



SUPREME COURT
OF VIRGINIA

RESOLUTIONS

OFFICE OF THE EXECUTIVE SECRETARY

Department of Judicial Services
Division of Dispute Resolution

100 North 9th Street
Richmond, Virginia 23219



Conflict Resolution Day Celebrated in Virginia

In 2005, the Association for Conflict Resolution (ACR) conceived Conflict Resolution Day to:

- ◆ Promote awareness of mediation, arbitration, conciliation and other creative, peaceful means of resolving conflicts;
- ◆ Promote the use of conflict resolution in schools, families, businesses, communities, governments and the legal system;
- ◆ Recognize the significant contributions of (peaceful) conflict resolvers; and
- ◆ Obtain national synergy by having celebrations happen across the country and around the world on the same day.

While Conflict Resolution Day is celebrated annually on the third Thursday of October, the American Bar Association Section of Dispute Resolution hosted a reception in celebration of National Mediation Month on October 20th at the University of Richmond T. C. Williams School of Law. Other collaborating organizations included the University of Richmond School of Law ADR Society, the Virginia ADR Joint Committee (a joint committee of the Virginia Bar Association and the Virginia State Bar), the Virginia Mediation Network and the Virginia Association for Community Conflict Resolution.

The celebration was an excellent networking opportunity for attorneys, mediators and other ADR professionals, law students, and corporate and government representatives as they mingled amid display tables and refreshments.

Geetha Ravindra spoke enthusiastically about the varied uses of ADR in Virginia and introduced the keynote speaker, Mark Rubin. Mark served as Senior Advisor to former Governor Tim Kaine and is currently Executive Director for Government Relations at Virginia Commonwealth University and the A. L. Philpott Adjunct Chair of Law at the University of Richmond Law School. Based on his extensive mediation experience in the public policy arena, Mark shared several interesting stories about ways he has effectively used

mediation to support legislative and regulatory processes and to help Virginians deal with difficult circumstances. One area in which he was privileged to assist was in meeting with families who lost loved ones in the Virginia Tech tragedy. Many of these families achieved settlement through mediation.



Keynote Speaker Mark Rubin



Deborah Elkins of *Virginia Lawyers Weekly* chats with Attorney-Mediator Sam Jackson in display area



Guests enjoy refreshments and a chance to network



Attorney-Mediators (L to R) Guy Tower, Mark Rubin and John McCammon



Some of the students from the University of Richmond Law School's ADR Society

Additional information regarding Conflict Resolution Day and the celebration of Conflict Resolution Month can be found on the [ACR website](#). Many events have taken place in October across the country and around the globe to highlight the positive benefits of alternative dispute resolution.

A Life That Inspires Dennie Milton Sutherland

Dennie Sutherland worked with the Piedmont Dispute Resolution Center (PDRC) in Warrenton until his unexpected death on August 15, 2010 at the age of 64. Through PDRC, he served as director of the Prince William County Juvenile Restorative Justice Program and as a General District Court mediator and Restorative Justice facilitator in Fauquier County. If you were not privileged to know Dennie, perhaps you will feel you knew him yourself as you read the fond remembrances of those who loved him.

From Dennie's Family The following observations were culled from correspondence and conversation with Anita Sutherland, Dennie's wife. Her personal recollections help to complete the portrait of a much beloved gentleman whose life was truly one that inspired those whose lives he touched.

Dennie and I met on a blind date in college. I was at Radford College and he was attending Virginia Polytechnic Institute. Dennie was supposed to go out with my roommate, but she decided she wanted to go out with someone else and convinced me to take her place. Needless to say, we had a good time!

We were married when he was discharged from the Army in 1971, and he began his work career as a bricklayer and stonemason. He enjoyed the building trade, and he and a friend went into business together doing masonry work for builders as well as fireplaces, stone walls, and patios. As more children arrived, he decided he needed a steady job and went to work at The Paint Shop, Ltd. in Warrenton. He worked his way up to Manager and found his real calling helping people. Everyone knew that Saturday morning was the time to go have coffee with Dennie and settle the world's (or their) problems together. He loved interacting with the variety of people that came through the Paint Shop and was a good problem solver and color consultant.

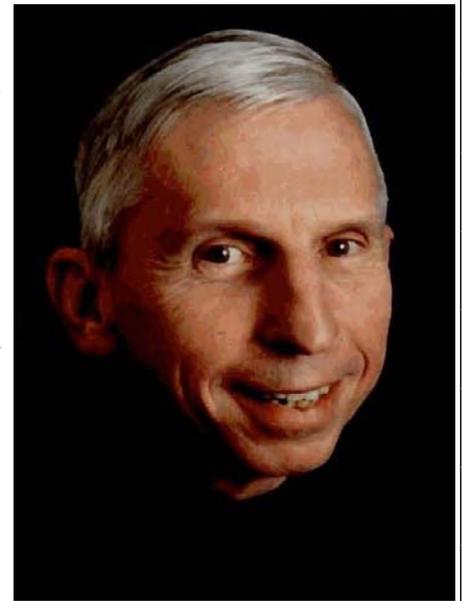
Dennie ran for Warrenton Town Council and became the Councilman for Ward 3, a job he thoroughly enjoyed. He used to say he was a "public servant, NOT a politician." Spending time on Main Street talking to his constituents was the highlight of his day, and he always had time for anyone who had a complaint. Somehow he was able to bring opposing factions together to work out solutions, and he really listened to everyone.



Dennie's family on the occasion of Natalie and KP's wedding. L to R: Kate, Anita, Dennie, Natalie, KP, Rebecca, and Neil

When he retired in January 2008, he began to work with the Piedmont Dispute Resolution Center in Warrenton, mediating at General District Court on Wednesday mornings. Those were always special days for Dennie, working with Judge Charles Foley and others, learning about the system from another point of view. He was very pleased to be working with the teens in Prince William County's restorative justice program. Dennie was able to help them look at their world in a different way that allowed them to change patterns of behavior and work through their anger and isolation.

Dennie was named after his father's close friend, Dennie Williams. These two men survived together as prisoners of war in Germany during World War II. His father often remarked that, if not for his friend's faith and courage, he was not sure they would have survived the ordeal. Dennie Williams was a wonderful friend and mentor to Dennie growing up.



As for leisure time enjoyment, he was a virtual jack of all trades - caning chairs, putting rush bottoms in chairs, making baskets, and creating homemade pizza. We had pizza night every Friday when the children were in high school to get their friends to come to our house before they went out for the evening. We continued doing pizza night on the first Friday of the month, but for our grownup friends instead of the children's friends. He also enjoyed beekeeping and was an accomplished farrier in his younger days when he owned and rode horses.

