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 October 21, 2025
Effective Date: January 1, 2026

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.vacourts.gov 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., C.2.f., and C.2.g. for a description of the required Virginia's judicial system training, training in support matters, 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., C.2.f., and C.2.g. for a description of the required Virginia's judicial system training, training in support matters, and domestic abuse training and Section C.3 for the mentorship requirements.

e. Virginia Judicial System Training: An applicant for certification 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. Support Matters 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 in how to mediate and calculate child support and *pendente lite* spousal support matters. The training must include practice in running child support guidelines, drafting worksheets, and writing corresponding agreements that would be acceptable to a court. An applicant must demonstrate sufficient experience in family law matters and child support in Virginia to justify any waiver of the training requirement.

g. 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.

h. 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 (observation and co-mediation sessions).

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 and training in support matters 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 two child support worksheets as part of a co-mediation and submit both 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.

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, including support matters, 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.

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 two child support worksheets as part of a co-mediation and submit both 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) Contacting DRS with a brief expression of interest and statement of experience.

2) Applicants must be prepared to demonstrate 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.

5. Appellate Mediation

a. Appellate mediator certification became available for the two-year period concurrent with appellate mediation pilot projects from January 2019 through December 2020. It is now a permanent level of certification. Given that appellate mediation experience still is growing, mentorship (observation and co-mediation) requirements are waived currently. All other Guidelines provisions apply to certified appellate mediators. For

Appellate-Family certified mediators, successful completion of the 8-hour Domestic Abuse Training (screening for and dealing with domestic abuse in the mediation context) is recommended, but not required.

b. An applicant for certification as an appellate mediator must be a member in good standing of the Virginia State Bar. An applicant further must 1) be certified as a mediator in Virginia, or 2) successfully complete twenty (20) hours of training in basic mediation skills.

c. Appellate-Civil certification requires the following additional minimum qualifications:

1) Service on the Supreme Court of Virginia (SCV) or the Court of Appeals of Virginia (CAV) or

2) Successful completion of the 2-Hour Appellate Training offered by a certified trainer and

a) Service as a jurist on another court in Virginia or

b) Litigation of at least 10 cases in the appellate courts of Virginia, the U. S. Court of Appeals for the 4th Circuit and/or the United States Supreme Court within the last 10 years.

d. Appellate-Family certification requires the following additional minimum qualifications:

1) Service on the SCV or the CAV or

2) Successful completion of the 2-Hour Appellate Training offered by a certified trainer and

a) Certification as a Circuit Court Family mediator or

b) Service as a jurist on another court in Virginia or

c) Litigation of at least 10 cases in the appellate courts of Virginia, the U. S. Court of Appeals for the 4th Circuit and/or the United States Supreme Court within the last 10 years, at least 5 of which were equitable distribution cases.

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, 2019 and October 31, 2020 must recertify as of November 1, 2021. Their next recertification date would be November 1, 2023.)

    a. Appellate-Civil and Appellate-Family mediators who certified before November 1, 2020 and are not certified at another level will be due for recertification on November 1, 2021.

    b. Appellate-Civil and Appellate-Family mediators who certified before November 1, 2020 and are certified at another level will be due for recertification in the year their other certification level is due.

2. Submit OES Form ADR-1003. Recertification forms and instructions are available on the court web site. Each summer DRS will notify by email all mediators whose recertification is due on October 31st of that year.

3. **Continuing mediation education (CME) training 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. Depending on the previous recertification date, a mediator may have less than two years to complete the CME requirements.**

4. CME Requirements:

    a. For single and multiple certifications, submit objective evidence of having completed ten (10) hours of approved mediation training during the certification period.

    b. At least two (2) of the ten (10) hours of training must be mediator ethics training. Ethics training must be live (in-person or webinar). Only ***mediator*** ethics trainings satisfy this requirement.

    c. A maximum of four (4) of the eight (8) non-ethics hours of training may be obtained from pre-recorded webinars or videos. However, if the mediator registered for a live training, but was unable to attend, the mediator has 60 days to view a recording of the event (if one is available) and receive full CME credit as if they had attended live. In such cases, however, the trainer or sponsoring organization must offer the mediator a way to ask follow-up questions or discuss the material, if the mediator so desires.

5. Credit hours accrued during the certification period in excess of the requirement may be carried over to meet the next two-year certification period requirement, except for the ethics requirement. A maximum of eight (8) credit hours may be

carried forward. A mediator must complete two (2) hours of mediator ethics training during each certification period.

6. A mediator should exercise discretion in choosing those approved trainings most likely to enhance his or her mediation skills and improve delivery of mediation services.

7. Mediators may request DRS approval of other learning opportunities to meet CME requirements. Possibilities include online or in person training from organizations such as the Association for Conflict Resolution, the American Bar Association Section on Dispute Resolution, and Virginia CLE.

8. Mediators participating in approved Mediation Peer Consultation (MPC) sessions may receive up to six (6) hours of CME credit for attendance at such sessions.

9. Mediators may request up to three (3) hours of CME credit for completing self-reflection exercises following a mediation of at least one hour. To request credit, mediators must complete a Mediator Self-Reflection Form (ADR-1011) and submit the form to DRS. Requests should be made soon after the mediation and well in advance of the recertification deadline. DRS will determine the amount of credit to be granted. To qualify for CME, forms must demonstrate 1) thoughtful and thorough self-reflection; and 2) mediator insight and/or new learning. Otherwise, credit will be denied.

10. Mediators who deliver a CME course or CLE seminar related to the subject of mediation may receive up to six (6) hours of ethics or other CME credit. Type and amount of CME is based on the credit hours of each approved course offered during the certification period.

11. Mediators may take entire core courses (see section C.1 of the Guidelines for the Certification of Mediation Training Programs) and receive up to a maximum of eight (8) hours CME credit. Type and amount of credit is based on the course attended.

12. 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.

13. 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.

14. 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.

15. Mediators who do not meet the recertification requirements may not hold themselves out as certified mediators, mediation mentors, or certified mediation trainers.

16. A mediator whose certification lapsed as a result of not meeting the recertification requirements in a timely manner may contact DRS if they wish to recertify. In the sole discretion of DRS, deviations or partial waivers from the initial certification requirements may be allowed 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 certification, 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.)