

679C.109 Mediator's disclosure of conflicts of interest background.

1. Before accepting a mediation, an individual who is requested to serve as a mediator shall do all of the following:
 - a.* Make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and an existing or past relationship with a mediation party or foreseeable participant in the mediation.
 - b.* Disclose any such known fact to the mediation parties as soon as is practical before accepting a mediation.
2. If a mediator learns any fact described in subsection 1 after accepting a mediation, the mediator shall disclose it as soon as is practicable.
3. At the request of a mediation party, an individual who is requested to serve as a mediator shall disclose the mediator's qualifications to mediate a dispute.
4. A person that violates subsection 1, 2, or 7 is precluded by the violation from asserting a privilege under section 679C.104.
5. Subsections 1, 2, 3, and 7 do not apply to an individual acting as a judge.
6. This chapter does not require that a mediator have a special qualification by background or profession.
7. A mediator must be impartial, unless after disclosure of the facts required in subsections 1, 2, and 3 to be disclosed, the parties agree otherwise.

2005 Acts, ch 68, §14