We have three daughters, Kate and twins Natalie and Rebecca, who all live in Hatteras Village, North Carolina. Kate, the oldest, works as a leader identifying birds on Pelagic Bird Trips with a company in Hatteras. Natalie and her husband of three years, KP Scott, have their captain's licenses and also work as mates on a head boat, the "Miss Hatteras." Rebecca loves working with little children and is a preschool teacher and nanny. They are very happy living in Hatteras and say it reminds them of Warrenton when they were growing up. Needless to say, they have become an integral part of the community. Dennie loved to visit and did actually go on a fishing trip with Natalie while I went on a bird trip with Kate. Our son Neil recently moved to Philadelphia, Pennsylvania and is working as a cook in a little restaurant there.



L to R: Rebecca, Dennie, Natalie, Neil & Kate



Anita and Dennie at a 46th year class reunion in August 2010

I'd say Dennie's greatest passions were raising four great kids to responsible adulthood, the Town of Warrenton, and helping everyone gain access to facilities and public programs. He was the Town Council representative when they were building the Warrenton Aquatic Recreation Facility. He was thrilled when it was completed and they began working on a Fun-For-All Playground that would provide handicapped children access to play. Plans are underway to name the area where the Fun-For-All Playground resides "Dennie's Park" in his honor. He would have been humbled by that gesture.

Dennie always knew just the right thing to say at the right time to break the tension and make people laugh. He was said to possess a "wicked sense of humor" and he loved to pass on a joke. I always admired Dennie's ability to enjoy all types of people and really reach out and make everyone feel that they were part of his family. He had a charisma and warmth that was palpable.

From the Warrenton Community From an August 18, 2010 *Fauquier Times-Democrat* article by staff writer Alexandra Bogdanovic:

"Dennie's death is a heart-breaking loss for all that know him," said Town Councilman David Norden. "No one has touched more lives in more facets of our community than Dennie. I have cherished his friendship through the decades and his wisdom while serving together on town council. Warrenton will never be quite the same without him," he said.

Mayor George Fitch concurred, referring to Sutherland as a "beloved member of the community who gave unselfishly to make us better."

From PDRC Lawrie Parker, PDRC's Executive Director, was pleased to submit the following tribute to our honoree.

I've been avoiding writing about Dennie, knowing that using the past tense in reference to my dear friend and colleague will make his sudden passing real. Dennie died in August from a fall, leaving the communities of Warrenton, Manassas and Piedmont Dispute Resolution Center (PDRC) in shock and disbelief.

He was a mediator and Restorative Justice facilitator in Fauquier County and spent the past year building up the Prince William County Juvenile Restorative Justice Program. Dennie embodied the characteristics central to the role of an effective mediator / restorative justice facilitator. He not only listened carefully, but he showed by verbal and non-verbal cues that he was following attentively what the person across the table was telling him. He asked questions in a manner that wasn't threatening, in language that was simple and free of jargon and in a way that encouraged the free flow of information. He was constantly seeking to make meaning out of the many facts, attitudes and feelings expressed.

Most of all, Dennie delighted in young people. He felt working in the Prince William County Juvenile Restorative Justice Program was his calling and it showed. He steadfastly remained respectful and accepting of the teens and families whom he served, creating a secure and structured setting where people felt safe not only to air their problems but to try to make changes in their lives.

Dennie had a good supply of patience and flexibility but he wasn't a pushover. By his "toughness," Dennie demonstrated to young people in trouble with the law his belief that something positive can be done and that he was committed to helping them discover for themselves how to go about doing it. I remember one teenage boy who was inconsolable when he couldn't deliver his apology letter in person to "Mr. Dennie." The boy was proud of his letter and knew "Mr. Dennie" would be too.

Dennie was relatively new to mediation and restorative justice, having been trained only three years ago. An old soul, Dennie deftly applied new conflict resolution skills to his experiences in working with people. He had a unique gift, an inherent quality to put others at ease and make them feel important, that they mattered. Dennie was a people person. I was his trainer for mediation and restorative justice, one of his mentors and later his supervisor. I remember Dennie's responses to newly taught concepts and skills. He would smile, nod and say simply, "I get it."

Dennie did get it. More than any person I have ever known, Dennie understood that what human beings want more than anything else is to be human beings. He "got" that it's not our outward characteristics that make us human. Not the shape of our noses or the thickness of our hair or the texture of our skin. It is not even the length of our days on this earth. We are human because of our hearts and the souls that fill our hearts.

The presence of Dennie's absence is piercing. Grief ebbs but grief never ends. Death ends a life, but death does not end a relationship. If we are still and allow ourselves the gift of grief, the grief becomes polished and luminous. When it does, we learn to care anew, not only for the one who has died. We learn to care anew for those who yet live.

Thank you, Dennie. I get it.



**Ed Stinnett, President of PDRC's Board of Directors;
Anita Sutherland, Dennie's wife;
and Marlene Hahn, Services Director for PDRC**

This plaque and a peace lily were presented to Anita in remembrance of Dennie at PDRC's 20th anniversary celebration party. It reads:

**In Memory of
Dennie M. Sutherland**

**Director
Restorative Justice Services
Prince William County
2009—2010**

**In Grateful Recognition For
His Dedication & Service To The
Piedmont Dispute Resolution Center
Into Which He Poured His Heart
And Made A Difference**

September 25, 2010



Mediation and Parent Education Make an Appearance at VDSS's Family Strengthening and Fatherhood Initiative Conference

On September 28th the Virginia Department of Social Services (VDSS) hosted a Family Strengthening and Fatherhood Initiative Conference entitled "Lift-Off: Gaining Speed and Direction for Virginia's Families." Nearly two hundred advocates and professionals from state and federal agencies came together in Richmond in a collaborative effort to make a difference for families in the Commonwealth.

VDSS annually touches the lives of 1.5 million Virginians. Approximately 100,000 children are born out of wedlock each year; one in every four children is entitled to child support; and one in ten Virginians is receiving Medicaid. The number one single indicator of poverty is a broken family structure. Stable, intact, two-parent families are significantly more advantageous for children. Martin Brown, Commissioner of the VDSS, noted, "While our charge is to help individuals at their most critical point of need, that cannot be our sole focus. When our policies and practices are shaped to prevent the breakdown of our families, we have a much better chance of reaching the truly desired outcome: families achieving and maintaining the level of self-sufficiency that they earnestly wish for themselves.

