

**OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA**

**GUIDELINES FOR THE
TRAINING AND CERTIFICATION OF COURT-REFERRED MEDIATORS**

**Adopted by the Judicial Council of Virginia April 5, 2011
Effective Date: July 1, 2011**

STATEMENT OF INTENT: It is the desire and expectation of the citizens of Virginia to have access to a highly competent and responsive judiciary. Where the judicial system includes dispute resolution alternatives such as mediation, citizens are entitled to expect the same level of service. The following Guidelines for the Training and Certification of Court- Referred Mediators are intended to ensure that court-referred mediators also meet a high standard of competence and ethical responsibility.

A. SCOPE OF THE GUIDELINES

All mediators receiving referrals from a court should be certified pursuant to guidelines promulgated by the Judicial Council of Virginia. The following sets forth the eligibility requirements for certification.

B. PRIVILEGE TO MEDIATE

Certification to mediate confers no vested right to the holder thereof, but is a conditional privilege subject to the oversight of Dispute Resolution Services of the Office of the Executive Secretary (DRS).

C. APPLICATION FOR INITIAL CERTIFICATION AS A MEDIATOR

1. Application Process

- a. An applicant for certification shall make application to the Office of the Executive Secretary of the Supreme Court of Virginia on OES Form ADR-1000. Form ADR-1000 is available on the web site at www.courts.state.va.us or upon request from DRS.
- b. An application for certification shall be accompanied by an administrative handling fee of \$25.00. Checks should be made payable to: Treasurer of Virginia.
- c. An applicant for certification 1) shall have a bachelor's degree from an accredited college or university or 2) shall request a waiver of this requirement. *If the applicant needs to request a waiver, it is recommended that the applicant do so before beginning the required coursework and*

mentorship process. To request a waiver, the applicant must submit a letter to DRS describing relevant work and life experience, accompanied by a resume and two letters of recommendation that address the applicant's oral and written communication skills. Additional information may be requested.

- d. An applicant must meet all certification requirements and submit an application within twenty-four (24) months after completion of the mediation training necessary for the desired certification, or after the first observation, whichever occurred first. DRS may grant a waiver of this requirement upon special request and may require additional or advanced training, observations and/or co-mediations as a condition of any waiver.

Information and documentation required to complete OES Form ADR-1000 includes:

- 1) statement of educational background;
- 2) evidence of successful completion of appropriate mediation training for level of certification requested;
- 3) evidence of completion of mentorship requirements;
- 4) evaluations by trainers;
- 5) evaluations by mentors, including Mentee Portfolio Forms, with specific recommendations that the applicant be certified and statements to support such recommendation;
- 6) statement of experience/areas of expertise;
- 7) statement of adherence to ethical standards; and
- 8) statement certifying accuracy of information contained in application.

- e. Notification of certification shall be made through letter and certificate. A letter denying certification 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 certification. 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 as to the reasons certification 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 certification. A decision by the Executive Secretary is final.

2. Training Requirements

- a. General District Court Mediation: An applicant for certification to mediate cases filed in General District Court must submit evidence of successful completion of twenty (20) hours of training in basic mediation skills offered by a certified trainer. See also Section C.2.e. for a description of the required Virginia's judicial system training and Section C.3 for the mentorship requirements.
- b. Juvenile and Domestic Relations District Court Mediation: An applicant for certification to mediate cases filed in Juvenile and Domestic Relations District Court must demonstrate successful completion of forty (40) hours of mediation training. This training must be twenty (20) hours of basic mediation training and twenty (20) hours of training in family mediation, provided by a certified trainer. The training may also be received in one forty (40)-hour certified family mediation course. See also Sections C.2.e. and C.2.f. for a description of the required Virginia's judicial system training and domestic abuse training and Section C.3 for the mentorship requirements.
- c. Circuit Court-Civil Mediation: An applicant for certification to mediate non-family cases filed in the Circuit Court must submit evidence of successful completion of forty (40) hours of mediation training. The training must be twenty (20) hours of basic mediation training and twenty (20) hours of advanced training in skills necessary to handle procedurally complex cases provided by a certified trainer. The training may also be received in one forty (40)-hour certified mediation course. See also Section C.2.e. for a description of the required Virginia's judicial system training and Section C.3 for the mentorship requirements.
- d. Circuit Court-Family Mediation: An applicant for certification to mediate family cases filed in the Circuit Court must submit evidence of successful completion of fifty-two (52) hours of mediation training. The training must be twenty (20) hours of basic mediation training, twenty (20) hours of family mediation training, and twelve (12) hours of advanced mediation training in family finance and economic issues including equitable distribution and spousal support provided by a certified trainer. The training may also be received in combined certified mediation course units. See also Sections C.2.e. and C.2.f. for a description of the required Virginia's judicial system training and domestic abuse training and Section C.3 for the mentorship requirements.
- e. Virginia Judicial System Training: An applicant for certification at all levels must also submit evidence of successful completion of at least four (4) hours of certified training in Virginia's judicial system or experience

