



Inter-Cultural Competencies Critical to Resolving Multi-Cultural Disputes

March 28, 2017 – 1:00 pm to 2:00 pm ET

PROGRAM SUMMARY

Speaker: Lynn Cole

For the dispute resolution professional, acquiring inter-cultural skills is critical in today's global business environment to effectively resolve proliferating cross-border business disputes. The sheer diversity of cultural approaches to dispute resolution can easily undermine the process unless advocates, mediators and arbitrators are familiar with the elements necessary to harmonize these differences. This 60-minute webinar will introduce attendees to the meaning of culture and inter-cultural skills, examine why inter-cultural skills are so important from the global business perspective, and provide an overview of the knowledge and types of skills that are needed to be culturally adept.

AGENDA

1:00 p.m.	Welcome and Introduction of Speaker	(5 minutes)
1:05 p.m.	Intercultural Issues <ul style="list-style-type: none">• Cultural frameworks• Cultural and emotional intelligence• Multi-cultural perspectives• Dealing with multi-cultural communications• Preparing for and managing multi-cultural disputes• Cultural focus areas	(45 minutes)
1:50 p.m.	Conclusion and Questions	(10 minutes)
2:00 p.m.	Evaluation	(5 minutes)
2:05 p.m.	Adjourn	



Lynn H. Cole, Esq.
Law Offices of Lynn Cole, P.A.

Current Employer-Title	Law Offices of Lynn Cole, P.A. - President and Owner
Profession	Full time Dispute Resolution Professional since 2003: Arbitrator, Mediator; Settlement Council; Special Magistrate (State Court) and Special Master (Federal Court)
Work History	President and Owner, Law Offices of Lynn Cole, P.A., 1995-present; Fulltime ADR Professional, 2003 - present; Partner, Allen Dell Law Firm, 1984-95; Assistant U.S. Attorney, Department of Justice, U.S. Attorney's Office, 1979-84; Assistant District Attorney, District Attorney of Lehigh County, 1975-78.
Experience	<p>Has over 37 years as an attorney with 28 years' experience as trial attorney trying hundreds of cases as lead counsel, in complex commercial litigation (both plaintiff and defense cases), several over \$1 Million dollars; labor and employment (private and public employment clients and both employers and employees), construction, contracts, malpractice (legal and medical) banking, products liability, utilities, securities, and all whistle-blower claims (state and federal). Has arbitrated over 270 matters, both with AAA, other organizations and privately, and written several opinions for AAA matters. She has conducted over 800 mediations.</p> <p>Labor and employment experience includes representing both employers and employees in private and federal sectors. Subject matter experience in Employment Contracts; Non-Compete contracts and clauses; Civil Rights Act of 1991 (Title VII), 42 U.S.C. Section 1983 (including race, ethnicity, gender and retaliation claims); the Fair Labor Standards Act of 1938; Age Discrimination in Employment Act of 1967, 29 U.S.C. '621 (including retaliation claims); The American Disability Act; violation of the Florida Civil Rights Act of 1992; Florida Whistleblower's Act (private and public); Sarbanes-Oxley Act of 2002, 29 CFR, 1980; and Federal False Claims Act, 31 U.S.C. '3729. Has class action lawsuit experience in gender discrimination claims (Title VII and Equal Pay Act), FLSA, and Worker Adjustment and Retraining Notification Act (WARN) cases. Has complex commercial litigation experience representing clients in industries including steel manufacturing, aviation, internet and intellectual properties, pharmaceutical, construction, utilities, and health care. Experience and representative issue in complex commercial matters includes breaches of contract (all issues, federal and state); intellectual property (including ICANN); securities; antitrust (civil and criminal), banking; utilities issues, fraud, partnership, theft and embezzlement, and civil RICO.</p> <p>Also has experience in construction litigation, representing owners, general contractors, and engineers in trials, arbitrations, and mediations in disputes ranging from \$83,000 to over \$120 million. Construction projects in dispute included hospital (public), airport terminal, airport runway, water pipelines, bridges, and</p>

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commercial residences involving issues of delay, interference, critical path, design standards of steel rebar, and glass specifications.

