

Group / Scenario #1

The mediator knows the lawyer for one of the parties; the lawyer was a college classmate of the mediator, and they see each other yearly at college reunions.

Questions

1. What ethical standards apply and/or would help guide the mediator in this scenario?
 2. What course of action would you take as the mediator?
 3. How would you do it? What would you say to the parties? (Role-play this in your small group.)
-

Group / Scenario #2

The parties disagree about the meaning of the settlement agreement they worked out with the mediator, and counsel for Party A issues a deposition subpoena, ordering the mediator to testify about the discussion in the mediation and to bring her notes from the mediation session. Party B opposes the testifying of the mediator.

Questions

1. What ethical standards apply and/or would help guide the mediator in this scenario?
2. What course of action would you take as the mediator?
3. How would you do it? What would you say to the parties? (Role-play this in your small group.)

Group / Scenario #3

In a business divorce case, Partner A discloses to the mediator that he is personally about to receive a substantial contract from one of the partnership's best clients and that her partner does not know this; Partner B would balk at their 50/50 division of assets if he knew. Partner A insists that the mediator not disclose this information to her partner, or she will quit the mediation.

Questions

1. What ethical standards apply and/or would help guide the mediator in this scenario?
 2. What course of action would you take as the mediator?
 3. How would you do it? What would you say to the parties? (Role-play this in your small group.)
-

Group / Scenario #4

Consumer dispute with an insurance company over alleged over-charge; the mediator is currently in a dispute with his insurance company over another issue (underpayment on a loss claim.) Disclose?

Questions

1. What ethical standards apply and/or would help guide the mediator in this scenario?
2. What course of action would you take as the mediator?
3. How would you do it? What would you say to the parties? (Role-play this in your small group.)