[E]ncouraging fathers to play a positive and consistent role in the lives of their children benefits the entire family unit."



Commissioner Brown

The opening session focused on the Virginia Putative Father Registry. Thirty-five states have paternity registries that protect the rights of a putative father who wants to be notified in the event of a proceeding for adoption of, or termination for parental rights for a child he may have fathered. In July 2007, Virginia's Putative Father Registry went into effect under *Virginia Code 63.2-1249 et seq.* For more information, visit VDSS's registry website at <http://VAPutativeFather.com>.

Vicki Turetsky, J.D., Commissioner of the National Office of Child Support Enforcement, gave the keynote address. Ms. Turetsky shared sobering statistics:

- ✓ There are 432,000 children in Virginia to whom \$633,000,000 in child support is owed.
- ✓ 17 million kids and parents are in the DCSE program.
- ✓ 1 in 4 children are entitled to child support.
- ✓ 1 in 2 poor children are entitled to child support.
- ✓ 17% of custodial parents are dads.
- ✓ 39% of parents never married.
- ✓ In 2008, 35% of poor custodial moms and 43% of nearly poor custodial moms received child support.
- ✓ \$4.78 in child support is collected for every government dollar spent on child support enforcement.
- ✓ When dads are paying child support, they are more likely to be involved in their children's lives. Conversely, if involved with their kids, dads are more likely to pay their child support.
- ✓ Child support has a positive effect on kids' educational achievement.

DCSE recognizes two major tasks: (1) to build strong collaboration with other support programs; and (2) to increase policy flexibility to assist low-income fathers to develop the potential to pay their child support obligations. Commissioner Turetsky spoke of the need to strike the right balance in order to improve child support payments and to set realistic expectations rather than drive low-income dads to the underground because they can't pay what they owe. While fathers need to step up to the plate for their children, they need help to do the right thing. There are many current and developing programs designed to achieve these goals through a collaborative effort (i.e., prison re-entry, transitional job services, prisoner mentoring, child support case management, research funding, child support distribution reform, data sharing, etc.). There is a great need to set manageable child support guidelines and to help dads reduce their debt so they are able to care for their children.



Commissioner Turetsky



Governor Robert F. McDonnell addressed the conference attendees and praised the critical work of VDSS and the many support agencies working collaboratively to strengthen Virginia families and to increase father involvement. He reminded us that there is still much work to be accomplished, expressed his confidence in and respect for those in leadership positions, promised support from his office and from him personally, and encouraged attendees to continue to fight for Virginia's families.

Breakout sessions were held throughout the day. DRS conducted an afternoon workshop entitled "Increasing Involvement by Improving Communication: Mediation and Parent Education Seminars." The session provided attendees an opportunity to observe a family mediation demonstration. Panelists then discussed the benefits of parent education seminars and mediation and how utilizing these tools encourage both parents to be involved in their child's life. The parent education seminars are the classes mandated by Virginia Code §§ 16.1-278.15 and 20-103 in contested custody, visitation and child support cases, but are available outside of court cases as well. The DRS staff thoroughly enjoyed presenting this workshop and thanks the expert panel members, who did a tremendous job of conveying with clarity and enthusiasm the benefits of these services for families. We received very positive feedback from the session attendees.



Mandy Stallings



Family Mediation Demonstration
L to R: Mandy Stallings, Ann Warshauer, Sally Campbell

Panel members (pictured left to right and first row to second row) were:

Deborah Costello, Esq. – Family Law Attorney

Honorable Stuart Williams – Henrico County J&DR Court

Hilda Roundtree – Mediator

Barbara Herzog – CASA Volunteer

Cheryl Frydowchowski, Esq. – Guardian ad Litem

Ann Warshauer – Parent Educator



Other breakout sessions included:

Bring Your 'A' Game: Developing Resources for Teen Fathers

Shanee Harmon, MS, Policy Analyst, Virginia Department of Health

Means, Motive and Opportunity: Engaging the Faith Community in Family Strengthening

Larry Compter, MS, CFLE, Executive Director, Marriage Alliance of Central Virginia

Resuming Male Emotional Development

Bob Rannigan, Private Practice Licensed Professional Counselor

Engaging Parents: A Path to Children's Well-Being

Pat Davenport, Families and Schools Together, Inc. (FAST)

Implications for Healthy Relationships and Father Involvement

Denesha Alexander, Community Alternatives Consortium (CAC)

Hip Hop and Fatherhood: Bridging the Gap Between Fathers and Their Children

Brian Gullins, Program Coordinator, Richmond City Health District

Involving Moms in Involving Dads

Ron Clark, Director of Community-Based Programming, National Fatherhood Initiative

Community Mediation Center News

VCRC Presents Peacemaker Awards



The Virginia Conflict Resolution Center, the Hampton Roads based non-profit community mediation and conflict resolution organization, hosted the 20th Anniversary Peace maker Awards on October 20th at the Princess Anne Country Club in Virginia Beach. Chief James Cervera, Dr. John Hatcher, Judge Deborah Rawls and FBI Special Agent Alex Turner were honored for their commitment to our mission of educating and providing conflict resolution to our families, youth, individuals and community.



L to R: Cathy Lewis, Wendi Lucas (VCRC's new Executive Director), Special Agent Alex Turner, Chief James Cervera, Judge Deborah Rawls, Dr. John Hatcher, Jamal Gun (Glenn Nye Rep) and past VCRC Executive Director Kim Humphrey

Honorees and guest were greeted with rising swords by Norview High School's ROTC as they entered the front doors. On the other side of the doors were the wonderful musical sounds of the talented and gifted children of the Break the Glass Foundation Little Big Band. Serving as our Mistress of Ceremonies, Cathy Lewis of WHRV's "HearSay" and WHRO's "What Matters," detailed VCRC's history and accomplishments over the first 20 years and announced the 2010 honorees.

Chief James Cervera, Virginia Beach Police Department, received the Community Leader Peacemaker Award for his coordination of gang enforcement laws, gang member intervention, and gang prevention. Chief Cervera's efforts have been successful in limiting gang activities and related violent crimes in Virginia Beach.