Alternative Dispute Resolution Experience

Extensive experience as an AV-rated attorney in representing clients in mediation and arbitration. As a full-time Harvard-trained dispute resolution professional, has experience in all aspects of ADR, including mediation, arbitration, Special Master (Federal Court), Special Magistrate (State Court) settlement counsel, and neutral evaluator. Has served as Special Master in federal complex tax case and real estate cases; has served as Special Magistrate in FL Circuit Court in complex commercial and contract case and in prolonged real estate litigation; and SEC receiver for \$20M ponzi scheme. As an arbitrator, mediator, and counsel, has handled numerous matters involving anti-trust; contracts; labor and employment; banking; complex commercial, business; and partnership disputes.

Unique background as former Assistant United States Attorney for qui tam cases, civil theft, civil RICO and civil and consumer fraud cases. Certified by the International Mediation Institute in the Hague.

Extensive international arbitration and mediation training experience:

Has trained mediators and judges in Jordan, Oman, Lebanon, Saudi Arabia, Iraq, Slovenia, Bulgaria, Serbia, Croatia, Kosovo, Greece and Turkey in commercial mediation (beginning and advanced); ethics in mediation; and beginning and advanced mediation.

Since March 2011, has served as the President of the Board of Directors for Mediators beyond Borders International, (MBB) a non-profit organization dedicated to building a more peace-"able" world.

Other training has included:

- Dialogues, Greece, 2013
- Commercial Mediation, Turkey, 2012
- Advanced Commercial Mediation Trainer of judges and mediators in 15 hour certified course in Slovenia (Oct. 2007);
- Basic Commercial Mediation Trainer of judges and mediators in 6 hour course in Beograd, Serbia (Oct. 2007);
- Mediation Trainer for women judges, professionals and attorneys from the Middle East (April 2006);
- Mediation Specialist, USAID/NCSC, assigned to Kosovo to assist in implementation and development of protocols for first Pilot Court-Related Mediation Program (April 2007);
- ADR Specialist, USAID/ABA assigned to Jordan to assist in implementation and development of first Mediation Court Pilot Program in Middle East with Minister of Justice and Chief Judge of Amman Court of First Instance (March-June 2006).

Mediation Specialist, USAID/ABA/CEELI assigned to Bulgaria assisting Minister of Justice and Mediation Steering Committee in drafting and implementing ethical, procedural, educational and certification rules and regulations pursuant to the Mediation Act of 12.2005. Conducted advanced mediation training (April-July 2005).

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

- NASD Dispute Resolution, Public Arbitrator
- U.S. Council for International Business (USCIB), Arbitrator and Mediator
- Willem C. Vis International Commercial Arbitration Moot, Vienna, Arbitral Judge
- National Association of Distinguished Neutrals (NADN), invited member
- CPR (Int'l Institute for Conflict Prevention and Resolution), Mediator and Arbitrator panels
- WIPO (World Intellectual Property Organization), The Hague, Invited Mediator
- NAF (National Arbitration Forum) Mediator and Arbitrator Roster of Neutrals
- USCIB (U.S. Council for International Business), Arbitrator and Mediator
- FINRA (Financial Industry Regulatory Authority), Arbitrator
- NAM (National Arbitrators and Mediators), Mediator and Arbitrator
- Resolute Systems, Inc., Panel of Neutrals, Arbitrator and Mediator
- National Academy of Distinguished Neutrals (NADN), selected member, 2008-present
- International Mediation Leadership Summit, The Hague (ABA/DR Section), invited member, 2010
- World Justice Forum, Barcelona, Spain

