

# ETHICAL ISSUES IN MEDIATION- ARBITRATION

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1. What kinds of cases are suitable or not suitable for mediation-arbitration?
2. Are there standards or codes of conduct that govern family law mediation-arbitration?
3. Is caucusing appropriate in family law mediation-arbitration?
4. Is the information provided to the mediator/arbitrator in caucus confidential?
5. How does the mediator/arbitrator screen for domestic violence or power imbalance?

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6. Can mediation-arbitration be appropriate where there are allegations of domestic violence or power imbalance?
7. Can the mediator be evaluative in the mediation phase of mediation-arbitration?
8. Can the mediator/arbitrator give a “mediator’s proposal”?
9. Is mediation-arbitration appropriate where one or both of the parties are unrepresented?
10. Can the mediator/arbitrator proceed with an arbitration after a party has alleged bias?

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11. How does mediation-arbitration cope with parties with disabilities?
12. What are the limits on confidentiality in the mediation-arbitration process?
13. What does the mediator/arbitrator do if the lawyers are the problem?
14. Is it the mediator's obligation to ensure that the settlement made in mediation is "fair"?
15. Is it the mediator's obligation to correct for poor legal advice?

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16. What can the mediator/arbitrator do if a party fails or refuses to pay his/her fees or retainer?
17. Is mediation-arbitration with the same person as mediator and arbitrator inherently coercive?