sufficient to justify a waiver of this requirement. Members in good standing of the Virginia State Bar do not have to take this training.

- f. Domestic Abuse Training: An applicant for certification as a Juvenile and Domestic Relations District Court mediator as well as a Circuit Court-Family mediator must have eight (8) hours of certified training or education in screening for and dealing with domestic abuse, or must demonstrate sufficient experience or familiarity with dealing with domestic abuse in the mediation context to justify a waiver of the training requirement.
- g. For purposes of these Guidelines, a circuit court case, whether family or general, is a case that is filed in Circuit Court or a case that meets the jurisdictional requirements of the Circuit Court.

3. Mentorship (Observation and Co-Mediation) Requirements

- a. In addition to meeting the training requirements set forth above, applicants must submit evidence of successful completion of case observations and co-mediations, which must be conducted under the guidance of certified mediators who have mentor status. Unless otherwise stated, mentor(s) must have mentor status at the certification level sought by the mentee. (See Mentor Guidelines for complete description of mentor qualifications and responsibilities, definition of a “case” for mentorship purposes (Section II.3.), etc.)
- b. Certified mediators who have been awarded mentor status are encouraged to provide supervision, evaluation, and mentorship to individuals seeking certification.
- c. The final co-mediation must be conducted primarily by the mentee.
- d. DRS may require applicants to conduct more than the minimum number of co-mediations, depending on the evaluations by the mentors.
- e. An applicant must work with at least two (2) mentors during the mentorship.
- f. Each mentor’s evaluation shall include a recommendation by the mentor as to whether the applicant should be certified, along with reasons for the recommendation.
- g. The applicant must submit with the certification application at least one memorandum of agreement/understanding for which the applicant was the primary scrivener.

h. Specific Requirements for Each Certification Level

1) General District Court Specific Requirements:

- a) observation of at least two complete cases, at least one of which must be general (defined as non-family), conducted by GD mentor(s) (See Mentor Guidelines for mentor qualifications and responsibilities); or,
- b) where applicants encounter difficulty in meeting the requirement of two observations, successful completion of an additional eight (8)-hour certified training in mediation practice during which the applicant has the opportunity to observe two mediations, either general or family, at least one of which is a live demonstration and conducted by a mentor; and,
- c) supervised co-mediation of at least five (5) hours of mediation including a minimum of three (3) complete general cases, evaluated by GDC mentor(s).
- d) During the course of meeting the observation and co-mediation requirements, the following guidelines apply:
 - i) The mentee must complete basic mediation training before co-mediations may begin. It is recommended, but not required, that the mentee complete judicial training prior to beginning the co-mediations.
 - ii) The observations must be completed before beginning the co-mediations. The observations may take place before or after the basic mediation training.

2) Juvenile and Domestic Relations Specific Requirements:

- a) observation of at least two complete family cases conducted by JDR mentor(s) (See Mentor Guidelines for mentor qualifications and responsibilities); or,
- b) where applicants encounter difficulty in meeting the requirement of two (2) observations, successful completion of an additional eight (8)-hour certified training in domestic relations mediation practice during which the applicant has

the opportunity to observe at least two family mediations, one of which must be a live demonstration and conducted by a mentor; and,

- c) supervised co-mediations of at least ten (10) hours of family mediation including a minimum of five (5) complete family cases, evaluated by JDR mentor(s).
- d) During the course of meeting the observation and co-mediation requirements, the following guidelines apply:
 - i) Basic mediation training must precede any family mediation training. The mentee must complete family mediation training before the co-mediations may begin. It is recommended, but not required, that the mentee complete domestic abuse training and judicial training prior to beginning the co-mediations.
 - ii) The observations must be completed before beginning the co-mediations. The observations may take place before or after the family mediation training.
 - iii) During the course of meeting the co-mediation requirements, applicants must obtain experience in the following areas: custody, parenting and visitation issues and child support matters.
 - iv) The mentee must complete at least one child support worksheet by hand, using a calculator and the statute, as part of a co-mediation and submit it with the application for certification.