Alternative Dispute Resolution Training

AAA Best Practices for Counsel - Mediating and Arbitrating The Complex Commercial Case, 2016; ICDR Awards and Commentaries - Just How Different Is International Arbitration Than Domestic Arbitration? 2016; Commercial Arbitration - Getting Your Feet Wet, 2016; AAA Top Techniques for Improving Arbitration Case Management Efficiency, 2015; AAA How You Can Make the Most of Mediation's Global Growth 2015; AAA Protocols, Processes and Protecting the Award 2014; AAA Webinar, Managing ESI Exchanges in Arbitration- Preparing Yourself for the New Landscape and New Challenges- Part 1, 2014; AAA Webinar, Where Do We Draw the Line? Ethics in Arbitration, 2013; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2010; ACR Advanced Commercial Mediation Institute, 2009; ABA-DR Conference, Significant Developments in Arbitration Case Law, 2009; ABA-DR Conference, Preparing for and Managing Your Arbitration Hearing, 2009; AAA/ACR Conference, Advanced Commercial Mediation Institute, Innovation in Commercial Mediation, 2008; ACR Annual Conference, Mediating Abroad, Making the Paradigm, 2008; Dispute Resolution Center of Florida, Annual Conference, Mediation Gone Global - Some Precepts for Mediating Abroad, 2008; DR Annual Conference of the American Bar Association, Mediation-Cultivating the Rule of Law, 2007; ACR/AAA/Advanced Commercial Mediation Institute, 2007, 2006; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2007; Federal Bar Association Annual Conference, ADR Section Conference, 2006; JAMS, International Mediation, 2006; Dispute Resolution Center of Florida Continuing Education, 2006, 2004; Harvard Law School, Mediation Institute, 2004; David Strawn, Mediation Training, 2002. Continues to earn and average of over 80 CLE hours annually for certification in Florida for the last 7 years.

Professional Licenses

Admitted to the Bar: Pennsylvania (inactive), 1975; Florida Supreme Court, 1980; U.S. District Court: Middle District of Florida, 1981 and Southern District of Texas; U.S. Court of Appeals: Fifth (inactive) and Eleventh (1982) Circuits; U.S.

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Supreme Court, 1985.

**Professional
Associations**

ASIL member; ABA DR Section Member; International Mediation Leadership Summit, The Hague (Invited Member; ABA/DR Section); Mediators Beyond Borders (Founding Board Member and President); Florida Academy of Mediators (Vice-President); Civil Justice Reform Commission (Past Chair); International Institute for Conflict Prevention and Resolution; Federal Bar Association (ADR Section, Chair); Eleventh Circuit (Past Vice President; Past National Membership Chair); American Bar Association (ADR Section); Florida Bar Association (International Section; 13th Judicial Circuit, Past Grievance Committee); National Association of Mediators of Bulgaria (First International Member); National Association of Mediators of Slovenia (First International Member); Tampa Commission on Ethics; Hillsborough County Bar Association (Senior Council, Past Chair; Trial Lawyers Section, Past Chair); American Inns of Court (Ferguson-White Inn, Master, Charter Member).

Education

University of Maryland (BA; Post Graduate work in counseling); John Marshall Law School (JD-1974); Harvard Law School Program on Negotiation Mediation Program (Certificate of Completion-2004).

**Publications and
Speaking Engagements**

PUBLICATIONS: What's Driving the Global Growth of Mediation in Business and Commerce, *International Journal of the Florida Bar*, June, 2012; Use of ADR in Restricted Countries, *Florida Bar, International Section*, Sept. 2010; "Mediators Without Borders," *THE CAUCUS*, Florida Academy of Professional Mediators, vol. 18, March 2007; "A Journey in Mediation - The Bulgarian Path," *THE FEDERAL LAWYER*, vol. 53, no. 7, August 2006; "Mediation in the Middle East - Part 1," *THE LAWYER*, vol. 16, September 2006; "Mediation in the Middle East - Part 2," *THE LAWYER*, vol. 17, October 2006; "Musings of a Mediator Gone Global - Part 1," *THE LAWYER*, vol. 16, October 2005; "Musings of a Mediator Gone Global - Part 2," *THE LAWYER*, vol. 17, no. 3, November 2005; "Mediation-Coming into Your Community," *THE LAWYER*, vol. 15, no. 5, February 2005; "The Herb Goldberg Award," *HCBA LAWYER*, vol. 1, no. 1, September 1992; "Survey on Computer Crime in Florida," published by FDLE 1989.