[Virginia Association of Community Conflict Resolution](#)

[Apple Valley Mediation Network](#)

242 North Main Street, Suite 202
Woodstock, Virginia 22664
540-459-8799
Edward F. Wilkins, Executive Director
avcr@shentel.net

[Better Agreements, Inc.](#)

305 Washington Street, SW
Blacksburg, VA 24060
866-832-5093
T'aiya Shiner, Executive Director
info@betteragreements.org

[Conflict Resolution Center](#)

4504 Starkey Road, Suite 120
Roanoke, VA 24018
540-342-2063
Eddy Smart, Interim Executive Director
director@conflictresolutioncenter.us

[Fairfield Center](#)

165 S. Main Street, Suite A
Harrisonburg, VA 22801
540-434-0059
Timothy Ruebke, Executive Director
tim@fairfieldcenter.org

[Mediation Center of Charlottesville](#)

P.O. Box 133
Charlottesville, VA 22902
434-977-2926
Patrice Kyger, Executive Director
mcc@mediationville.org

[Northern Virginia Mediation Service](#)

4041 University Drive, Suite 101
Fairfax, VA 22030
703-865-7272
Megan Johnston, Executive Director
info@nvms.us

[Peaceful Alternatives Community Mediation Services](#)

P.O. Box 1169
Amherst, VA 244521
434-929-8227
Carolyn Fitzpatrick, Executive Director
info@peaceful-alternatives.com

[Piedmont Dispute Resolution Center](#)

P. O. Box 809
Warrenton, VA 20188
540-347-6650
Lawrie Parker, Executive Director
pdrc@verizon.net

[Virginia Conflict Resolution Center](#)

586 Virginian Drive
Norfolk, VA 23505
757-480-2777
Wendi Lucas, Executive Director
info@vaconflictresolution.org

Dr. John Hatcher, Assistant Principal at Norview High School, received the Youth Advocate Leader Peacemaker Award. Advocating for Peer Mediation programs in several schools, his tireless effort has enabled the program to become the premier high school peer mediation program in Hampton Roads. More than 300 youth have benefited in the program, run in partnership with the Virginia Conflict Resolution Center.

Judge Deborah Rawls of the Virginia Beach Juvenile and Domestic Relations District Court received the Judicial Leader Peacemaker Award. Responsible for the entire court mediation process for the Virginia Beach J&DR Court, she ensures only certified quality mediators provide services, and supports her court mediators with quarterly meetings and training workshops. Judge Rawls truly embraces the concept of mediation in the courts and in private settings and believes mediation serves the best interests of the parties.

Alex Turner, Special Agent in Charge, Norfolk FBI, received the Regional Leader Peacemaker Award for his work in involving the Bureau in several community outreach and crime prevention programs including the Citizen's Academy, Community Relations Executive Seminar Training, Teen Academy and Adopt-a-School Program. His programs have been a great success in the deterrence of criminal and gang activity in Norfolk.

The Board and staff of the VCRC would like to thank all participants, sponsors and guests for making the event a success. For further information about the Virginia Conflict Resolution Center, please contact Kim Graham at 480-2777 or KimG@VaConflictResolution.org. Also be sure to visit our website at www.VaConflictResolution.org.

Submitted by Kim Graham, VCRC

Wendi Lucas Appointed as VCRC Executive Director

Wendi Lucas, J.D. was recently selected as the Executive Director for the Virginia Conflict Resolution Center in Norfolk.

Wendi comes to the VCRC with almost fifteen years of experience as a nonprofit executive, consultant, and director, having served with a variety of organizations, including most recently The Nature Conservancy and Habitat for Humanity International. In addition, she is an active Rotarian, as well as a volunteer for a select number of local community programs in the Hampton Roads area.

A lifetime student, Wendi graduated in December 2009 with her J.D. from the University of North Carolina. She also holds a Master of Arts degree in Journalism from Marshall University, as well as a Certificate in Nonprofit Management from Duke University and a Certificate in Fundraising Management from the Center on Philanthropy at Indiana University.



In addition to her passion for service and for education, Wendi is a competitive triathlete, an amateur photographer, and an avid reader. She will be participating in the upcoming NYC Marathon in November 2010, and is training for her first Ironman triathlon in the summer of 2011.

Welcome aboard, Wendi!

KEEPING YOU INFORMED

~ A DRS Update ~

Greetings from Dispute Resolution Services.
Enjoy This Gorgeous Autumn Season!



Recertification Reminder

Recertification applications have been pouring in to DRS from those due 10/31/10. If you have completed your requirements but not submitted your application, please do so. Use the most recent version of *Form ADR-1003, Application for Mediator Recertification* ([PDF](#) or [Word](#)), and attach *Form ADR-1003/GDC/CCC* ([PDF](#) or [Word](#)) and/or *Form ADR-1003/JDR/CCF* ([PDF](#) or [Word](#)), depending on the levels of certification for which you are applying to be recertified.

These forms specify the requirements and the types of evidence required to document training and mediation cases. Cases mediated and training taken must be completed during the two-year period that falls between the last recertification date and October 31st of the year currently due for recertification. Please do not send more documentation than is necessary to meet the minimum recertification requirements. Be sure to keep a complete copy for your files. DRS scans the application forms but saves no supporting documentation for the electronic record.

If you know you will be unable to meet all requirements by the deadline, please email Melanie Rinehults at mrinehults@courts.state.va.us to request an extension of time and indicate how much time you anticipate needing. Please understand that an extension DOES NOT extend your mediator certification, but merely means that we will keep your file open beyond the October 31st due date. Even with an “extension,” your certification lapses on October 31, 2010.

While you are operating under a recertification extension, because you are not certified you should co-mediate any court cases rather than mediating solo. You may not hold yourself out as a certified mediator; and if you have mentor status, you may not mentor others. If you are a certified trainer of a course that requires your certification to be current, you may not train until you are recertified.

Save the Dates – 2011 Parent Education Events

The Office of the Executive Secretary is pleased to announce the dates for **TWO EVENTS** of interest to parent education providers, both being offered to you at no cost through an Access and Visitation grant from the Virginia Department of Social Services. Details regarding agenda and registration will follow in February.

Train the Trainer ~ Friday, April 1, 2011 ~ Supreme Court of Virginia in Richmond

This valuable training is provided for new instructors wishing to be approved as parent education providers. Current instructors who wish to attend as a refresher course are also welcome. Materials covered will be the same as the 2010 Train the Trainer classes. Details regarding agenda and registration will be sent in early February.

Eighth Annual Parent Educators Symposium ~ Friday, May 13, 2011 ~ Supreme Court of Virginia in Richmond

There will be identical morning and afternoon sessions so that each attendee may register for his or her preferred half-day symposium. More information and registration form will follow in February.

Congratulations to Professor Paula Young!

