

Association of
**Family Lawyers and
Divorce Mediators (vFAS).**

Code of Conduct

for the vFAS lawyer-mediator within the meaning of Article 4(1-7) of the Articles of Association of the vFAS,
hereinafter called:
“the vFAS lawyer-mediator”

The vFAS lawyer-mediator shall provide mediation services in accordance with the rules set forth hereinafter, as referred to in Article 2 of the Mediation Agreement.

General

1. The vFAS lawyer-mediator also serves as a lawyer during the mediation. Therefore, the Code of Conduct applicable to lawyers shall apply to him/her.
2. The vFAS lawyer-mediator shall conclude a Mediation Agreement in accordance with the Model Agreement developed by the Association of Family Lawyers and Divorce Mediators. This shall not apply for the provisions pertaining to costs in this Model Agreement.
3. The vFAS lawyer-mediator shall start the mediation only after he has satisfied himself/herself that the parties have read that Mediation Agreement and agree to its contents. The Mediation Agreement shall be signed by the parties and the vFAS lawyer-mediator as soon as possible.
4. The vFAS lawyer-mediator shall make clear agreements about the costs and record these costs in writing.
5. The vFAS lawyer-mediator shall always inform third parties, with whom he/she has contact, that he/she is acting in his/her capacity of lawyer-mediator.
6. After the end of the mediation, the vFAS lawyer-mediator shall not provide legal assistance to one of the parties, who availed themselves of mediation services, in proceedings against the other party, in regard of matters which, in the broadest sense of the term, arise from or are connected to the mediation. The same applies for his/her colleagues or other participants in the partnership to which the vFAS lawyer-mediator belongs.

Process Guidance

7. The vFAS lawyer-mediator shall guide and support the parties as a neutral third party.
8. The vFAS lawyer-mediator shall devote appropriate attention to emotional and relationship aspects of the parties' and, if applicable, their children's, lives.
9. As the occasion arises, the vFAS lawyer-mediator shall suggest to the parties that they also consider consulting another expert.
10. The vFAS lawyer-mediator shall devote appropriate attention to encouraging communication between the parties.
11. The vFAS lawyer-mediator shall be in charge of the mediation process. He/she shall assist the parties in seeking various possible solutions (options). He/she shall guide the negotiations.

12. The vFAS lawyer-mediator shall prepare written reports of the mediation sessions and discuss them with the parties.
13. The vFAS lawyer-mediator shall maintain contact with the parties jointly, except in the case of non-substantive contacts such as agreeing dates for a session. A mediation session shall start only when both parties are present.
14. The vFAS lawyer-mediator shall be obliged to ensure that documents he/she has received from one of the parties, to the extent that those documents have not been made available by this party to the other party, are also received by the other party.
15. The vFAS lawyer-mediator may meet with each of the parties separately with the prior consent of the parties. The content of these separate meetings is not confidential in relation to the other party, unless the parties agree otherwise in writing beforehand.
16. The vFAS lawyer-mediator shall monitor the progress of the mediation and shall terminate it if, in his/her opinion, the mediation will not result in agreement (within a reasonable period of time) or if another circumstance occurs which, in his/her opinion, must lead to termination of the mediation.

Content

17. The vFAS lawyer-mediator shall provide the parties with legal information about their legal position and its implications.
18. The vFAS lawyer-mediator shall ensure that the parties have sufficient information at their disposal in order to be able to negotiate and make decisions on the basis of equality.
19. The vFAS lawyer-mediator shall record the agreement reached in a draft divorce agreement and/or settlement agreement and point out to the parties the possibility of having that agreement reviewed by another lawyer and/or expert.
20. Where necessary, the vFAS lawyer-mediator shall be responsible for completing the (legal) proceedings and for seeing to it that the divorce/legal separation is formalised after the signing of the divorce agreement.
21. The vFAS lawyer-mediator shall notify, if applicable, the agreements on the equalisation of pension rights made by the parties to the appropriate pension administrators, unless expressly otherwise agreed with the parties.
22. The vFAS lawyer-mediator shall terminate the mediation if, in his/her opinion, the settlements proposed by the parties are so contrary to the law and/or the principles of reasonableness and fairness as to be incompatible with his/her understanding of his/her professional standards and duties.
23. The vFAS lawyer-mediator shall satisfy himself/herself of the identity of the parties.
24. If the vFAS online tool is used, at least one personal session shall be held at which both the vFAS lawyer-mediator and the parties are present.
25. In any case a personal session, as described in Article 24, shall be held on signing of the divorce agreement and at that session the vFAS lawyer-mediator shall satisfy himself/herself that the parties have read the divorce agreement and agree to its contents.