

## **MEDIATION and ETHICS**

**FAIRNESS, MORALITY, JUSTICE, different meanings to different peoples, cultures and in diverse situations.**

**Mediation is not about choosing or judging, right or wrong, or fair or moral. It is about the parties making their own decisions and moving on.**

**Mediators strive to be ethical, knowledgeable and fair, but bring with them their own experiences, backgrounds, training, views, and needs**

**Ethical dilemmas may be grouped around the main elements**

**Mediators are IMPARTIAL/ NEUTRAL/ UNBIASED. But**

- **Past Acquaintance with parties or the matter**
- **Sympathy or revulsion**
- **Chance to enhance career**

**The Mediator's role is FACILITATE effective communication. But**

- **How far to help the inarticulate or challenged party**
- **Where is the boundary line between providing 'information and Advising?**
- **Is not the Mediator there for expertise?**
- **When to liberate parties from Advisors?**
- **What of the "Parent" syndrome,**

**CONFIDENTIAL encourages alternatives to be considered. But**

- **What is "Confidential"? Once words are spoken...**
- **What if the parties take the Mediator into their confidences**
- **When can the VOW be broken? is it when the Courts or public policy demands it, what about threats, possible fraud, collusion, detriment to others.**

**Are OUTCOMES Fashioned in the Mediators Image?**

- **Should Mediators care if the result is Practical or fair?**
- **Or whether the agreement papers over issues?**

- **Or Effect on Third parties**
- **What is the dividing line between acceptable pressure, Reality Testing and unjustifiable coercion?**
- **When to sign? At the conclusion or on advice and reflection?**
- **Can the Mediator ever put his hand in his pocket or make promises...**
- **What of involvement post-Mediation.**

### **QUESTIONS**

- **What do you believe to be the difficult ethical questions or barriers for Mediation?**