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GROUND RULES FOR MEDIATION

The mediator shall remain fair and impartial during the course of the mediation session.

At the beginning of the mediation session, the mediator will ask permission to address participants by their first name. If agreeable, that is how the individuals will be addressed. However, if disputants prefer to be addressed in another manner, they should let the mediator(s) know how they wish to be addressed.

In order to maintain an atmosphere during the mediation session in which participants can engage in effective and productive negotiations, disputants must use the names agreed upon and not resort to name-calling, sarcasm or profanity.

Parties should refrain from using language designed to attack or blame the other party. Additionally, language designed to denigrate the other party should not be used.

Questions asked of each party should be only for the purposes of clarification or understanding of the issues under discussion – not cross-examination.

In order to eliminate interruption, parties in the mediation hearing should reserve comments until the other party has finished speaking.

It may become necessary for the mediator to speak individually or in separate groups with mediation participants. This is sometimes called a caucus, and in this event, the mediator will request a brief recess to arrange and conduct the caucus.

Only individuals directly involved in the dispute will be permitted in the session. Any additional support staff, such as legal assistants, or advisors may only be permitted into the session with prior approval by the other parties, or at the discretion of the mediator.

Such third parties may be summarily excused from the mediation by the mediator, should their presence become problematic, or a hindrance to the resolution process.

Exceptions to the policy of confidentiality in the mediation process include the following:

1. If the mediator hears any information which causes him/her to believe an act of child or elder abuse or other crime has been or may be committed, these must be reported to proper authority.
2. Additionally, should parties in mediation admit to having committed any serious criminal act, it is the policy of the mediator to report that admission to proper authority, if appropriate.