MENTORSHIP GUIDELINES

FOR THE CERTIFICATION OF COURT-REFERRED MEDIATORS

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

Adopted by the Judicial Council of Virginia: October 21, 2025
Effective Date: January 1, 2026

Acknowledgements

In 2005 and 2006, the Training and Mentoring Committee developed the Mentorship Guidelines and the four-hour "Mentoring Individuals Seeking Certification as a Court-Referred Mediator" course, with the assistance of numerous mentors throughout the Commonwealth who provided feedback.

In 2009 and 2010, mediators throughout the Commonwealth provided comments on revisions to the Guidelines as part of the project to revise all five Virginia mediation governing documents.

2005-2006 TRAINING AND MENTORING COMMITTEE MEMBERS

Jack Baker
Mediation Center of Hampton Roads/Baker Mediation
Norfolk, Virginia

Francis Clarke
Commonwealth Mediation Group
Richmond, Virginia

Kathey J. Foskett
Northern Virginia Mediation Service
Prince William County
Manassas, Virginia

Maria Hyson
Piedmont Dispute Resolution Center
Warrenton, Virginia

James R. Meditz
Northern Virginia Mediation Service
Arlington, Virginia

Robert W. Scott
FEMA Disaster ADR Attorney
Springfield, Virginia

John Settle
SETTLEment Associates, LLC
Arlington, VA

Committee Chair: Geetha Ravindra

Division of Dispute Resolution Services Staff: Cheryl Gray Ball
Melanie Rinehults

Mentorship Guidelines
Table of Contents

		Page
I.	Overview of Mentorship Process	1
	1. Privilege to Mentor	
	2. Mentorship Compliance	
	3. Mentorship Consistent with Standards of Ethics	
	4. Misrepresentation Prohibited	
II.	Certification Requirements	4
	1. Prospective Mentors	
	2. Prospective Mediators	
	3. Mediation Case Criteria	
	4. Additional Information	
III.	Role and Responsibilities of Mentors	7
	1. Expectations of Mentors	
	2. Observation	
	i. Pre-mediation Briefing	
	ii. Post-mediation De-briefing	
	3. Co-Mediation	
	i. Pre-mediation Briefing	
	ii. During Co-mediation	
	iii. Post-mediation De-briefing	
	4. Suggestions for Providing Feedback	
IV.	Role and Responsibilities of Mentees	14
	1. Expectations of Mentees	
	2. Observation	
	i. Pre-mediation Briefing	
	ii. Post-mediation De-briefing	
	3. Co-Mediation	
	i. Pre-mediation Briefing	
	ii. During Co-mediation	
	iii. Post-mediation De-briefing	
	4. Suggestions for Receiving Feedback	
V.	Pre-Mediation Checklists	20
	1. Mentor's Pre-Mediation Checklist	
	2. Mentee's Pre-Mediation Checklist	

FORMS

Mentee Observation
Instructions for Completing the *Verification of Observation* Form
Verification of Observation Form

Mentee Evaluation
Instructions for Completing the *Mentee Evaluation* Form
Mentee Evaluation Form

Mentee Portfolio
Instructions for Completing the *Mentee Portfolio* Form
Mentee Portfolio Form

RESOURCES Page

Frequently Asked Questions A-1

Mentoring Tips, Techniques, and Best Practices B-1

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

SECTION I. Overview of Mentorship Process

Virginia is one of only a handful of states that requires a mentorship, in addition to training, in order to be certified as a court-referred mediator. Experienced mediators who have completed specific requirements may serve as mentors to prospective mediators. Mentors contribute to the profession by coaching prospective mediators and by sharing their knowledge and expertise. The decision to seek mentor status should only be undertaken after careful consideration of the role and responsibilities of mentors to both the mentee and Dispute Resolution Services of the Office of the Executive Secretary (DRS). Mediators are not required to seek mentor status, but those who do so should be fully aware of the responsibilities associated with mentoring others seeking certification as court-referred mediators.

DRS relies on the information provided by, and recommendations of, mentors on the completed *Verification of Observation, Mentee Evaluation*, and *Mentee Portfolio* forms. By providing performance-based evaluation feedback, mentors serve as an extension of DRS in its certification-granting capacity. Certification approval or denial is based, in large part, on the honest and detailed evaluations provided by mentors.