3) Circuit Court-Civil Specific Requirements:

- a) observation of at least two (2) complete circuit court cases, either general or family, conducted by Circuit Court mentor(s) (See Mentor Guidelines for mentor qualifications and responsibilities); or,
- b) where applicants encounter difficulty meeting the requirement of two (2) observations, successful completion of an additional eight (8)-hour certified training in mediation practice in which the applicant observes two circuit court cases, either general or family, one of which

must be a live demonstration and conducted by a mentor;
and

- c) supervised co-mediation of at least ten (10) hours of mediation including a minimum of five (5) complete circuit court (non-family) cases; alternatively, at least twenty (20) hours of mediation including a minimum of two (2) complete cases; evaluated by Circuit Court-Civil mentor(s).
- d) During the course of meeting the observation and co-mediation requirements, the following guidelines apply:
 - i) The mentee must complete basic and circuit court-civil mediation training before co-mediations may begin. It is recommended, but not required, that the mentee complete judicial training prior to beginning the co-mediations.
 - ii) Mediators certified as General District Court mediators who later apply for Circuit Court-Civil certification must complete the training requirements for circuit court-civil mediation described in Section C.2.c., but need observe only one circuit court mediation case, either general or family, and co-mediate only two (2) circuit court-civil cases (non-family) in order to meet the training and mentorship requirements for Circuit Court-Civil mediation certification. Mediators who have qualified for and received the Advanced Civil Certificate will automatically be qualified as Circuit Court-Civil mediators.
 - iii) The observations must be completed before beginning the co-mediations. The observations may take place before or after the circuit court-civil mediation training.

4. Circuit Court-Family Specific Requirements:

- a) observation of at least two (2) complete circuit court-family cases conducted by Circuit Court-Family mentor(s) (See Mentor Guidelines for mentor qualifications and responsibilities); or
- b) where applicants encounter difficulty meeting the requirement of two (2) observations, successful completion

of an additional eight (8)-hour certified training in mediation practice in which the applicant observes two (2) circuit court-family cases, one of which must be a live demonstration and conducted by a mentor; and

- c) supervised co-mediation of at least ten (10) hours of family mediation including five (5) complete circuit court-family cases, evaluated by Circuit Court-Family mentor(s).
- d) During the course of meeting the observation and co-mediation requirements, the following guidelines apply:
 - i) Basic mediation training must precede any family mediation training. The mentee must complete family mediation training and circuit court-family training before co-mediations may begin. It is recommended, but not required, that the mentee complete domestic abuse and judicial training prior to beginning the circuit court-family co-mediations.
 - ii) Mediators certified as Juvenile and Domestic Relations District Court mediators who later apply for Circuit Court-Family certification must complete training requirements for circuit court-family mediation described in Section C.2.d., but need observe only one circuit court-family case and co-mediate only two (2) circuit court-family cases in order to meet the training and mentorship requirements for circuit court-family mediation. Mediators who have qualified for and received the Advanced Family Certificate will automatically be qualified as Circuit Court-Family mediators.
 - iii) The observations must be completed before beginning the co-mediations. The observations may take place before or after the circuit-court family mediation training.
 - iv) During the course of meeting the co-mediation requirements, applicants must obtain experience in equitable distribution and support matters.
 - v) The mentee must complete at least one child support worksheet by hand, using a calculator and the statute, as part of a co-mediation and submit it

with the application for certification, unless the mentee is currently a certified JDR mediator.

