

CODE OF ETHICAL STANDARDS FOR IPOPHL MEDIATORS

CANON 1

RESPONSIBILITIES TO THE ORGANIZATION

An IPOPHL Mediator must be candid, accurate, and fully responsible to IPOPHL concerning his/her qualification, availability, and all other pertinent matters. He/she shall observe all administrative policies, applicable procedural rules and statutes. An IPOPHL Mediator is responsible to IPOPHL for the propriety of his/her activities and must observe judicial standards of fidelity and diligence. He/she must report and encourage the parties in writing breaches of this Code of IPOPHL Mediators to the proper authorities.

CANON 2

RESPONSIBILITIES TO PARTIES

Section 1. *Impartiality.* The IPOPHL Mediator must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by appearance, word or by action, and a commitment from favoritism or bias either by appearance, word, or by action, and a commitment to serve all parties as opposed to a single party. At no time may a Mediator meet with any of the parties to discuss a case referred to him/her for mediation without the presence or the consent of the other party. An IPOPHL Mediator shall withdraw from mediation if the mediator believes he/she can no longer be impartial. An IPOPHL Mediator must remind both parties of their right to terminate the mediation. He/she shall not give or accept a gift, bequest, favor, loan or any other form to or from a party, attorney, or any other person involved in and arising from any mediation connection.

Section 2. *Competence.* An IPOPHL Mediator must perform his/her service in a conscientious, diligent and efficient manner and maintain professional competence in mediation skills including but not limited to:

- a) Being informed of laws, rules, administrative orders and legal principles relevant to the conduct of mediation;
- b) Regularly engaging in educational activities promoting professional growth; and
- c) Refraining from rendering service outside the limits of his/her qualifications and competence.

Section 3. *Conflict of Interest.*- An IPOPHL Mediator must refrain from participating in the mediation of any dispute if he/she perceives that his/her participation will be a clear conflict of interest, disclose any circumstance that may create or give the appearance of a conflict of interest and any circumstance that may raise a question of impartiality. He/she must not be involved in relationships with clients which might impair his/her professional judgment or in any way increase the risk of exploiting any of the parties. Except where culture demands or is

appropriate, an IPOPHL Mediator must be cautious in mediating disputes involving relatives, close friends, colleagues/supervisors or his/her students. He/she must not engage in sexual relationship with any of the parties. The duty to disclose is a continuing obligation throughout the process. In addition, if an IPOPHL Mediator has represented either party in any capacity, he/she must disclose that representation.

An IPOPHL Mediator must disclose any known, significant current or past personal or professional relationship with any party or attorney involved in the mediation. The IPOPHL Mediator and the parties must discuss on a case to case basis whether or not to continue.

After the IPOPHL Mediator makes his/her disclosures, and a party does not seek inhibition, the Mediator must continue as such.

An IPOPHL Mediator must not have any interest in any property, intellectual, real or personal, that is the subject matter of the case referred to him/her for mediation. He/she may not directly or indirectly offer to purchase or to sell such property whether at the inception, during, or at any time after the mediation proceedings.

Section 4. *Avoidance of Delays.* An IPOPHL Mediator must plan a work schedule, refrain from accepting appointments when it becomes apparent that completion of the mediation assignments cannot be done in a timely and expeditious manner and perform the mediation service in such a way as to avoid delays.

Section 5. *Prohibition Against Solicitation or Advertising.*- An IPOPHL Mediator shall not use the mediation process to solicit, encourage, or otherwise incur future professional services and financial gain from either or both parties. Neither shall an IPOPHL Mediator make untruthful or exaggerated claims about the mediation process and his/her qualifications.

Section 6. *Prohibition Against Coercion.*

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An IPOPHL Mediator shall not coerce or unfairly influence a party into a settlement agreement and must only facilitate arrival of decision in the mediation process.

- a) ***Prohibition Against Misrepresentation.*** An IPOPHL Mediator shall not intentionally or knowingly misrepresent materials facts or circumstances in the course of conducting an IP mediation.
- b) ***A Balance Process.*** An IPOPHL Mediator shall promote a balanced process and encourage the parties to conduct the mediation deliberations in a non- adversarial method. In no manner shall IP mediation be conducted to unduly influence the parties towards having an agreement based on cultural and religious practices. While an IPOPHL Mediator may point out possible outcomes of the case, under no circumstances may an offer of a personal or professional opinion or advise as to how the trial court, where the case is filed, will resolve the dispute.
- c) ***Mutual Respect.*** An IPOPHL Mediator shall promote mutual respect among the

parties throughout the mediation process.

- d) ***Disclosure of Fees.*** Except for his/her authorized fees, the IPOP HL Mediator shall not accept any commission, gift or other similar forms of remuneration from the parties or their representatives.
- e) ***Confidentiality.*** The Mediator shall treat information revealed in mediation, whether oral or in print, its storage and disposal of records, in strict confidentiality except for the following:
 - 1) Information that is statutorily to be reported.
 - 2) Information that in the judgment of the IPOP HL Mediator reveals a danger of actual or potential harm either to a party, to a third parson or to himself/herself.

Section 7. *Role of Mediator in Settlement.*– The Mediator shall see to it that the parties with the help of their lawyers consider and understand the terms of the settlement.

CANON 3

RELATIONSHIP WITH OTHER PROFESSIONALS

The IPOP HL Mediator shall respect the relationship between mediation and other professional disciplines including law, medicine, science, accounting, mental health, and social services and must promote harmony and cooperation between and among IPOP HL Mediators and other professionals.

The IPOP HL Mediator shall be knowledgeable and able to detect any presence of abuse or violence and when needed, refer the parties to other professionals for appropriate help and support.

CANON 4

RESPONSIBILITIES TO SOCIETY

Section 1. *Support of Mediation.*–The IPOP HL Mediator shall support the advancement of mediation by encouraging and participating in research, evaluation, or other forms of professional development and public education.

***(PATTERNED AFTER THE SUPREME COURT'S ETHICAL STANDARD
FOR FAMILY MEDIATORS)***