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**LAW SOCIETY MEDIATION SCHEME – FAMILY LAW / LAW SOCIETY NEUTRAL EVALUATION SCHEME – FAMILY LAW**

**CODE OF CONDUCT FOR MEDIATORS / NEUTRALS**

1. **Introduction**

This Code of Conduct (“Code”) provides guidelines for the observance of the high ethical standards expected of members of the Law Society who act as mediators (“mediators”) /neutral evaluators (“neutrals”). It applies to mediations / neutral evaluations conducted under the Law Society Mediation Scheme-Family Law (“LSMS”) / Law Society Neutral Evaluation Scheme-Family Law (“LSNES”).

The Code is to be read in the spirit of preserving the fairness and integrity of the mediation/neutral evaluation process. It does not purport to furnish any grounds for challenge to the mediated Settlement Agreement / Recommendations, and does not derogate from the usual obligations of parties and their legal practitioners.

Under this Code, where applicable:

(a) References to any gender shall also include references to the opposite gender;

(b) References to the singular shall include the plural and vice versa.

1. **Acceptance of Appointment**
2. A mediator / neutral shall accept an appointment only if fully satisfied that he is:
	1. Independent of each of the parties and can serve impartially;
	2. Competent to serve as mediator / neutral; and
	3. Able to give the mediation / neutral evaluation the time and attention that the parties are reasonably entitled to expect.
3. **Fairness and Impartiality**
4. A mediator / neutral has an overriding and continuing duty to act in an independent, neutral and impartial way. He shall act in an unbiased manner, treating all parties with fairness and respect.
5. If a mediator / neutral is in doubt as to whether he can conduct a mediation /neutral evaluation in an independent, neutral and impartial manner, he shall inform the Law Society and/or withdraw from the mediation /neutral evaluation.
6. When approached for a possible appointment, the mediator / neutral shall make reasonable enquiries to satisfy himself on the identities of the parties, their representatives and the subject matter of the dispute.
7. A mediator / neutral has an ongoing duty to disclose:
	1. Any interest or relationship, whether business, professional or personal, with any party, representative of the party that might give rise to a reasonable perception of partiality or bias;
	2. The extent of any prior knowledge he may have of the dispute; and
	3. Any other circumstances likely to give rise to justifiable doubts as to his impartiality or independence.
8. Following such disclosure, a mediator / neutral will decline to participate as a mediator/neutral in a particular case if any of the parties raises an objection, unless a contract or applicable law nevertheless requires the mediator’s / neutral’s participation. Even then, if a mediator / neutral personally believes that the matters disclosed would inhibit his actual independence, neutrality or impartiality, the mediator / neutral should withdraw from the mediation / neutral evaluation.
9. A mediator / neutral shall not, after his appointment and while serving as mediator, / neutral represent any party in an advisory capacity, enter into any relationship or acquire any interest, gift or benefit that might give rise to justifiable doubts as to his independence, neutrality or impartiality. This prohibition extends to a reasonable period after conclusion of the mediation/ neutral evaluation, to avoid circumstances that might reasonably create the impression that the mediation/neutral evaluation was conducted in a way which was influenced by an anticipated relationship or benefit. Acting as a neutral in dispute resolution proceedings that are not related to the dispute referred to mediation / neutral evaluation (whether as mediator or neutral) that involves some or all of the parties will not be considered as a breach of this Code of Conduct.
10. **Conduct of Mediation / Neutral Evaluation**
11. The mediation / neutral evaluation will be conducted in accordance with the Addendum to the Law Society Mediation Rules / Neutral Evaluation and Determination Rules for the time being in force.
12. A mediator / neutral will satisfy himself that the parties to the mediation and their advisers understand the characteristics of the mediation / neutral evaluation process, their roles as parties and advisers and the mediator’s role.
13. A mediator / neutral shall proceed diligently with the mediation in a fair and efficient manner. The mediator / neutral shall treat parties equally and shall allow them a reasonable opportunity to present their case.
14. In communications, the mediator / neutral shall avoid impropriety or the appearance of impropriety. He shall not knowingly misrepresent any material fact and shall take reasonable steps to prevent any misconduct that might invalidate an agreement reached at a mediation or neutral evaluation create or aggravate a hostile environment.
15. A mediator / neutral should be satisfied that the parties have reached agreement of their own volition and knowingly consent to any resolution. A mediator / neutral shall always respect the parties’ right to decide. He shall help the parties clarify the issues, develop and discuss their options but leave the decision on whether and how to settle solely with the parties.
16. A mediator / neutral shall not use any language or conduct himself in any manner that may give rise to an impression that the parties must settle the matter according to his suggestion or direction.
17. A mediator / neutral shall ensure that any settlement agreement reached is recorded in writing and signed by the parties.
18. A mediator / neutral will ensure that the parties understand that the mediator / neutral or any party may withdraw from or terminate the mediation / neutral evaluation at any time without being required to give any justification for doing so.
19. A mediator / neutral shall terminate the mediation / neutral evaluation if there are reasonable grounds to believe that any party to the mediation / neutral evaluation is abusing the process, eg. deliberately delaying proceedings, attempting to obtain an unfair advantage or pursuing an illegal or improper purpose.
20. A mediator shall not evaluate the parties’ case unless requested by all the parties to do so, and unless he is satisfied that he is able to make such an evaluation, in which event, the mediator shall then be appointed and participate as a neutral under the Law Society Neutral Evaluation Scheme – Family Law.
21. A neutral shall carefully deliberate and decide all issues submitted for neutral evaluation, and render his Recommendations in a timely fashion. Upon request by all the parties to proceed with mediation instead, and if the neutral is satisfied that he is able to conduct such mediation, the neutral shall not be required to render his Recommendations and shall then be appointed and participate as a mediator under the Law Society Mediation Scheme- Family Law.
22. **Confidentiality**
23. A mediator / neutral shall not, at any time, use any document or confidential information acquired during the mediation / neutral evaluation to gain personal advantage or advantage for others, or to adversely affect the interest of another.
24. A mediator / neutral shall keep confidential all matters, documents or information relating to the mediation/ neutral evaluation, save where disclosure is permitted by law or agreement of the parties.
25. A neutral shall conduct the neutral evaluation in the presence of all parties. A mediator shall not reveal to any other party, information which he received during a private caucus and which the disclosing party has indicated is confidential.
26. **Admissions and Oversight**
27. The mediators / neutrals are appointed and overseen by a dedicated Admissions Committee set by the Law Society of Singapore.