

#### **IV. Appointment of a Mediator**

If the Chairperson and Vice Chairperson(s) decide to refer a matter to a mediator who is not an ABCD member, the Chairperson will select a proposed mediator, in accordance with Section XII of these Rules of Procedure, to be recommended to the parties. When a proposed mediator has agreed to serve, the ABCD staff will prepare a notice to the parties of the decision to refer the matter to the proposed mediator for resolution. If the parties agree, the appointment will become effective, and the mediator will work with the parties to resolve the matter. The ABCD staff will be available to the mediator as a source of legal advice and counsel.

If the parties do not both agree, the appointment will not become effective. If the parties do agree, but the mediator is unable to resolve the matter within a reasonable period of time, the mediator will so notify the parties and the Chairperson. In either case, the Chairperson and Vice Chairperson(s) will then decide whether to propose another mediator, dismiss the matter, or forward the matter to an Investigator(s) for additional review.

#### **V. Investigation**

##### **A. Appointment of Investigator(s)**

If the Chairperson and Vice Chairperson(s) agree to investigate a matter that may involve a violation of the Code(s) of Professional Conduct, the Chairperson shall appoint a primary Investigator in accordance with Section XII of these Rules of Procedure, to inquire into facts concerning the matter, except as provided in Section V.E.2, below.

Where, in the judgment of the Chairperson and the Investigator, appointment of additional persons to assist in an investigation would be appropriate, the Chairperson shall, in consultation with the primary Investigator, appoint one or more additional Investigators.

If an Investigator fails to complete assigned duties in a timely manner, the Chairperson may, with the consent of a Vice Chairperson, replace the Investigator.