The Virginia Mediation Network has chosen Paula Young as its first Mediator of the Year award recipient and presented the award at its Fall Mediation Training Conference at Wintergreen earlier this month. Paula was certified in 2002 as a General District Court mediator and serves DRS as a valuable member of the Ethics Committee. She is an Associate Professor and Director of the Lawyer as Problem-Solver Certificate Program at the Appalachian School of Law in Grundy, Virginia. She has served on the ABA Dispute Resolution Section's Standing Committee on Ethical Guidance and as co-chair of the Section's Ethics Advisory Opinions Database Subcommittee. Currently, she serves as chair of one of the committees of the ABA's Task Force on Dispute Resolution in Law Schools. Paula is well known and lauded for her diligence in researching pertinent issues, thoroughly analyzing them, and publishing the results in a scholarly, thought-provoking fashion for others to ponder. Congratulations, Paula, on achieving this well-deserved honor!



Mediation Governing Documents

The mediation governing document revisions did not make the Judicial Council of Virginia's agenda for its October 13th meeting. While this means a longer approval process after an already long revision process, we appreciate the perspective expressed by Ethics Committee member, Paula Young. She wrote, *"I assume they will take them up eventually. In the meantime, we have a good set of documents that served the community well for a long time and will do so until the new ones get adopted. As a mediator, I can be patient. ;-)"* We certainly will continue to seek adoption by the Council and will keep the mediation community apprised.

DRS Strategic Planning Retreat

On August 26th and 27th, the DRS staff met for its annual strategic planning retreat at Parent Education Coordinator Ann Warshauer's beautiful mountain home in Woodstock. Mandy Stallings ably led the sessions as we further refined our vision, values, mission statement, and goals and objectives. Both a One-Year Plan and a Long-Range Plan were reviewed and updated. DRS is committed to continue working intentionally and passionately to carry out our vision to empower all citizens of the Commonwealth to better understand and effectively resolve their disputes through knowledge of and access to a range of dispute resolution options. The values inherent in our vision statement include: quality, creativity, innovation, proactivity, competency, professionalism, integrity, diversity, inclusivity, accessibility, accountability, collaboration, advocacy and choices. These values are integral to our court programs and to the efforts of the ADR community to expand and advance our profession in Virginia.

Mediation Videos on DRS Website

Links to two excellent [mediation videos](#) have been posted on our website, and we hope you will find them useful in promoting the benefits of mediation.

Privilege of Mediator Certification

Mediators who are awarded certification according to the guidelines promulgated by the Judicial Council of Virginia are required to complete various training components and a multi-faceted mentorship process for each level of certification they wish to receive. They are required to meet advanced training, ethics instruction, and experiential recertification requirements bi-annually in order to maintain their certification. Some professionals seek court certification even though they have no interest in mediating court-referred cases, because they recognize certification as a respected ADR credential.

From time to time, DRS is made aware of an individual whose certification has lapsed, or who never achieved certification, who holds him or herself out to the public as a certified mediator. It is our practice to request in writing that the individual correct the misleading information in order to avoid any misunderstanding regarding their mediator certification status. We also encourage the individual to look into becoming a certified mediator and direct him or her to the certification information on our website. As the governing entity that confers mediator certification, we take our responsibility seriously to protect the privilege and distinction inherent in practicing as a Virginia certified mediator.

Permission to Use Ethics Training Scenarios

DRS and members of its Ethics Committee presented an ethics workshop at the recent VMN Fall Training Conference. You are welcome to use the following scenarios that were developed for this training.

For scenario 3, please be sure to attribute credit to the source identified.



Ethics scenarios:



Imelda is a mentee with Bernie. They are working together on Imelda's last case. They are doing a complex contract case between a contractor, a homeowner, a home inspector, and a real estate agent. There are many cross-complaints and another dispute between the homeowner and the prospective buyers who have signed a contract for the house that is at the center of the dispute. This has been a long case and is very contentious. Finally, the contractor slams his hand down on the table and says, "Look, I just don't care anymore." He looks at the mediators. "You all just make a decision. Can you do that if we want you to?" Bernie provides arbitration as part of his practice and is well versed in this type of dispute. Bernie says, "Yes, I can give you a recommendation as a final solution. Mr. Contractor, you should..." Imelda is staring at Bernie with her mouth open, not really sure how to proceed or what to think. She didn't learn about this in any of her trainings.

- (1) Would it matter if Imelda were another certified mediator instead of a mentee?
- (2) What if Bernie does not have any significant experience with this type of case?



Charity is conducting a court-ordered mediation. She conducts the orientation and the parties say they want to mediate. Charity then tells them they can consult an attorney and should have an attorney review any agreement, and tells them the exceptions to confidentiality. After she is finished, she asks the parties whether they understand and/or have any questions. Both parties indicate they understand and do not ask any questions. They do not sign anything or receive anything in writing. Charity then asks the plaintiff to tell her about the dispute from his perspective.

- (1) Would it make a difference if this were a private mediation?
- (2) What if Charity is subpoenaed later to testify in a trial where a party seeks to vacate the agreement reached in this mediation?



You are a private mediator who has previously mediated a case in which Attorney Smith represented one of the parties. The case was successfully settled and the parties agreed that the settlement would be confidential. Now Attorney Smith has called you up and asked if you would be willing to mediate another case involving a different client.

- (1) Absent any instructions from Attorney Smith, must you inform the other side of the previous mediation?
- (2) Now, Attorney Smith tells you that, because of the confidential settlement, he has not informed the opposing attorney in this new case that you had previously mediated a case with him. Attorney Smith asks you not to mention the previous mediation to the other attorney and party. What should you do?

[Adapted from Jay Folberg, et al, *Resolving Disputes* 526-7 (2d. ed. 2010)]