4. Waivers / Reciprocity

- a. DRS may waive or partially waive training and mentorship requirements based on an applicant's background and experience, and may require additional or advanced training, observations and/or co-mediations as a condition of any waiver. Waivers may be granted only when, in the sole judgment of DRS, the waiver will not undermine the high standard of competence and ethical responsibility required of Virginia certified mediators.
- b. An applicant for certification who was certified, licensed, or registered as a mediator in another state or country and who desires to have all or part of the training and mentorship requirements waived on the basis of previous training and experience may request such exception by:
 - 1) submitting a completed OES Form ADR-1000 along with an administrative handling fee of \$25.00. Checks should be made payable to: Treasurer of Virginia;
 - 2) demonstrating current competence in mediation and equivalent mediation training and experience as required in Virginia by:
 - a) providing evidence of an equivalent number of hours of mediation training as required in Virginia based on the type of certification sought through certificates or letters from instructors,
 - b) providing copies of mediation training outlines, agendas, and materials substantively equivalent to training required in Virginia,
 - c) providing evidence of an equivalent number of mediation hours/cases as required in Virginia based on the type of certification sought through letters from clients, courts personnel or mediation programs, and
 - d) submitting two references that may be contacted regarding the applicant's performance and skills as a mediator.
- c. An applicant who attended a mediation training program outside of Virginia and who desires to have Virginia training requirements partially waived on the basis of this outside training may request such exception by:

- 1) submitting evidence of successful completion of mediation training through certificates or a letter from the instructor; and
 - 2) submitting an outline, agenda, and materials from the mediation training to assist in assessing whether the training was substantively equivalent to training required in Virginia.
- d. In general, all applicants under Section C.4 must also provide evidence of the following:
- 1) successful completion of a four (4)-hour course on Virginia's judicial system;
 - 2) successful completion of a two(2)-hour course on Virginia's Standards of Ethics; and
 - 3) if Juvenile and Domestic Relations or Circuit Court-Family mediation certification is sought, successful completion of eight (8) hours of training on screening for and dealing with domestic abuse in the mediation context and six (6) hours of training in Virginia child and spousal support.

D. APPLICATION FOR RECERTIFICATION AS A MEDIATOR

1. Recertification of a mediator is required every two (2) years on November 1. (Note that the first recertification may come less than two years after initial certification. For example, all mediators initially certified between November 1, 2010 and October 31, 2011 will be required to be recertified as of November 1, 2012. Their next recertification date would be November 1, 2014.)
2. An applicant for recertification must submit OES Form ADR-1003. Each summer DRS will notify by email all mediators whose recertification is due on October 31st of that year. 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>.
3. Mediation Ethics Training: An applicant for recertification must submit objective evidence of having completed two (2) hours of mediation ethics training/education. The two (2) hours of ethics may be counted to reach the eight (8) hours of training required in Sections D.4.and D.5. below, but it may be counted only once. For example, a mediator with six (6) hours of general training may use the two (2) ethics hours to complete the eight (8)-hour general training requirement. However, if the same mediator also seeks Juvenile and Domestic Relations recertification, he or she may not

recount the two (2) hours of ethics toward the eight (8)-hour family training requirement. If the mediator had seven (7) hours of general training and seven (7) hours of family training, the two (2) hours of ethics may be split to complete both requirements. If the mediator happened to have a total of four (4) hours of ethics training, only two (2) hours may be used toward recertification.

4. General District and Circuit Court-Civil Mediation: An applicant for recertification as a General District and/or Circuit Court-Civil mediator must submit objective evidence of having completed a minimum of five complete general cases or fifteen (15) hours of mediation during the period of certification. These cases may be court-referred or privately referred. Restorative justice conferencing cases and victim-offender mediation cases may count as a maximum of three (3) of the five (5) complete cases. The applicant must also submit objective evidence of having completed a minimum of eight (8) hours of approved general mediation training/education. **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.** (For example, the “last recertification date” for a mediator who requested an extension and then recertified on December 17, would be December 17. The mediator would be able to count only cases and training that took place after December 17 for his or her next recertification, which still would be due on October 31.)
5. Juvenile and Domestic Relations and Circuit Court-Family Mediation: An applicant for recertification as a Juvenile and Domestic Relations District Court and/or Circuit Court-Family mediator must submit objective evidence of having completed a minimum of five (5) complete domestic relations cases or fifteen (15) hours of mediation during the period of certification. These cases may be court-referred or privately referred. Restorative justice conferencing cases and parent-child, truancy, and peer mediations may count as a maximum of three (3) of the five (5) complete cases. The applicant must also submit objective evidence of having completed eight (8) hours of approved mediation training/education in the family area, *such as child support training and family law updates*. **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.** (For example, the “last recertification date” for a mediator who requested an extension and then recertified on December 17, would be December 17. The mediator would be able to count only cases and training that took place after December 17 for his or her next recertification, which still would be due on October 31.)
6. Applicants for recertification may request approval by DRS of training or education relevant to mediation practice they receive 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 the requirements for continuing education. Approved mediation training programs (other than basic courses) will also meet these requirements.