The mentorship process involves several case observations and co-mediations. During this process, the mentee observes the stages of the mediation process (including, for example, the introduction to mediation, information sharing, the identification of issues, the generation of options, the drafting of the agreement, and resolution or impasse) and conducts, with the assistance of the mentor, the mediation screening, orientation, caucus, and other parts of the mediation session. Briefings, prior to and after the mediation, afford the mentee an opportunity to discuss the nature and handling of the case, understand the use of special techniques, and assess his or her performance. The mentee must also conduct the final co-mediation, with support only as needed from the mentor, and complete a Memorandum of Agreement and child support worksheet (for prospective family mediators) prior to submitting an application for mediator certification.

The Office of the Executive Secretary is committed to the provision of alternative dispute resolution options in the courts throughout the Commonwealth. Mentors are encouraged to provide pro bono mentoring services to mentees to support the further development of a diverse cadre of highly qualified mediators to serve the court system.

1. Privilege to Mentor

Mentor status confers no vested right to the holder thereof, but is a conditional privilege subject to the oversight of DRS.

2. Mentorship Compliance

1) DRS will review *Verification of Observation, Mentee Evaluation* and *Mentee Portfolio* forms to ensure mentors are meeting expectations described in these Guidelines, including sufficient completion of the forms as well as adequate pre- and post-mediation de-briefings with mentees. Mentees, parties, DRS staff, and other mentors and mediators may raise concerns about a mentor.

   a) DRS may inform those mentors not meeting expectations of any concerns with regard to their performance and business practices.

   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 mentor status during the time period for the improvement goal to be met.

   c) If a mentor is provided such offer, the mentor shall accept or reject the offer in writing within ten (10) calendar days. The written response must be received by DRS within five (5) calendar days after expiration of the ten (10) day time period

   d) If the mentor accepts the recommendation, the mentor shall inform DRS of completion of the agreed course for improvement. If the mentor status 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 mentor does not accept the offer of DRS, DRS has the option of filing a formal complaint against the mentor pursuant to the Complaint Procedures.

2) The procedures available herein for improvement of mentorship shall be offered solely at the discretion of DRS. The availability of procedures for improvement of mentorship 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 mentor under this section toward the goal for improvement shall be considered when determining possible sanctions under the Complaint Procedures.

3) A mediator whose mentor status is revoked may reapply for mentor status after two years from the date of the revocation, or after the time frame otherwise imposed by the revoking entity.

3. Mentorship Consistent with Standards of Ethics

Mentorship shall be conducted in a manner consistent with the Virginia Standards of Ethics and Professional Responsibility for Certified Mediators.

4. Misrepresentation Prohibited

A mediator shall not intentionally or knowingly misrepresent a material fact or circumstance in the course of mentoring others or in the course of applying or reapplying for mentorship status.

SECTION II. Certification Requirements

1. Prospective Mentors

A mediator must meet the following requirements for mentor status prior to serving as a mentor:

1) Certification as a mediator at the court level for which he or she seeks to provide mentor services.

2) Completion of a minimum of ten (10) cases and thirty (30) hours of mediation at the court level for which he or she seeks to provide mentor services.

3) Recertification at least once in the level(s) of court in which the mentor seeks to provide mentor services. For example, a Juvenile and Domestic Relations District Court mentor must be recertified in Juvenile and Domestic Relations District Court at least once. A waiver of the recertification two-year time requirement (the cases and training required to recertify will not be waived) will be considered based on a letter of recommendation by the Director of a community mediation center or other established mediation organization, describing the mediation experience and training of the applicant;

4) Participation in a minimum of a four (4)-hour certified course on Mentoring Individuals Seeking Certification as a Court-Referred Mediator; and

5) DRS approval of the completed Mentor Application (OES Form ADR-4000).

Note: Mentor status does not automatically apply to all levels of court at which a mediator is certified. A mediator must apply at each level for mentor status.

