



RULES OF CONDUCT FOR VOLUNTARY MEDIATION
under the Maryland Agricultural Mediation Program

The purpose of these Rules of Conduct is to assist the mediation participants in resolving the matter submitted for mediation. The rules protect the integrity and confidentiality of the mediation process, the individuals involved and the matters discussed. These rules are considered a part of the Agreement for Conduct of Mediation and apply to voluntary mediation under the Maryland Agricultural Mediation Program.

Voluntary. Mediation is voluntary, and anyone may end the mediation at any time. The goal in mediation is to obtain an agreement with which everyone is reasonably satisfied.

Neutrality. Mediators are neutral. The role of the mediator(s) is to provide a controlled environment wherein the participants will have an opportunity to resolve their differences outside the legal process. Mediator(s) will not advise the parties to accept or reject an agreement. The parties should each see an attorney or other professional regarding any question of law or other issue or regarding the content of a proposed agreement. The mediator(s) assigned to the case shall be immune from civil liability for actions of conduct within the scope of the mediator's duties.

Confidentially. Mediation is a settlement negotiation and will be treated as confidential. In order to maintain confidentiality, the persons in mediation agree not to call the mediator as a witness at any proceeding nor to subpoena or otherwise seek discovery of any written materials in the mediator's possession. Certain matters are not confidential. Anything said that indicates intent to commit a crime, to inflict bodily harm on another or which threatens the safety of a child is not confidential. Confidentiality also will not apply to anything required to be disclosed by law, or anything necessary and relevant as a claim or defense of a claim or complaint against the mediator(s) or mediation organization. In addition, this mediation may be reviewed for educational or scholarly purposes or in connection with program audit by USDA, the Comptroller General of the United States, the FSA Administrator, or any of their representatives.

Disclosure. Everyone is expected to participate in "good faith" in the mediation process and be willing to seek agreement on the facts, agreement on the problem to be solved and to create and explore feasible options that could lead to the management or resolution of the problem. Complete and honest disclosure of all relevant information is essential to successful mediation. If anyone conceals relevant information or intentionally misrepresents the facts of this dispute, then the agreement reached in mediation may be at risk of being set aside by the courts.

Agreement. When an agreement is reached, the mediators will record the terms of that agreement. The person may sign the agreement at the mediation session, or any party may review the agreement with his/her attorney before the document is placed in final form and signed. No person will hold the Maryland Agricultural Mediation Program liable for the results of the mediation, whether or not a resolution is reached.

Not Legal Representation. Everyone understands that mediation is not legal representation or legal counseling. Participants are encouraged to represent their own interests; however, advisers/counsel may be present and provide individual guidance outside the actual conduct of the mediation. The mediator will not represent any person in any further legal proceeding or other legal matters relating to the subject of the mediation.