



Disclosure Guidelines for AAA Mediators

General

1. The American Arbitration Association Mediation Procedures and the Model Standards of Conduct for Mediators require you to make full disclosure.
2. Your duty to make disclosures is ongoing throughout all stages of the mediation. The Case Manager may prompt you to conduct a subsequent conflict check during key points of the case, but you should conduct such checks and make disclosures on your own initiative whenever new information about the case participants becomes known.
3. Any doubt as to whether or not a disclosure needs to be made should be resolved in favor of disclosure. You should not judge the significance of the potential conflict, but rather make the disclosure and let the parties determine its significance.
4. As a guiding principle, *if a relationship or interest crosses your mind – disclose it.*
5. After making reasonable inquiry to determine whether there are any facts that a reasonable individual would consider likely to create a potential or actual conflict of interest for you, you must disclose:
 - Any circumstance likely to create a presumption of bias or prevent a resolution of the parties' dispute within the time-frame desired by the parties. [AAA Mediation Procedures]
 - All actual and potential conflicts of interest that are reasonably known to you, and could reasonably be seen as raising a question about your impartiality. This is including but not limited to your involvement with the subject matter of the dispute, or any relationship between you and any mediation participant, whether past or present, personal or professional, that reasonably raises a question of your impartiality. [Model Standards of Conduct for Mediators]
 - Any information required to be disclosed per applicable statutes pertaining to mediator disclosures.

Financial

As to any party, attorney, participant, or other mediator involved in **this** case, you must disclose any:

- Financial interest that is direct (existing or past) or indirect (existing or past).

Relational

You must disclose any **relationships** you have with any party, attorney, participant, or other mediator involved in **this** case – this includes relationships with their:

- Families or household members
- Current employers
- Partners
- Professional and/or business associates

How to Disclose

When disclosing, **specificity** is extremely important. Provide enough detail in your disclosure so that the parties are fully informed of the potential conflict. Tell us:

- Who
- What
- When
- Where
- How

Failing to provide a sufficient level of detail will delay the confirmation of your appointment, as well as the progress of the case overall, since the Case Manager will need to contact you for additional information.

All disclosures must be provided in writing. In the rare situation where a disclosure becomes known at the mediation conference, you are obligated to excuse yourself from the proceeding and immediately contact the AAA, who will facilitate the process for communicating the disclosure to the parties and obtaining their response.