

## D. APPLICATION FOR RECERTIFICATION AS A MEDIATOR

1. To maintain certification, a mediator must recertify every two (2) years on November 1. Note the first recertification may come less than two years after initial certification. (For example, all mediators initially certified between November 1, 2017 and October 31, 2018 must recertify as of November 1, 2019. Their next recertification date would be November 1, 2021.)
2. Submit OES Form ADR-1003. [Recertification forms and instructions](#) are available on the court web site at:  
<http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/forms/home.html>. Each summer DRS will notify by email all mediators whose recertification is due on October 31<sup>st</sup> of that year.
3. **Cases mediated and continuing mediation education (CME) training taken must be completed during the two-year certification period that falls between the previous recertification date and October 31 of the year currently due for recertification.**
4. CME Requirements:
  - a) Submit objective evidence of having completed six (6) hours of approved non-ethics mediation training during the certification period. Mediators may retake core courses (Basic Mediation, Family Mediation, Circuit Court-Civil Mediation, Circuit Court-Family Mediation, Orientation to Virginia's Judicial System, Screening for and Dealing with Domestic Abuse, Observation Course, Mentoring Individuals Seeking Certification as a Court-Referred Mediator) in place of CME approved trainings.
  - b) Submit objective evidence of having completed two (2) hours of approved mediation ethics training during the certification period. A mediator with four (4) hours of ethics training may use only two (2) hours toward recertification. Only *mediator* ethics trainings satisfy this requirement.
  - c) Mediators with multiple certifications need only six (6) hours of non-ethics and two (2) hours of ethics during the certification period. Mediators with multiple certifications who recertify every year may reuse trainings as long as they take place during the two year certification period.
5. General District and Circuit Court-Civil Case Requirements: Submit objective evidence of having completed five complete general cases or fifteen (15) hours of general mediation during the certification period. Cases may be court-referred or privately referred. Restorative justice conferencing cases, parent-child, truancy, peer mediations, child dependency, and victim-offender mediation cases may count as a maximum of three (3) of the five (5) complete cases.
6. Juvenile and Domestic Relations and Circuit Court-Family Case Requirements: Submit objective evidence of having completed five (5) complete domestic relations cases or fifteen (15) hours of domestic relations mediation during the certification period. Cases may be court-referred or privately referred. Restorative justice

conferencing cases, parent-child, truancy, child dependency, and peer mediations may count as a maximum of three (3) of the five (5) complete cases.

7. Mediators may request DRS approval of training from organizations such as the Association for Conflict Resolution, the American Bar Association Section on Dispute Resolution, appropriate courses sponsored by the Virginia Committee on Continuing Legal Education, and others to meet CME requirements.
8. Mediators participating in an approved Peer Mediation Consultation Project program may receive up to four (4) hours of non-ethics CME credit for attendance at such sessions.
9. Mediators who provide mediation training or present a CLE seminar related to the subject of mediation may receive up to four (4) hours of non-ethics and/or up to two (2) hours of ethics CME credit. Objective evidence of providing such training, the length of the training, the number of times the training was offered during the certification period as well as the number of hours spent preparing the training must be provided.
10. Forms ADR-????????????1002 (Mediation Feedback Form) received by DRS and/or any other written communication concerning the performance of the mediator may also be considered in the recertification process.
11. Notification of recertification shall be made through letter and certificate. A letter denying recertification shall state the grounds for the denial and make reference to the right of the applicant to make a written request for reconsideration to the Executive Secretary of the Supreme Court of Virginia within thirty (30) calendar days of the date of the notification of denial of recertification. The written request must be received by the Executive Secretary within five (5) calendar days after expiration of the thirty (30) day time period. An applicant's request for reconsideration must include a statement of the reasons recertification is warranted. If the Executive Secretary decides it would be helpful, the Executive Secretary may convene a meeting as part of the reconsideration process. Meetings with the Executive Secretary are confidential. Within forty-five (45) calendar days of receipt of the written request, the Executive Secretary shall reconsider the denial. Within fifteen (15) calendar days of reconsideration, the Executive Secretary shall render a decision on recertification. A decision by the Executive Secretary is final.
12. A mediator denied recertification may reapply for initial certification after six (6) months from the date of the final denial. In the sole discretion of DRS, deviations from the initial certification requirements may be allowed or required on a case-by-case basis.
13. Mediators who do not meet the recertification requirements may not hold themselves out as certified mediators, mediation mentors, or certified mediation trainers.

14. A mediator whose certification lapsed as a result of not meeting the recertification requirements in a timely manner must reapply for initial certification. In the sole discretion, of DRS, deviations from the initial certification requirements may be allowed or required on a case-by-case basis.