

Code of Ethics for SMA Mediators

1. Members of the SMA (each “a Member” or “the Member”) should be thoroughly familiar with and be guided by the SMA Rules for Mediation.
2. Before accepting an appointment, a Member should inquire about the general nature of the dispute and the names of the parties and their affiliates involved in the dispute. A Member, appointed as a mediator, shall make full disclosure of any prior knowledge of the dispute or dealings or relationships with the parties or their representatives. The Member shall make available such information as may be reasonably requested by the parties to either refine or expand the Member’s disclosure statement concerning his/her past dealings with the parties, professional and/or business background. If challenged, the Member shall withdraw from serving as mediator.
3. The Member shall conduct the mediation fairly, diligently and with complete impartiality. If circumstances arise which impair the Member’s ability to do so, the Member shall promptly withdraw from the mediation but maintain the strict confidentiality of any and all information disclosed.
4. Unless (a) the party or parties explicitly agree that information may be disclosed or (b) the information is in the public domain or (c) a competent court compels production of information, the Member shall respect and maintain the strict confidentiality of all information disclosed during the mediation, including that provided by a party in private caucus.
5. A primary purpose of mediation is to facilitate communication between the parties with the goal of reaching a voluntary settlement agreement. Provided the parties agree, the Member may elect to furnish a joint evaluation of each party’s position. Otherwise, such evaluations are only to be provided in private caucus with each party separately.
6. A Member’s fee for the mediation is to be disclosed in advance in writing. Unless otherwise agreed by the parties, fees should be shared equally among the parties.
7. Each Member of the SMA shall be held accountable for his/her conduct as a mediator. In case of complaint of misconduct, the Member shall be given a hearing before the Committee on Professional Conduct at which time the evidence of such alleged misconduct shall be presented to the Member. The Member shall have the right of explaining or denying the complaint’s allegations to the Committee, which shall make such recommendations to the Board of Governors as it deems advisable. All Members agree to abide by the decision of a majority of the Board without right of appeal in any other forum whatsoever.