

Ethics:
**Separating the Black and White
from the Gray**

Dispute Resolution Board Foundation

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James D. Phillips J.D.Ph.D.

The University of Richmond School of Law

804 921-5855

Why is Ethical Practice a Priority for the Foundation?

- Complete Objectivity
- Neutrality
- Impartiality
- Freedom from Bias
- No Appearance of Conflicts of Interest

These attributes instill confidence by the parties in the DRB process.

Why is Ethical Practice a Priority for the Foundation?

- “DRB proved beneficial in minimizing the adversarial relationships of the parties....”
- “We decided the [DRB] would meet periodically even if there was no dispute. This turned out to be a good decision because the DRB was...engaged with the people involved...”
- “... [DRB] reduced the total number of disputeswe all learned how to work together...”

Ethical Practice Creates a Unique Dynamic on the a Project

- Provides forum for timely discussion of issues
- Board can set the tone for more complete information exchange
- Board can model civil and collaborative conversations

DRB can create a **positive problem solving environment** more likely to lead to resolving disagreements because of the development of trust for the members

Inhibitors of Ethical Practice

- Direct Employment with a Party
- Consulting Contracts with a Party
- Financial Ties with a Party
- Close Personal/Professional Relationships
- Behavior that creates suspicions or appearance of conflict of interest or bias

Foundation's Canons of Ethics

Standards used to guide and evaluate the conduct of a potential DRB member or a sitting DRB member as to whether that individual's actions will be likely to promote or are promoting the unique relationship with the parties that ensures the success of the DRB process.

DRBF Code of Ethics

Canons

- Disclosure of relationships affecting impartiality
- Avoid the appearance of conflicting relationships
- Refrain from personally capitalizing on confidential information or relationships acquired during the DRB process
- DRB should conduct meetings and hearings in such a fashion that respects relationships with the parties
- Impartially consider all disputes and recommendations that respects contractual relationship of the parties

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- Many members face ethical questions with no easy answers. Resolving ethical dilemmas can be a tedious and stressful process that may require making decisions in a short time frame.
- Studies suggest that ethical decision-making is best done in collaboration with other colleagues. This allows for full analysis from many perspectives and experiences.
- Collaboration with colleagues can improve relationships within the Foundation membership and result in higher quality decisions.

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Problem Discussion

Ethics in Today's World of DRBs

Thank You!

Jim Phillips

jphillip@richmond.edu

Direct: 804 921-5855

FAX: 804 524-5138