of charge to eligible participants. Individuals providing mediation services for Multi-Door shall not solicit or accept monetary or non-monetary forms of payment from the parties, except at the rate established by Multi-Door. Mediators shall not actively solicit private business or advertise their ability to provide service, nor provide other compensated services to any party in any case in which they have served as mediator.