



of or relating to principles
of right and wrong in
behavior

Morality refers to personal or cultural values, codes of conduct, or social mores that distinguish between right and wrong in the human society.

Describing morality in this way is not making a claim about what is objectively right or wrong, but only referring to what is considered right or wrong by people.

ETHICS V. MORALS

Ethics are an agreed set of morals for a particular group to follow. Essentially, ethics are the law of the particular land.



Morals Means:
Guided by or in accordance
with one's sense of right
and wrong

EXAMPLES OF MORALS IN PLACE

**The Ten
Commandments**



Examples

- Inquiring about found money.
- Telling a cashier that you were not charged for a particular item you sought to purchase.
- Assisted suicide.
- Premarital sex.
- Whistle-blowing.
- Assisting someone in need.

EXAMPLES OF ETHICS IN PLACE

Ethics encompass the agreed morals determined by individuals as rules for a particular group to function.



Texas A&M Aggies code of ethics:

“Aggies don’t lie, cheat or steal, or tolerate anyone who does.”

Texas Government Code
Sec. 82.037. Oath of Attorney



Hippocratic Oath (doctor’s oath):

One of the oldest binding documents in history. The Oath written by [Hippocrates](#) is still held sacred by doctors.



The original text of the Hippocratic Oath is usually interpreted as one of the first statements of a moral of conduct to be used by physicians, assuming the respect for all human life, even unborn.

Standards Of Practice for Mediators
promulgated by the
Texas Association of Mediators
(TAM)



ETHICS IN MEDIATION

Trainees must be able to support the effectiveness and credibility of the mediation process through making informed choices based on ethical principles.

Conflict of interest/appearance of impropriety; neutrality; impartiality; confidentiality; sample of standards recommended by dispute resolution professional organizations

Violence, substance abuse, child abuse & neglect, screening, reporting and legal issues; power imbalances; liability; misuse of process; protecting the process; awareness of various organizations' ethical guidelines and grievance processes.

Training

A mediator shall acquire substantive knowledge and procedural skill in the mediation process, professional ethics, and in his or her specialized area of practice.

Continuing Education

A mediator shall participate in continuing education and be personally responsible for ongoing professional growth. A mediator is encouraged to join with other mediators and members of related professions to promote mutual professional development.

CONCLUDING MEDIATION

The mediator shall discuss with the participants the process for formalization and implementation of the agreement.

When the participants reach a partial agreement, the mediator shall discuss with them procedures available to resolve the remaining issues.

Termination of Mediation

The mediator shall inform the participants of their right to withdraw from mediation at any time and for any reason; however, the mediation can only be terminated by the parties or the mediator. If the mediator believes that the parties are unable or unwilling to participate meaningfully in the process or that a reasonable agreement is unlikely, the mediator may suspend or terminate mediation and should encourage the parties to seek appropriate professional help.

Termination *continued*

- If the parties are unable to reach an agreement within a reasonable time, the mediator should not prolong unproductive discussions that would result in emotional and monetary costs to the participants.



Explanation of Fees

The mediator shall explain the fees to be charged for mediation and any related costs and shall agree with the participants on how the fees will be shared and the manner of payment.



Reasonable Fees

When setting fees, the mediator shall ensure that they are explicit, fair, reasonable, and commensurate with the service to be performed. Unearned fees should be promptly returned.

Contingent Fees

It is inappropriate for a mediator to charge contingent fees or to base fees on the outcome of mediation.

Referrals and Commissions

No commissions, rebates, or similar forms of remuneration shall be given or received for referral of clients for mediation services.

A mediator shall make only accurate statements about the mediation process, its costs and benefits, and the mediator's qualifications.



Co-Mediation

- In those situations where more than one mediator is participating in a particular case, each mediator has a responsibility to keep the others informed of developments essential to a cooperative effort.



Relationships with Other Professionals

- A mediator shall respect the complementary relationship and promote cooperation between mediators and other professionals.



Party autonomy is one of the guiding principles of mediation.

Supporting and encouraging the parties in a mediation to make their own decisions (both individually and collectively) about the resolution of the dispute, rather than imposing the ideas of the mediator or others, is fundamental to the process.

Mediators are frequently asked by the parties: What would you do?

What do you think is fair?

What do the courts usually do in cases of this kind?

A mediator's job is to help the parties find their own answers – i.e., arrive at a resolution that meets their tests of fairness rather than the mediator's own.

Mediators should also prevent one party from dominating the other parties in the mediation in a manner that prevents them from being able to make their own decisions.

Independent Advice and Information

- The mediator shall encourage and assist the parties to obtain independent expert information and advice when such information is needed to reach an informed agreement or to protect the rights of all parties.



Providing information

A mediator shall give information only in those areas where qualified by training or experience

Independent Legal Counsel

When the mediation may affect legal rights or obligations, the mediator shall advise the parties to seek independent legal counsel prior to resolving the issues and in conjunction with formalizing an agreement.



A mediator is encouraged to provide some mediation service in the community for nominal, or no fee, and to promote the advancement of mediation by supporting research, publishing or other forms of professional and public education.

Xerxes (Zak) K. Patel

Board Certified Attorney in Commercial
Real Estate by the Texas Board of Legal
Specialization and Certified Mediator

zpatel@mahoney-associates.com

713-552-1700