SPEAKING ENGAGEMENTS: "Court-Based Mediation-Expanding Access to Justice in Developing Societies," ABA-DR Conference, April 2009; "Advanced Commercial Mediation," Beograd, Serbia, March 2009; "Ethics for Mediators," Ljubljana, Slovenia, November 2008; "Advanced Commercial Mediation," Zagreb, Croatia, October 2008; "E-Mediation, The New Horizon of Mediation," FAPM Mid-Year Conference, 2008; "Challenges of Establishing Court Mediation Programs Abroad," 16th Annual Dispute Resolution Conference of Florida, August 2007; "Mediation: Enhancing Access to Justice in Developing Nations' Judiciaries," Association for Conflict Resolution, Annual Conference, Phoenix, October 2007; "Challenges of Establishing Court Mediation Programs Abroad," 16th Annual Dispute Resolution Conference of Florida, August 2007; "Mediation-Cultivating the Rule of Law," ADR Annual Conference of the American Bar Association, April 2007; organizer and moderator, "Global Alternative Dispute Resolution - An Overview," Federal Bar Association Annual Meeting, August

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2006; "Challenges and Lessons Learned in Establishing Court Mediation Programs Abroad," Chatham College, Speaker's Program, Mesites Foundation, January 2007; "Mediation, Meeting Global Challenges," Tampa Bay Chapter of the United Nations, February 2007; "Challenges of Establishing Court Mediation Programs Abroad - Bulgaria and Jordan," Columbus Bar Association of Attorneys, Columbus Ohio, November 2006; "Rule of Law - Global Efforts," Rotary Club of Tampa Bay, November 2005; "ADR, Expanding to Shrink the World," 14th Annual Dispute Resolution Conference of Florida, August 2005; "Basic Commercial Litigation: Selected Issues on Ethics and Professionalism in Litigation," Florida Bar Continuing Legal Education Seminar, March 1994; "Representing the Public/Private Owner," 17th Annual Construction Contract Litigation Seminar, Florida Bar CLE Seminar, May 1993; "Rule 11 and Other Judicially Imposed Rules of Ethics," Current Issues in Legal Ethics sponsored by The Hillsborough County Bar Association, December 1991; "Basic Commercial Litigation: Selected Issues on Ethics and Professionalism in Litigation," Florida Bar Continuing Legal Education Seminar, March 1991; "Basic Practice: A View from the Bench," Ethics of Federal Practice Seminar, August 1990; "Computer Fraud Training," Florida Association of Computer Crime Investigators, FDLE training course, Orlando, Florida, February 1991.

Awards and Honors

Appointed to Tampa Commission on Ethics by mayor, 2004-present; appointed to State Mediation Qualifications Board by Florida Supreme Court, 1994-02; Chair, Civil Justice Reform Act Advisory Commission, 1997-98; appointed as chair, 13th Judicial Nominations Commission by Governor, 1996-97; Special Appointee by State House Committee to Hillsborough County Labor Relations Board, 1995; Chair, Selection Committee for U.S. Magistrate, 1991.

Citizenship

United States of America

Languages

English; French

Locale

Tampa, Florida, United States of America

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**MODEL STANDARDS OF CONDUCT
FOR MEDIATORS**

AMERICAN ARBITRATION ASSOCIATION
(ADOPTED SEPTEMBER 8, 2005)

AMERICAN BAR ASSOCIATION
(ADOPTED AUGUST 9, 2005)

ASSOCIATION FOR CONFLICT RESOLUTION
(ADOPTED AUGUST 22, 2005)

SEPTEMBER 2005

The Model Standards of Conduct for Mediators September 2005

The *Model Standards of Conduct for Mediators* was prepared in 1994 by the American Arbitration Association, the American Bar Association's Section of Dispute Resolution, and the Association for Conflict Resolution¹. A joint committee consisting of representatives from the same successor organizations revised the Model Standards in 2005.² Both the original 1994 version and the 2005 revision have been approved by each participating organization.³

Preamble

Mediation is used to resolve a broad range of conflicts within a variety of settings. These Standards are designed to serve as fundamental ethical guidelines for persons mediating in all practice contexts. They serve three primary goals: to guide the conduct of mediators; to inform the mediating parties; and to promote public confidence in mediation as a process for resolving disputes.