2. Prospective Mediators

Prior to participating in the mentorship process (except for observations which may take place before or after the training courses), a prospective mediator must have:

1) Completed all required mediation training courses as specified in the Guidelines for the Training and Certification of Court-Referred Mediators for General District Court or Circuit Court-Civil ; and/or

2) Completed all required family mediation training courses as specified in the Guidelines for the Training and Certification of Court-Referred Mediators for Juvenile and Domestic Relations Court or Circuit Court-Family.

In addition,

3) Observations must be completed before the co-mediations.

4) DRS may require additional co-mediations depending upon the evaluation of the mentor(s).

5) The entire certification process (course work; observations; co-mediations; completed observation, evaluation and portfolio forms; and application submission) must be completed within a 24-month period:

   a) For General District Court certification, the 24-month period begins at the end of the 20-hour basic course, or with the first observation, whichever occurs first.

   b) For Juvenile and Domestic Relations Court certification, the 24-month period begins at the end of the 20-hour family course, or with the first observation, whichever occurs first.

   c) For Circuit Court Family or Civil certification, the 24-month period begins at the end of the 12-hour course or 20-hour course respectively, or with the first observation, whichever occurs first.

   Waiver of the 24-month requirement may be granted upon special request to DRS. Additional or advanced training, observations and/or co-mediations may be required as a condition of any waiver.

3. Mediation Case Criteria

1) A dispute resolution orientation session is not considered a mediated case for certification purposes.

2) A complete case, whether one mediation session or more than one session, is a case that includes enough stages of the process to allow the mentee to demonstrate competence in mediation skills. If the case is for observation purposes, it must be of sufficient length to allow the mentee to observe the stages of mediation.

3) It is not necessary for the mediation to end in agreement for the case to be considered complete.

4) The mentor may invite the mentee to participate in more than two cases in one day; however, only two cases per day may count for certification purposes.

5) If the mentee does not provide the current mentor with the *Mentee Portfolio* form(s) from completed co-mediations (or incomplete *Mentee Portfolio* form(s)

for an ongoing multiple session co-mediation), the mediation will not count as a co-mediation for certification purposes. The mentee can count the case as an observation. The mentor should complete the *Verification of Observation* form.

6) The mentor and/or mentee should contact DRS with any questions regarding mediation case criteria and certification issues.

4. Additional Information

Information referenced in this document can be found on the Supreme Court of Virginia web site including:

1) The Guidelines for the Training and Certification of Court-Referred Mediators;

2) The Forms to be completed during the mentorship process;

3) The Standards of Ethics and Professional Responsibility For Certified Mediators;

4) The Application for Mediator Certification;

5) The ADR Training Calendar; and

6) A current list of certified mentors.

NOTE: Mentees should be aware that some mentors charge a fee for mentor services. The mentor and mentee should discuss fee arrangements (costs of mentorship, cancellation, and refund policy) prior to beginning the mentorship process. Some community mediation centers provide mentorship at no cost or reduced cost to mentees in exchange for volunteer mediation services once the mentee is certified as a mediator. Mentors are encouraged to provide pro bono mentoring services to mentees to support the development of a cadre of highly competent and diverse mediators.

SECTION III. Role and Responsibilities of Mentors

1. Expectations of Mentors

DRS relies on the information provided by, and recommendations of, mentors in every *Verification of Observation*, *Mentee Evaluation,* and *Mentee Portfolio* form. The decision to grant or deny certification is based, in large part, on the honest and detailed evaluation of mentees provided by mentors. DRS expects the mentor to:

1) Take the mentorship process seriously.

2) Have a thorough knowledge and understanding of the Standards of Ethics and Professional Responsibility for Certified Mediatorsr. The mentor should discuss any ethical considerations raised during a co-mediation with the mentee.

3) Co-mediate no more than two cases with a mentee in the same day in order to allow the mentee time to reflect on and learn from each co-mediation.

4) Serve as a mentor only at the court level(s) in which mediator certification and mentor status have been granted.

5) Inform the mentee that he or she must seek mentorship with more than one mentor in order to receive a variety of feedback and to experience more than one mediator style.

6) Inform the mentee that certification is not automatic following the completion of a specific number of co-mediations.

7) Set detailed goals for the mentee focusing on specific skills and process development during the co-mediation.

8) Discuss with the mentee the fee structure and cancellation policy for the mentorship.

