



## Requirements for Observer Conduct

Adopted by the Dispute Resolution Commission on May 8, 2009  
and revised on September 10, 2011

**Be considerate of the mediator who is helping you. During the conference, be as quiet and unobtrusive as possible and observe the following rules of conduct at all times:**

- 1) Make every effort to be on time for the conference. If your schedule changes and you will not be able to attend, let the mediator know so they do not wait for you.
- 2) Dress appropriately. This is a court ordered proceeding.
- 3) Give your full attention to the conference. Cell phones and other similar devices are to be turned off during sessions and kept in a pocket, briefcase or handbag.
- 4) Do not try to talk to or to pass notes to the mediator while s/he is working. This disrupts the mediator's concentration.
- 5) During the conference, do not inject yourself into the negotiation's process or attempt to express any opinions unless you are expressly invited to do so by the mediator. If one or both of the parties ask you to value the case or to comment on their chances in court during either a joint or a caucus session, advise then that you are there only as an observer.
- 6) Do not make any suggestions about legal arguments to the attorneys either during or after the conference.
- 7) Observers, like the mediator, are to remain neutral. Avoid any statements or body language that would display any inclination on your part to favor one side or his/her arguments over that of the other.
- 8) Mediators are mindful of the clock and may not want to discuss what is happening with observers between caucus sessions. You should check with the mediator before the conference starts and ask when he or she prefers to take your questions or respond to your comments. For example, the mediator may be willing to talk with you between caucus sessions, during breaks, at lunch or after the mediation.
- 9) Remember that the mediation process is confidential. You should not reveal any confidential information that you learn in caucus to the other party during the conference or afterward. In addition, you should not speak to anyone after the conference regarding any statements made or conduct occurring there.
- 10) Observers should not use the mediation session as an opportunity to solicit any kind of business from either parties or attorneys present.

Observers who do not follow these Requirements for Observer Conduct, or for any other reason in the discretion of the mediator, may be asked to leave the conference and may have their conduct reported to the Commission.