Mediation is a process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute.

Mediation serves various purposes, including providing the opportunity for parties to define and clarify issues, understand different perspectives, identify interests, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired.

Note on Construction

These Standards are to be read and construed in their entirety. There is no priority significance attached to the sequence in which the Standards appear.

The use of the term "shall" in a Standard indicates that the mediator must follow the practice described. The use of the term "should" indicates that the practice described in the standard is highly desirable, but not required, and is to be departed from only for very strong reasons and requires careful use of judgment and discretion.

¹ The Association for Conflict Resolution is a merged organization of the Academy of Family Mediators, the Conflict Resolution Education Network and the Society of Professionals in Dispute Resolution (SPIDR). SPIDR was the third participating organization in the development of the 1994 Standards.

² Reporter's Notes, which are not part of these Standards and therefore have not been specifically approved by any of the organizations, provide commentary regarding these revisions.

³ The 2005 revisions to the Model Standards were approved by the American Bar Association's House of Delegates on August 9, 2005, the Board of the Association for Conflict Resolution on August 22, 2005 and the Executive Committee of the American Arbitration Association on September 8, 2005.

The use of the term “mediator” is understood to be inclusive so that it applies to co-mediator models.

These Standards do not include specific temporal parameters when referencing a mediation, and therefore, do not define the exact beginning or ending of a mediation.

Various aspects of a mediation, including some matters covered by these Standards, may also be affected by applicable law, court rules, regulations, other applicable professional rules, mediation rules to which the parties have agreed and other agreements of the parties. These sources may create conflicts with, and may take precedence over, these Standards. However, a mediator should make every effort to comply with the spirit and intent of these Standards in resolving such conflicts. This effort should include honoring all remaining Standards not in conflict with these other sources.

These Standards, unless and until adopted by a court or other regulatory authority do not have the force of law. Nonetheless, the fact that these Standards have been adopted by the respective sponsoring entities, should alert mediators to the fact that the Standards might be viewed as establishing a standard of care for mediators.

STANDARD I. SELF-DETERMINATION

- A. A mediator shall conduct a mediation based on the principle of party self-determination. Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome. Parties may exercise self-determination at any stage of a mediation, including mediator selection, process design, participation in or withdrawal from the process, and outcomes.
 - 1. Although party self-determination for process design is a fundamental principle of mediation practice, a mediator may need to balance such party self-determination with a mediator’s duty to conduct a quality process in accordance with these Standards.
 - 2. A mediator cannot personally ensure that each party has made free and informed choices to reach particular decisions, but, where appropriate, a mediator should make the parties aware of the importance of consulting other professionals to help them make informed choices.
- B. A mediator shall not undermine party self-determination by any party for reasons such as higher settlement rates, egos, increased fees, or outside pressures from court personnel, program administrators, provider organizations, the media or others.

STANDARD II. IMPARTIALITY

- A. A mediator shall decline a mediation if the mediator cannot conduct it in an impartial manner. Impartiality means freedom from favoritism, bias or prejudice.
- B. A mediator shall conduct a mediation in an impartial manner and avoid conduct that gives the appearance of partiality.
 - 1. A mediator should not act with partiality or prejudice based on any participant's personal characteristics, background, values and beliefs, or performance at a mediation, or any other reason.
 - 2. A mediator should neither give nor accept a gift, favor, loan or other item of value that raises a question as to the mediator's actual or perceived impartiality.
 - 3. A mediator may accept or give de minimis gifts or incidental items or services that are provided to facilitate a mediation or respect cultural norms so long as such practices do not raise questions as to a mediator's actual or perceived impartiality.
- C. If at any time a mediator is unable to conduct a mediation in an impartial manner, the mediator shall withdraw.

