

Code of Conduct for NMI registered Mediators (edition 01-01-01)

Where reference is made in this Code of Conduct to the term 'Rules', this shall mean the NMI Mediation Rules. The terms used in this Code of Conduct are in conformity with those used in the NMI Mediation Rules.

Article 1 – General

1. Mediators shall at all times conduct themselves in a manner that is not prejudicial to confidence in the NMI and in Mediation as a process for resolving disputes.
2. Mediators shall abide by the Rules.

Article 2 – Independence and impartiality

1. Mediators shall not accept an appointment if they have any direct or indirect personal interest in the outcome of the Mediation.
2. Mediators shall refrain from acting in a dispute in which they have previously advised any of the Parties. The foregoing shall not apply if the Mediator has made his position clear to all the Parties and the Parties nevertheless request him to act as Mediator.
3. Mediators have the responsibility to clearly inform all the Parties of the existence of any relationship that they or any of their associates or partners have or have had with any of the Parties.
4. Mediators shall withdraw from the Mediation if in their opinion the Code of Conduct and/or the Rules are not or cannot be observed.
5. In the performance of their duties Mediators shall not be guided by any interests beyond those relating to the Mediation.
6. Mediators shall act with complete independence and impartiality. Mediators shall not express their views on a dispute or any part thereof except upon the explicit joint request thereto of the Parties.

Article 3 – Mediation Agreement

Prior to the commencement of the Mediation Mediators shall enter into a Mediation Agreement with all the Parties and explain to them the Mediation process, the contents of the Mediation Agreement and the Rules.

Article 4 – Mediation process

1. Mediators shall conduct the Mediation with the necessary speed.
2. Mediators shall request the Parties to provide such information as may be necessary for sound decision-making.
3. Mediators shall ensure a balanced handling of the Dispute and shall insofar as possible see to it that the Parties are given equal opportunity to participate in the Mediation.

Article 5 - Confidentiality

1. Mediators shall not involve any third party in the Mediation and shall not disclose any information to any third party, except with the consent of the Parties.

2. Mediators shall impose an obligation of confidentiality in writing upon any third party they may involve in or inform concerning the Mediation.

Article 6 - Fees

1. Mediators shall make an agreement with the Parties concerning their fees and shall record such agreement in the Mediation Agreement.
2. Mediators shall determine their fees solely on an hourly basis and irrespective of the outcome of the Mediation.
3. Mediators shall present a clearly itemized bill of costs showing the work done and the relevant fee structure. Mediators shall keep a record of their activities and produce such record upon request.
4. Mediators may make the commencement or progress of their work conditional upon the Parties furnishing security for the payment of their bills of costs.

Article 7 – Collegiality

1. When taking over a Mediation from another Mediator Mediators must inform their predecessors concerning this.
2. If a Mediator is replaced, the new Mediator shall not commence work until the bills of costs of his predecessor and any Auxiliary Persons involved up to that time have been paid in full.
3. Such Mediator may nevertheless commence work once he has received written permission from the Board of the NMI.
4. If a Mediator is replaced by another Mediator, the former shall have the duty, if so requested by the Parties, to fully inform his successor, with the exception of information furnished in the course of Separate Talks, unless in respect of such information it was agreed that it could be disclosed to the other Party.

Article 8 – Disciplinary rules

Mediators shall be subject to disciplinary rules in accordance with the Rules of the Foundation 'Stichting Tuchtrechtspraak Mediators' in force in respect of Mediators.