

ADA COUNTY SMALL CLAIMS COURT MEDIATION PROGRAM  
ETHICAL GUIDELINES

The Idaho Fourth District Court governs the Ada County Small Claims Court Mediation Program; these guidelines are operational through this program. These guidelines are in addition to the state recognized guidelines of the Idaho Mediation Association. All court-connected mediators are expected to review and abide by the following guidelines.

- ❖ **A MEDIATOR** must disclose any potential conflict of interest with the parties even if in the mediator's judgment the relationship is so remote as not to warrant disqualification to serve. The duty is to disclose. The parties have a right to select to continue with the process or not.
- ❖ **A MEDIATOR** shall act in a neutral matter. He or she will mediate only those matters in which it is possible to remain impartial and balanced. If at any time the mediator is unable to conduct the process in an impartial manner the mediator is obligated to disqualify him or herself.
- ❖ **A MEDIATOR** shall act in a professional and courteous manner treating co-mediators, program interns or volunteers, as well as court staff members and all clients with respect and dignity.
- ❖ **A MEDIATOR** must honor the promise to keep process discussion confidential. Mediators will encourage clients to practice confidentiality with respect to conversations developed during the mediation.
- ❖ **A MEDIATOR** must never offer legal advice during any part of the mediation process associated with this program.
- ❖ **A MEDIATOR** shall not participate or sign an agreement that the mediator believes goes against the law, public policy or is fraudulent.
- ❖ **A MEDIATOR** has the duty to terminate any mediation where a threat of physical violence has been made during the mediation process. All such threats must be reported to the Mediation Coordinator. All parties must be informed of this during the monologue phase of the process.
- ❖ **A MEDIATOR** will immediately cancel the mediation, if one party is intoxicated or appears to have any mental disorders that impede judgment. The mediator will immediately inform the mediation staff supervisor.
- ❖ **A MEDIATOR** must ensure that a minor have a parent or legal guardian present prior to the signing of an agreement.

- ❖ **A MEDIATOR** must not use the mediation as a source of business for their profession; as well he or she does not use the mediator role for personal gain or advantage.
- ❖ **A MEDIATOR** shall recognize that the parties base mediation upon the principle of self-determination. This principle requires that the mediation process rely upon the ability of the parties to reach a voluntary, un-coerced agreement.