STANDARD III. CONFLICTS OF INTEREST

- A. A mediator shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation. 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.
- B. A mediator shall make a reasonable inquiry to determine whether there are any facts that a reasonable individual would consider likely to create a potential or actual conflict of interest for a mediator. A mediator's actions necessary to accomplish a reasonable inquiry into potential conflicts of interest may vary based on practice context.
- C. A mediator shall disclose, as soon as practicable, all actual and potential conflicts of interest that are reasonably known to the mediator and could reasonably be

- seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation.
- D. If a mediator learns any fact after accepting a mediation that raises a question with respect to that mediator's service creating a potential or actual conflict of interest, the mediator shall disclose it as quickly as practicable. After disclosure, if all parties agree, the mediator may proceed with the mediation.
 - E. If a mediator's conflict of interest might reasonably be viewed as undermining the integrity of the mediation, a mediator shall withdraw from or decline to proceed with the mediation regardless of the expressed desire or agreement of the parties to the contrary.
 - F. Subsequent to a mediation, a mediator shall not establish another relationship with any of the participants in any matter that would raise questions about the integrity of the mediation. When a mediator develops personal or professional relationships with parties, other individuals or organizations following a mediation in which they were involved, the mediator should consider factors such as time elapsed following the mediation, the nature of the relationships established, and services offered when determining whether the relationships might create a perceived or actual conflict of interest.

STANDARD IV. COMPETENCE

- A. A mediator shall mediate only when the mediator has the necessary competence to satisfy the reasonable expectations of the parties.
 - 1. Any person may be selected as a mediator, provided that the parties are satisfied with the mediator's competence and qualifications. Training, experience in mediation, skills, cultural understandings and other qualities are often necessary for mediator competence. A person who offers to serve as a mediator creates the expectation that the person is competent to mediate effectively.
 - 2. A mediator should attend educational programs and related activities to maintain and enhance the mediator's knowledge and skills related to mediation.
 - 3. A mediator should have available for the parties' information relevant to the mediator's training, education, experience and approach to conducting a mediation.
- B. If a mediator, during the course of a mediation determines that the mediator cannot conduct the mediation competently, the mediator shall discuss that determination with the parties as soon as is practicable and take appropriate steps

- to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance.
- C. If a mediator's ability to conduct a mediation is impaired by drugs, alcohol, medication or otherwise, the mediator shall not conduct the mediation.

STANDARD V. CONFIDENTIALITY

- A. A mediator shall maintain the confidentiality of all information obtained by the mediator in mediation, unless otherwise agreed to by the parties or required by applicable law.
1. If the parties to a mediation agree that the mediator may disclose information obtained during the mediation, the mediator may do so.
 2. A mediator should not communicate to any non-participant information about how the parties acted in the mediation. A mediator may report, if required, whether parties appeared at a scheduled mediation and whether or not the parties reached a resolution.
 3. If a mediator participates in teaching, research or evaluation of mediation, the mediator should protect the anonymity of the parties and abide by their reasonable expectations regarding confidentiality.
- B. A mediator who meets with any persons in private session during a mediation shall not convey directly or indirectly to any other person, any information that was obtained during that private session without the consent of the disclosing person.
- C. A mediator shall promote understanding among the parties of the extent to which the parties will maintain confidentiality of information they obtain in a mediation.
- D. Depending on the circumstance of a mediation, the parties may have varying expectations regarding confidentiality that a mediator should address. The parties may make their own rules with respect to confidentiality, or the accepted practice of an individual mediator or institution may dictate a particular set of expectations.

STANDARD VI. QUALITY OF THE PROCESS

- A. A mediator shall conduct a mediation in accordance with these Standards and in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency and mutual respect among all participants.

