

**IN THE TENNESSEE ALTERNATIVE DISPUTE
RESOLUTION COMMISSION**

**ADVISORY OPINION
NO. 2010-0001**

The ADRC has received a request from a mediator for an advisory opinion concerning the propriety of accepting a Christmas gift from a law firm for whom the mediator did a lot of work.

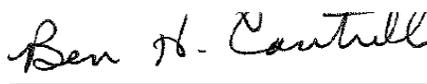
It appears that the mediator is frequently employed by a particular law firm to mediate disputes in which the firm is employed as counsel. Around Christmas a member of the firm offered the mediator a gift certificate to thank him for the work he had done for the firm in the past. The mediator refused the gift but sought this opinion from the Commission. The Commission chair referred the request to the Ethics Committee.

It is the Committee's opinion that the acceptance of the gift is specifically prohibited by Section 6(a)(3) of the Standards of Professional Conduct for Rule 31 Neutrals (Appendix A to Supreme Court Rule 31). That section provides:

(3) a neutral shall not give or accept a gift, request, favor, loan, or any other item of value to or from any party, attorney, or any other person involved in and arising from any Rule 31 process.

This provision makes specific Rule 31's general requirements of all neutrals to avoid the appearance of impropriety, Rule 31 Section 9(a), and to disclose any close personal relationship which might reasonably raise a question as to the mediator's impartiality. Appendix A, Section 6(b)(2).

July 27, 2010
Date



Committee Chair