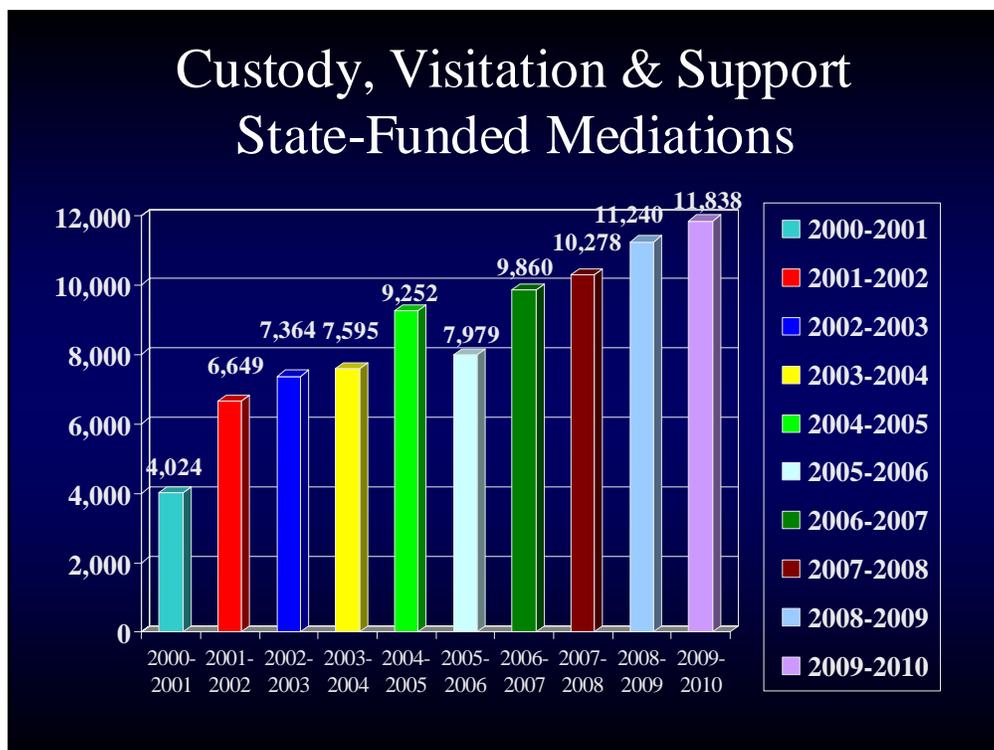
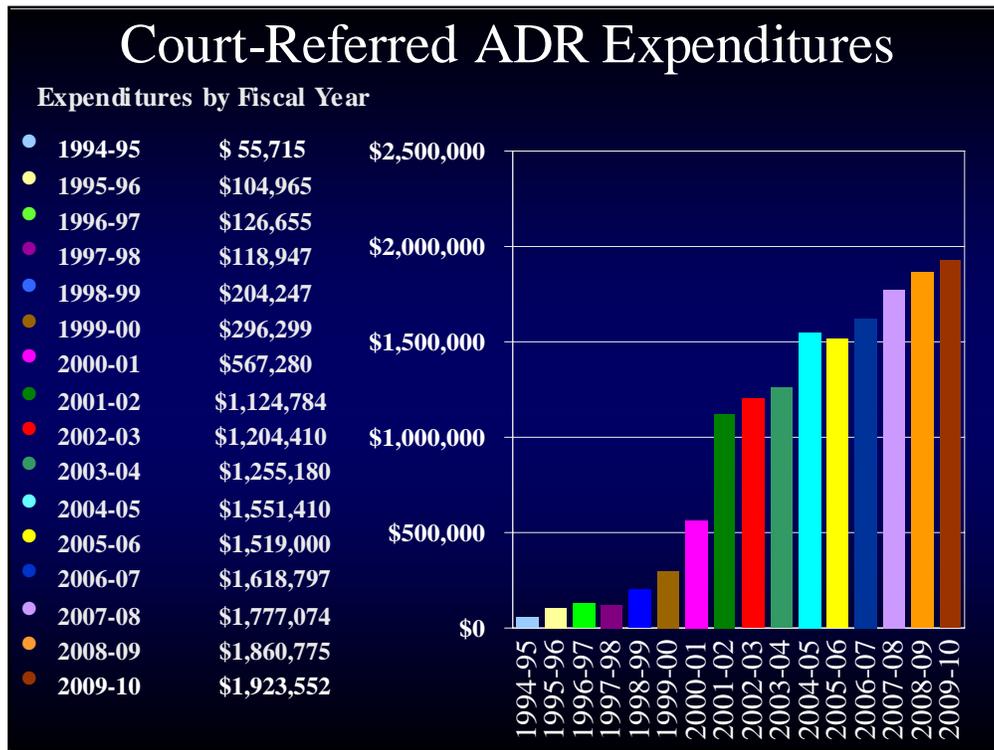


You are mediating a divorce with an older couple (in their early sixties). The husband has mentioned that he is planning to retire in the next few years. During the mediation, the wife has been very angry and demanding and the husband has acquiesced to most of the wife's proposals about the division of property. He seems anxious and has said, "Let's get this over with." The wife's final demand is that the husband pay a substantial amount of monthly spousal support for the rest of her life. "Fine," the husband says, turning then to the mediator, "just write it up and let's be done with this."

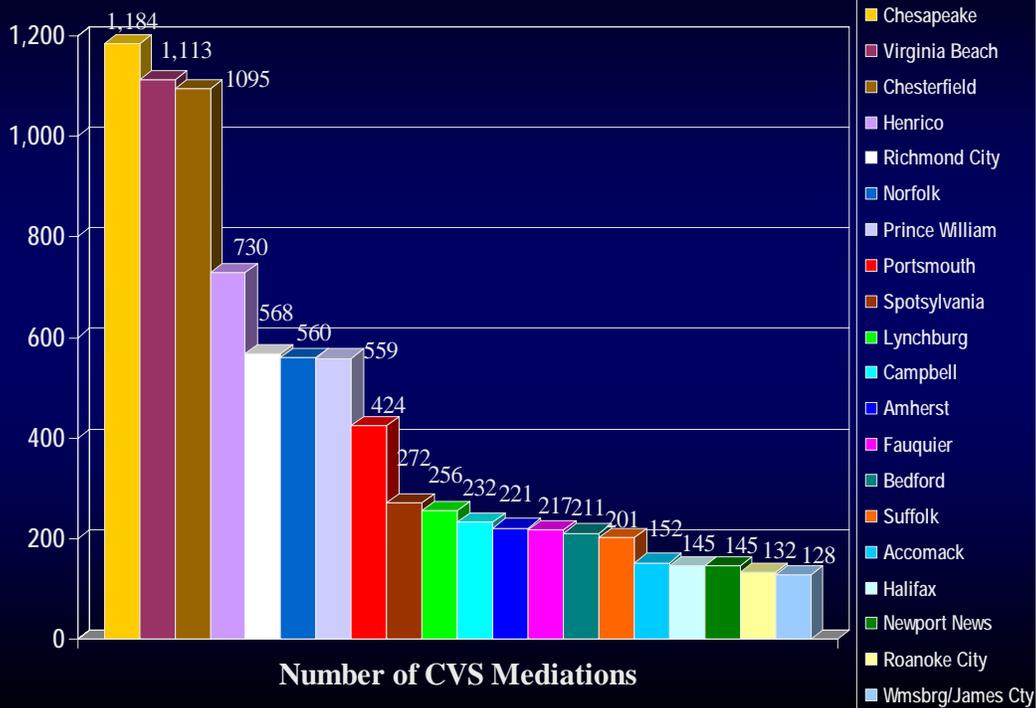
- (1) Should you tell the parties that spousal support, unlike child support, is not modifiable in the future unless the parties' agreement provides for modification?
- (2) What if, after you tell them about the rules for modification, the husband still wants to go ahead with this settlement?
- (3) Alternatively, what should the mediator do if the husband tells the mediator, in confidence, that he has a terminal illness and is not expected to live more than 18 months?

