

# Code of Conduct – Danish Mediation Lawyers

## 1. Principles

- 1.1. Mediation is an informal process in which the parties ask a mediator to help them reach an agreement to resolve their conflict.
- 1.2. Information that may appear during the mediation, including separate meetings, is confidential unless otherwise expressly agreed or stipulated by law.
- 1.3. Prior to starting the mediation, the mediator must ensure that the parties have understood and accepted the mediation agreement and signed it to this effect, including in particular the provisions on the confidentiality of the parties and the mediator.
- 1.4. The mediator is not the parties' advisor and does not have the authority to settle the parties' conflict.
- 1.5. The mediator is not obliged to indicate any strengths or weaknesses in the parties' factual or legal argumentation or to intervene in case the parties find a solution to their conflict which deviates from the likely outcome of a court ruling or an arbitration award.
- 1.6. Mediation is voluntary. Any party and the mediator may terminate the mediation at any time.

## 2. Neutrality, impartiality and independence

- 2.1. The mediator must be neutral, impartial and independent of the parties.
- 2.2. Prior to the mediation and during the mediation, if the need arises, the mediator must brief the parties of any circumstances that may be considered to affect the mediator's neutrality, impartiality or independence.
- 2.3. If justified doubts as to the mediator's neutrality, impartiality or independence arise at any time, the mediator must end the mediation.
- 2.4. The mediator may not serve as mediator if he has previously represented either party in matters related to the conflict.

### **3. The parties' lawyers**

3.1. The parties may participate in mediation with or without legal assistance. The mediator enquires as to whether the parties' lawyers will participate and informs both parties about this.

3.2. Persons other than the parties, their lawyers and the mediator may only participate in the mediation to the extent agreed between the parties and the mediator.

3.3. At any time during the mediation, a party will be entitled to consult their lawyer, notwithstanding of whether this lawyer is present.

### **4. Requirements of the mediator**

4.1. The mediator is obliged to comply with the law, the association's code of conduct and the Code of Conduct for the Danish Bar and Law Society.

4.2. The mediator must organise the practical details so as to expedite the case insofar as possible, in cooperation with the parties.

4.3. The mediator may not charge higher remuneration for his or her work than can be considered reasonable.

4.4. The mediator's remuneration must not depend on whether or not the parties' conflict is concluded by agreement.

4.5. The mediator must have the educational skills set out in the statutes of Danish Mediation Lawyers. The mediator is obliged to maintain and develop his or her skills as a mediator.