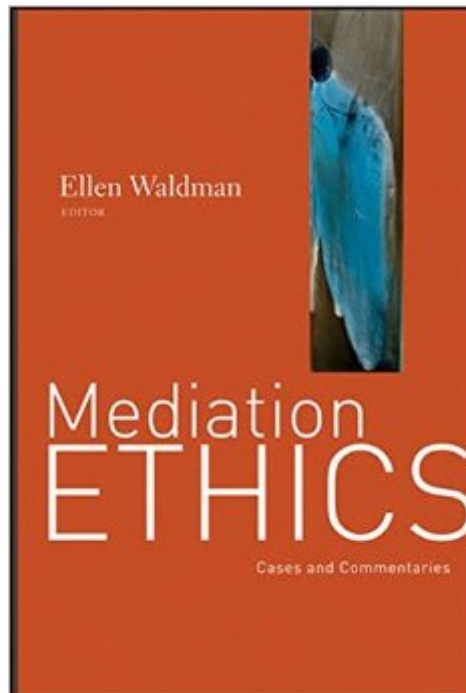


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# Mediation Ethics: Cases And Commentaries



## Synopsis

Mediation Ethics is a groundbreaking text that offers conflict resolution professionals a much-needed resource for traversing the often disorienting landscape of ethical decision making. Edited by mediation expert Ellen Waldman, the book is filled with illustrative case studies and authoritative commentaries by mediation specialists that offer insight for handling ethical challenges with clarity and deliberateness. Waldman begins with an introductory discussion on mediation's underlying values, its regulatory codes, and emerging models of practice. Subsequent chapters treat ethical dilemmas known to vex even the most experienced practitioner: power imbalance, conflicts of interest, confidentiality, attorney misconduct, cross-cultural conflict, and more. In each chapter, Waldman analyzes the competing values at stake and introduces a challenging case, which is followed by commentaries by leading mediation scholars who discuss how they would handle the case and why. Waldman concludes each chapter with a synthesis that interprets the commentators' points of agreement and explains how different operating premises lead to different visions of what an ethical mediator should do in a given case setting. Evaluative, facilitative, narrative, and transformative mediators are all represented. Together, the commentaries showcase the vast diversity that characterizes the field today and reveal the link between mediator philosophy, method, and process of ethical deliberation. Commentaries by Harold Abramson Phyllis Bernard John Bickerman Melissa Brodrick Dorothy J. Della Noce Dan Dozier Bill Eddy Susan Nauss Exxon Gregory Firestone Dwight Golann Art Hinshaw Jeremy Lack Carol B. Liebman Lela P. Love Julie Macfarlane Carrie Menkel-Meadow Bruce E. Meyerson Michael Moffitt Forrest S. Mosten Jacqueline Nolan-Haley Bruce Pardy Charles Pou Mary Radford R. Wayne Thorpe John Winslade Roger Wolf Susan M. Yates

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## Customer Reviews

Ellen Waldman's *Mediation Ethics* is a brilliant tapestry. With sophistication and clarity, it details, analyzes and embroiders a series of case studies using rules, mediation models, and the insights of many leading mediators and commentators. A wonderful synthesis of the theoretical and practical, it should be required reading for anyone who mediates or who uses, teaches, regulates, or studies mediation. Leonard L. Riskin, Chesterfield Smith Professor of Law, University of Florida Levin College of Law

In view of the frequency in which mediators have to deal with issues having ethical considerations, it is surprising this is the first comprehensive book on mediation ethics and promises to be a key material for mediation practitioners and trainers. It is not a book on superficial do's and don'ts - much more a mediation best practice guide revolving around ethical issues. The book is based on a series of brief hypothetical case studies set by its Editor, Prof Waldman, a leading mediation educator. They are segmented into chapters, each focused on a different underlying ethical driver - for example, illegalities, power imbalance, lies, breach of confidentiality, conflicts of interest, etc. The Editor first reviews the type of issues being raised and guidance (if any) offered by existing codes, followed by a short case study by the editor illustrating the issue. Then in each chapter, invited commentators, drawn from some of the thought leaders in the mediation field, have explained how they might handle the scenarios, and why. Each chapter ends with the Editor offering her thoughts on the commentators' reviews. There are also two stimulating chapters on ethics in multicultural mediations and ethics for mediation provider organizations. Ethics poses a difficult area in mediation for a variety of reasons. Often there is no simple black-and-white solution. Sometimes, what one person regards as an ethical dilemma another might not. Ethical codes differ in breadth, depth and detail and often do not provide ready answers. Sound practice principles can usually provide a viable way forward, but for all these reasons, this is at best a challenging area, if not a minefield, and Professor Waldman and her commentators have generated a must-read, and easy-to-read, work for anyone serious about delivering high quality mediation. Michael Leathes, Director, International Mediation Institute, August 2011

*Mediation Ethics* is expertly broken down into edible bites by topic. The case commentaries provide

a real-life response to real-life dilemmas that arise in disputes. I was immediately able to implement ideas and suggestions from this book in my mediations.

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