Court-Referred ADR Program Statistics Through the 2009-2010 Fiscal Year

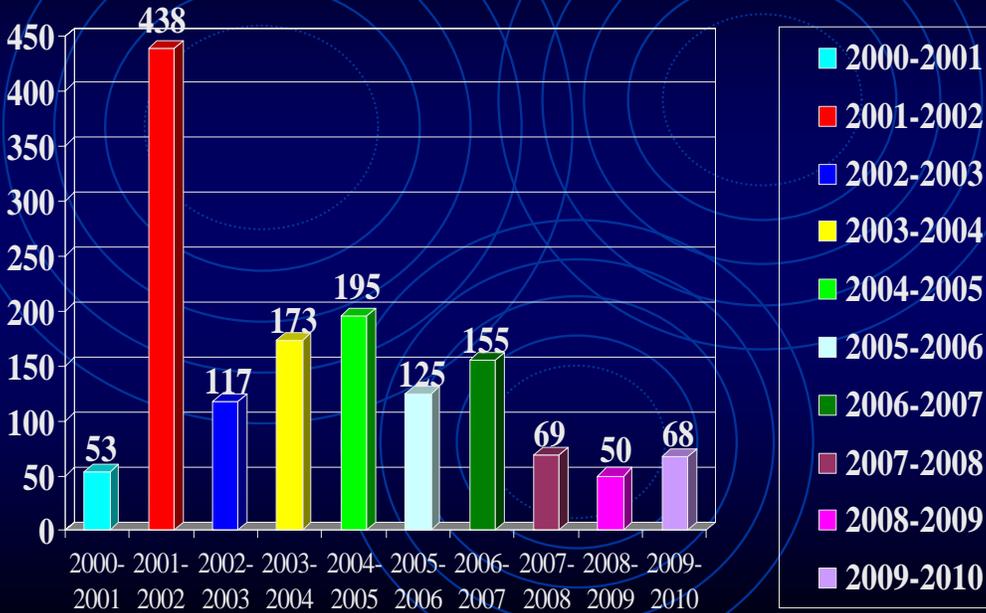
Following are the annual statistics tracking the usage of ADR in Virginia's courts. These figures include expenditures for mediation services contracts, mediation coordinator contracts, custody, visitation and support mediations, and judicial settlement conferences.



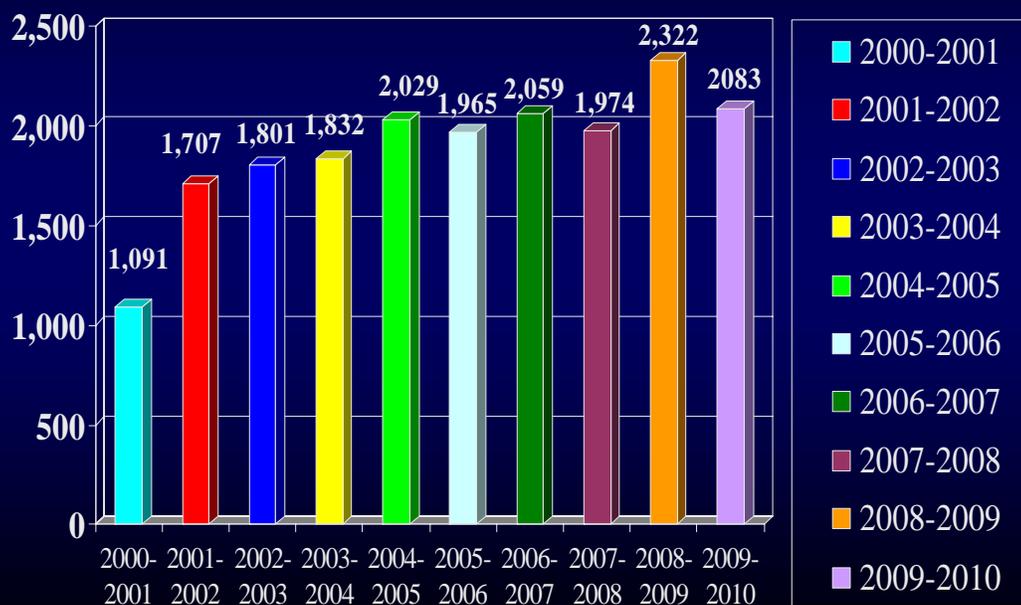
Top 20 Juvenile Courts – 2009-10 Fiscal Year Custody, Visitation & Support Mediation



J&DR Non-CVS State-Funded Mediations



General District Court State-Funded Mediations



Judicial Settlement Conference Expenditures



ADR Resource Corner

Below are some Internet websites that may be of interest to the ADR community. Many of them offer links to other sites related to ADR.



The Supreme Court of Virginia's mediation web pages include contact information and web addresses for Virginia's community mediation centers and state and national organizations such as the Virginia Mediation Network, the American Bar Association's Dispute Resolution Section, and the Association for Conflict Resolution (ACR).

<http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/cmcl.html#organizations>

ADR – A Resource Guide (U.S. Office of Personnel Management) – 200-page PDF Guide with Table of Contents (techniques and agency practices, website for many agencies, periodicals and articles)

<http://www.opm.gov/er/adrguide/Section1-a.asp>

ADR Prof Blog – a member of the Law Professor Blogs Network

<http://www.indisputably.org/>

ADR Resources – essays, forms, checklists links

<http://www.adrr.com/>

Alternative Dispute Resolution – ADR links to databases, organizations, resources, etc.

<http://alternativedisputeresolution.com/>

Federal Government's Interagency ADR Working Group

<http://www.adr.gov/>

Hamline University School of Law – Dispute Resolution Institute Projects

<http://law.hamline.edu/dri/projects.html>

Harvard Negotiation Law Review

<http://www.hnlr.org/>

HG.org (Worldwide Legal Directories) – A list of ADR organizations worldwide, government agency ADR programs, articles and publications.

<http://www.hg.org/adr.html>

Mediate.com – Articles, videos, blogs, mediator listings, trainings/conferences, and much more.