1. A mediator should agree to mediate only when the mediator is prepared to commit the attention essential to an effective mediation.
2. A mediator should only accept cases when the mediator can satisfy the reasonable expectation of the parties concerning the timing of a mediation.
3. The presence or absence of persons at a mediation depends on the agreement of the parties and the mediator. The parties and mediator may agree that others may be excluded from particular sessions or from all sessions.
4. A mediator should promote honesty and candor between and among all participants, and a mediator shall not knowingly misrepresent any material fact or circumstance in the course of a mediation.
5. The role of a mediator differs substantially from other professional roles. Mixing the role of a mediator and the role of another profession is problematic and thus, a mediator should distinguish between the roles. A mediator may provide information that the mediator is qualified by training or experience to provide, only if the mediator can do so consistent with these Standards.
6. A mediator shall not conduct a dispute resolution procedure other than mediation but label it mediation in an effort to gain the protection of rules, statutes, or other governing authorities pertaining to mediation.
7. A mediator may recommend, when appropriate, that parties consider resolving their dispute through arbitration, counseling, neutral evaluation or other processes.
8. A mediator shall not undertake an additional dispute resolution role in the same matter without the consent of the parties. Before providing such service, a mediator shall inform the parties of the implications of the change in process and obtain their consent to the change. A mediator who undertakes such role assumes different duties and responsibilities that may be governed by other standards.
9. If a mediation is being used to further criminal conduct, a mediator should take appropriate steps including, if necessary, postponing, withdrawing from or terminating the mediation.
10. If a party appears to have difficulty comprehending the process, issues, or settlement options, or difficulty participating in a mediation, the mediator should explore the circumstances and potential accommodations,

modifications or adjustments that would make possible the party's capacity to comprehend, participate and exercise self-determination.

- B. If a mediator is made aware of domestic abuse or violence among the parties, the mediator shall take appropriate steps including, if necessary, postponing, withdrawing from or terminating the mediation.
- C. If a mediator believes that participant conduct, including that of the mediator, jeopardizes conducting a mediation consistent with these Standards, a mediator shall take appropriate steps including, if necessary, postponing, withdrawing from or terminating the mediation.

STANDARD VII. ADVERTISING AND SOLICITATION

- A. A mediator shall be truthful and not misleading when advertising, soliciting or otherwise communicating the mediator's qualifications, experience, services and fees.
 - 1. A mediator should not include any promises as to outcome in communications, including business cards, stationery, or computer-based communications.
 - 2. A mediator should only claim to meet the mediator qualifications of a governmental entity or private organization if that entity or organization has a recognized procedure for qualifying mediators and it grants such status to the mediator.
- B. A mediator shall not solicit in a manner that gives an appearance of partiality for or against a party or otherwise undermines the integrity of the process.
- C. A mediator shall not communicate to others, in promotional materials or through other forms of communication, the names of persons served without their permission.

STANDARD VIII. FEES AND OTHER CHARGES

- A. A mediator shall provide each party or each party's representative true and complete information about mediation fees, expenses and any other actual or potential charges that may be incurred in connection with a mediation.
 - 1. If a mediator charges fees, the mediator should develop them in light of all relevant factors, including the type and complexity of the matter, the qualifications of the mediator, the time required and the rates customary for such mediation services.

2. A mediator's fee arrangement should be in writing unless the parties request otherwise.
- B. A mediator shall not charge fees in a manner that impairs a mediator's impartiality.
1. A mediator should not enter into a fee agreement which is contingent upon the result of the mediation or amount of the settlement.
 2. While a mediator may accept unequal fee payments from the parties, a mediator should not use fee arrangements that adversely impact the mediator's ability to conduct a mediation in an impartial manner.

STANDARD IX. ADVANCEMENT OF MEDIATION PRACTICE

- A. A mediator should act in a manner that advances the practice of mediation. A mediator promotes this Standard by engaging in some or all of the following:
1. Fostering diversity within the field of mediation.
 2. Striving to make mediation accessible to those who elect to use it, including providing services at a reduced rate or on a pro bono basis as appropriate.
 3. Participating in research when given the opportunity, including obtaining participant feedback when appropriate.
 4. Participating in outreach and education efforts to assist the public in developing an improved understanding of, and appreciation for, mediation.
 5. Assisting newer mediators through training, mentoring and networking.
- B. A mediator should demonstrate respect for differing points of view within the field, seek to learn from other mediators and work together with other mediators to improve the profession and better serve people in conflict.