7. Mediators participating in an approved Peer Mediation Consultation Project program may receive up to four (4) hours of general or family CME credit for attendance at such sessions.
8. Mediators who provide either advanced general or family mediation skills training or present an advanced CLE seminar related to the subject of mediation may receive up to four (4) hours of general or family CME credit. Objective evidence of providing such training, information on the length of the training, the number of times the training was offered during the recertification period as well as the number of hours spent in preparation for the course must be provided.
9. Applicants who are unable to meet the requirements for number of complete cases or mediation hours, or approved training, may apply for an extension of time to meet the requirements, which may be granted at the discretion of DRS based on the individual circumstances. Mediation certification lapses during any recertification extension period; however, the applicant will not have to reapply for initial certification as long as the recertification requirements are met during the extension period. During the extension, the applicant may not hold him or herself out as a certified mediator, may not train others seeking certification and if he or she has mentor status, may not mentor others. The applicant should co-mediate any court-referred cases with a certified mediator during the extension period.
10. Forms ADR-1002 (Evaluation of Mediation Session(s) and Mediator(s)) 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, partial waivers of training and mentorship requirements may be granted on a case-by-case basis.
13. Mediators who do not meet the recertification requirements may not hold themselves out as certified mediators, may not mentor others seeking certification, and may not train others seeking certification.
14. A mediator whose certification has 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, partial waivers of training and mentorship requirements may be granted on a case-by-case basis.

E. BARS TO INITIAL CERTIFICATION OR RECERTIFICATION

1. Determination of Bar

- a. DRS shall consider conduct unbecoming to the profession of mediation in determining whether an applicant should be certified or recertified, including any complaints filed against the applicant.
- b. If an applicant has a conviction of, or a guilty or nolo contendere plea to, a misdemeanor involving moral turpitude or a felony, and/or if a professional privilege has been revoked or relinquished to avoid revocation, DRS shall deny the applicant certification or recertification. Upon written request as described in Section C.1.e., the Executive Secretary may reconsider the denial upon the showing of extraordinary circumstances.
- c. DRS may require that an applicant provide additional information or meet with the staff of DRS to discuss information contained within the application.
- d. DRS will determine whether an applicant should be certified or recertified based on whether certification would reflect positively on the integrity of the profession, or whether the applicant could act with competence, or whether any conduct implicated would not undermine the

Standards of Ethics and Professional Responsibility for Certified Mediators.

2. Self-Reporting Requirements

- a. Applicants for recertification or initial certification must disclose to DRS any of the following:
 - 1) convictions of, guilty pleas to, or nolo contendere pleas to violations of the law (to include the specific code section(s) violated), including traffic violations resulting in suspension or revocation of a driver's license and DUI offenses;
 - 2) disciplinary action related to a profession, including but not limited to mediation;
 - 3) curtailment of professional privileges; or
 - 4) relinquishments of any professional privilege or license while under investigation.
- b. An applicant against whom charges are pending that may result in any of the above actions shall likewise disclose to DRS that fact.
- c. Where an applicant discloses any event described in Section E.2.a. above, the applicant must also provide:
 - 1) information concerning the background of the offense which led to conviction, plea, discipline, curtailment of professional privileges and/or relinquishment of professional privilege or license;
 - 2) information concerning the length of time which has elapsed since the conviction, plea, discipline, curtailment and/or relinquishment;
 - 3) the age of the applicant at the time of the conviction, plea, discipline, curtailment and/or relinquishment; and
 - 4) evidence of rehabilitation since the conviction, plea, discipline, curtailment and/or relinquishment.
- d. If an applicant for certification fails to disclose any event as required in Section E.2.a. or Section E.2.b. above, DRS has the discretion to deny the applicant certification or recertification.