<http://www.mediate.com/>

Mediation Channel – Tune in for news and ideas about mediation, negotiation, and dispute resolution through the lens of law, pop culture and social science.

<http://mediationchannel.com/>

National ADR Advisory Council (Australia)

<http://www.nadrac.gov.au/>

World Dictionary of Alternative Dispute Resolution Blogs – This handy website lists all the blogs around the world that discuss issues surrounding ADR, along with a synopsis of what each blog is.

<http://adrblogs.com/>

State ADR Programs:

Alabama Center for Dispute Resolution

<http://alabamaadr.org/>

Alaska Court System ADR Program

<http://courts.alaska.gov/mediation.htm>

Arizona Judicial System Mediation Information

<http://azcourts.gov/SearchResults.aspx?xsq=mediation>

Arkansas Judiciary ADR Program

<http://courts.state.ar.us/adr/>

California Courts ADR Program

<http://www.courtinfo.ca.gov/programs/adr/index.htm>

Colorado Judicial System ADR Program

<http://www.courts.state.co.us/Administration/Unit.cfm/Unit/odr>

Colorado Bar Association Dispute Resolution Section

<http://www.cobar.org/index.cfm/ID/20090/CAAD/Alternative-Dispute-Resolution-/>

Connecticut Judicial Branch ADR Program

<http://www.jud.state.ct.us/external/super/altdisp.htm>

Delaware Courts ADR Program

<http://courts.delaware.gov/Superior/ADR/index.stm>

Florida Courts ADR Program

http://www.flcourts.org/gen_public/adr/index.shtml

Georgia Commission on Dispute Resolution

<http://www.godr.org/>

Georgia Office of Dispute Resolution

<http://godr.georgia.gov/01/home/0,2197,1353305,00.html>

Hawaii's Center for Alternative Dispute Resolution

http://www.courts.state.hi.us/services/alternative_dispute/alternative_dispute_resolution.html

Idaho Supreme Court Mediation Information

http://www.courtsselfhelp.idaho.gov/service.asp?service_id=3

Illinois Mediation - Resolution Systems Institute – Includes Court ADR Connection, a monthly e-newsletter providing news and updates related to Court ADR around the country.

<http://aboutrsi.org/index.php>

Indiana Courts ADR Program

<http://www.in.gov/judiciary/selfservice/mediators.html>

Iowa Judicial System (no statewide ADR program but some districts have programs)

<http://www.iowacourts.gov/>

Kansas Judicial Branch ADR Program

<http://www.kscourts.org/programs/alternative-dispute-resolution/default.asp>

Kentucky Courts ADR Program

<http://courts.ky.gov/stateprograms/mediation/default.htm>

Louisiana State Bar Association – ADR Program

http://www.lsba.org/InsideLSBA/section_information.asp?SectionID=U1

Maine Judicial Branch ADR Program

http://www.courts.state.me.us/court_info/adr/index.shtml

Maryland Mediation and Conflict and Resolution Office

<http://www.marylandmacro.org/>

Massachusetts Court System ADR Program

<http://www.ndcourts.com/court/ADR/>

Michigan Courts ADR Program

<http://courts.michigan.gov/scao/dispute/odr.htm>

Minnesota Judicial Branch – ADR Program

<http://www.mncourts.gov/?page=303>

Mississippi Court-Annexed Mediation Rules

http://www.mssc.state.ms.us/rules/msrulesofcourt/court_annexed_mediation.pdf

Mississippi Bar Association ADR Section

https://www.msbar.org/7_alternative_dispute_resolution.php

Missouri Courts Mediation Program

<http://www.courts.mo.gov/hosted/circuit13/mediation%20home.htm>

Montana State Bar Dispute Resolution Committee

<http://www.montanabar.org/displaycommon.cfm?an=1&subarticlenbr=210>

Nebraska Courts Mediation Information

http://www.supremecourt.ne.gov/mediation/pdf/Roster_ODR_Mediation_Center.pdf

Nevada Courts Foreclosure Mediation Program

<http://www.nevadajudiciary.us/index.php/foreclosuremediation>

New Hampshire Judicial Branch ADR Program

<http://www.courts.state.nh.us/adrp/index.htm>

New Jersey Judiciary Mediation Program

<http://www.judiciary.state.nj.us/civil/medipol.htm>

New Mexico Courts Children's Court Mediation Program

<http://joo.nmcourts.gov/joomla/ccmediation/>

New York State Unified Court System (ADR Program)

<http://www.courts.state.ny.us/ip/adr/index.shtml>

North Carolina Bar Association Dispute Resolution Program

<http://disputeresolution.ncbar.org/>

North Carolina Dispute Resolution Commission (NC Courts)

<http://www.nccourts.org/Courts/CRS/Councils/DRC/Default.asp>

North Dakota Supreme Court ADR Program

<http://www.ndcourts.com/court/ADR/>

Ohio Court System ADR Program

<http://www.supremecourtofohio.gov/JCS/disputeResolution/default.asp>

Oklahoma Courts ADR Program

<http://www.oscn.net/static/adr/default.aspx>

Oregon Courts ADR Program

<http://courts.oregon.gov/OJD/programs/adr/index.page?>

Pennsylvania Courts Commonwealth Court Mediation Program

<http://www.pacourts.us/NR/rdonlyres/3F8C9B3A-3881-4609-86A6-42E1816D7C23/0/prrel04624.pdf>

Pennsylvania's Foreclosure Mediation Program

http://www.pacourts.us/NR/rdonlyres/BA520708-3C80-42E5-B9B9-F3D99237305D/0/ForeclosureConference_100908.pdf

Rhode Island Family Court Program

<http://www.courts.ri.gov/family/mediation.htm>

South Carolina Bar ADR Program

http://www.scbars.org/member_resources/alternative_dispute_resolution/

Tennessee Judiciary ADR Program

<http://www.tsc.state.tn.us/geninfo/Programs/ADR/adrdir.asp>

Texas State Bar ADR Section

<http://www.texasadr.org/>

Utah State Courts ADR Program

<https://www.utcourts.gov/mediation/>

Vermont Courts Family Division Mediation Program

<http://www.vermontjudiciary.org/GTC/Family/mediation.aspx>

Virginia Judicial System ADR Program

<http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/home.html>

Washington State Bar ADR Program

<http://wa-adr.ning.com/>

West Virginia Courts Family Mediation Program

<http://www.state.wv.us/wvsca/familyct/cover.htm>

Wisconsin State Bar – ADR Section

http://www.wisbar.org/AM/Template.cfm?Section=Alternative_Dispute_Resolution_Section