F. MEDIATOR COMPLIANCE

1. If at any time DRS has reason to believe a certified mediator may have engaged in conduct inconsistent with these Guidelines,
 - a. DRS may inform the mediator of any concerns.
 - b. On a case-by-case basis, depending upon the gravity and/or frequency of the concerns raised, DRS may offer in writing a course for improvement to be completed within a specified time period. The offer may include curtailment, modification or suspension of mediator certification during the time period for the improvement goal to be met.
 - c. If a mediator is provided such offer, the mediator shall accept or reject the offer in writing within ten (10) calendar days from the date thereof. The written response must be received by DRS within five (5) calendar days after the expiration of the ten (10) day time period.
 - d. If the mediator accepts the offer of DRS, the mediator shall inform DRS when the agreed course for improvement is completed. If the mediator's certification was curtailed, modified or suspended, DRS will reinstate it once completion is reviewed and DRS is satisfied the agreed goal for improvement has been met.
 - e. If the mediator does not accept the offer of DRS, DRS has the option of filing a formal complaint against the mediator pursuant to the Complaint Procedures.
2. The procedures available herein for improvement of mediator conduct shall be offered solely at the discretion of DRS. The availability herein of procedures for improvement of mediator conduct shall not be construed to preclude any complainant's ability to file a formal complaint under the Complaint Procedures, even when a course for improvement has begun. However, if a formal complaint is filed after a course for improvement has begun, any steps taken by the mediator under this section toward the goal for improvement shall be considered when determining possible sanctions under the Complaint Procedures.

G. MISCELLANEOUS PROVISIONS

1. A mediator certified hereunder shall provide mediation services consistent with the Virginia Standards of Ethics and Professional Responsibility for Certified Mediators.

2. A mediator certified hereunder shall not intentionally or knowingly misrepresent a material fact or circumstance in the course of a mediation or related to a mediation; in the course of applying for certification, recertification, trainer certification, and/or mentor status.
3. At the conclusion of every court-referred mediation, the mediator shall give the parties an evaluation form (OES Form ADR-1002) to complete and return to the mediator or the mediation program, or to forward directly to the Office of the Executive Secretary. The substance of the responses provided on these forms may be considered by DRS in making determinations regarding the continuing certification of the mediator.
4. Mediators must inform the DRS office of changes in mailing address, email address, and phone number promptly.
5. Mediators must inform DRS in writing of any of the following events within thirty (30) calendar days of the event. The written notice must be received by DRS within five (5) calendar days after the expiration of the thirty (30) day time period.
 - a) convictions of, guilty pleas to, or nolo contendere pleas to violations of the law, including traffic violations resulting in suspension or revocation of a driver's license and DUI offenses;
 - b) discipline by a professional organization;
 - c) curtailment of professional privileges; or
 - d) relinquishment of any professional privilege or license while under investigation.

A mediator against whom charges are pending that may result in any of the above actions shall likewise inform DRS of this fact within thirty (30) calendar days.

6. If a mediator fails to disclose any event as required in Section G.5. above, DRS has the discretion to revoke his or her certification. The mediator may request reconsideration by the Executive Secretary as described in Section C.1.e. of these Guidelines.
7. When a mediator discloses an event in Section G.5. above, DRS may curtail, modify, suspend or revoke his or her certification. If a mediator has a conviction of, or a guilty or nolo contendere plea to, a misdemeanor involving moral turpitude or a felony, and/or if a professional privilege has been revoked or relinquished to avoid revocation, the mediator's

certification shall be revoked. For other events, DRS will make a determination based on whether continued certification would reflect positively on the integrity of the profession, or whether the mediator could act with competence, or whether the conduct implicated would not undermine the Standards of Ethics and Professional Responsibility for Certified Mediators. DRS shall promptly notify the mediator in writing of the action taken. The mediator may request reconsideration by the Executive Secretary as described in Section C.1.e. of these Guidelines.

8. “Revocation” and “decertification” as used in these Guidelines mean that the mediator is no longer certified and will NOT automatically be certified or recertified once the period of time for the revocation/decertification has expired. When the revocation/decertification period expires, the mediator is uncertified. If the uncertified mediator seeks recertification, he or she must go through the initial certification application process.
9. A mediator whose certification was revoked may reapply for initial certification after two (2) years from the date of the revocation/decertification, or after the time frame otherwise imposed by the revoking entity. In the sole discretion of DRS, partial waivers of training and mentorship requirements may be granted on a case-by-case basis.
10. Conviction of or guilty or nolo contendere plea to a misdemeanor involving moral turpitude, conviction of or guilty or nolo contendere plea to a felony, and/or revocation or relinquishment to avoid revocation of a professional privilege are permanent bars to certification or recertification as a mediator. (Upon written request as described in Section C.1.e., the Executive Secretary may reconsider the permanent bar upon the showing of extraordinary circumstances.)