9) Review the essence of the comments to be made on the *Verification of Observation* or the *Mentee Evaluation* form with the mentee.

10) Discuss the rating of each section in the *Mentee Evaluation* form with the mentee.

11) State his or her opinion in "Section III: Overall Assessment of Mentee" on the *Mentee Evaluation* form as to the level of ability of the mentee.

12) Make a recommendation as to the mentee's ability to mediate independently, if the case is the final co-mediation. If the mentor is unable to make a

recommendation (because the mediation was too brief or for any other reason), the mentor can recommend additional co-mediations or training for the mentee.

13) Complete the appropriate mentorship forms thoroughly:

   a. *Verification of Observation* form, if the mentee is participating as an observer;

   b. *Mentee Portfolio* form, in collaboration with the mentee during the co-mediation briefing and post-mediation de-briefing, and;

   c. *Mentee Evaluation* form, if the mentee is participating as a co-mediator.

14) Return the appropriate mentorship forms to the mentee within ten (10) days of the last session of the mediation.

2. Observation

i) Pre-mediation Briefing:

Pre-mediation planning is undertaken to ensure that the mediation session proceeds smoothly. The mentor and mentee should discuss the nature of the case and the types of issues the case may present and confirm the time available for the post-mediation de-briefing.

Before beginning the mediation session, the mentor will:

1) Meet with the mentee 15 to 30 minutes to plan the mediation. Refer to (and modify as necessary) the "Mentor's Pre-Mediation Checklist" in Section V.1;

2) Confirm that the mentee knows he or she is present as an observer only;

3) Discuss with the mentee the nature of the case and the types of issues the case may present, according to the information in the case file, if available; and

4) Encourage the mentee to pay particular attention to the stages of the mediation and to take notes for discussion during the post-mediation de-briefing.

5) Confirm the mediation participants' willingness to permit the mentee to watch the mediation.

6) Ensure that the mentee also signs the *Agreement to Mediate* form.

ii) Post-mediation De-briefing:

NOTE ON FORM COMPLETION: Mentors should not feel compelled to complete the *Verification of Observation* form in the presence of the mentee.

During the observation de-briefing, the mentor should:

1) Allow the mentee to discuss what he or she observed during the mediation. The mentor should use open-ended questions to encourage discussion.

2) Allow the mentee to comment on the mentor's performance and the mediation process itself.

3) Review the mediation, starting with the introduction.

4) Answer questions from the mentee regarding any part of the mediation process.

5) Discuss the child support worksheet(s), if appropriate. The mentor should review the calculation process and the use of any local guidelines.

6) Review the Memorandum of Agreement, if agreement was reached. The mentor should discuss style, wording, and format.

7) Discuss any comments to be included on the *Verification of Observation* form. The mentor should indicate to the mentee if the form cannot be completed within ten (10) days.

   NOTE ON FORM COMPLETION: The mentor should indicate how the mentee participated in the de-briefing on the *Verification of Observation* form. The form should be returned to the mentee within ten (10) days.

3. Co-mediation

i) Pre-mediation Briefing:

Pre-mediation planning is undertaken to ensure that the mediation session proceeds smoothly. The mentor and mentee should discuss the nature of the case and the types of issues the case may present; the mentee's specific skill development needs; each person's responsibility for specific mediation tasks; and confirm the time available for the post-mediation de-briefing.

Before beginning the mediation session, the mentor will:

1) Meet with the mentee 15 to 30 minutes to plan the co-mediation. Refer to (and modify as necessary) the "Mentor's Pre-Mediation Checklist" in Section V.1;

2) Confirm that the mentee's training requirements necessary to mediate the current case have been met;

3) Review all of the portfolio pages (Sections I and/or II of the *Mentee Portfolio* form) from prior co-mediations;

   NOTE: If the mentee does not provide the current mentor with the *Mentee Portfolio* form(s) from completed co-mediations (or the incomplete *Mentee Portfolio* form(s) for an ongoing multiple session co-mediation), the mentee should participate in the co-mediation as an observer only. In this instance, the mediation will not count as a co-mediation for certification purposes.

4) Discuss specific skill and process development goals and complete Section I of the *Mentee Portfolio* form for the current co-mediation ("learn to conduct a mediation," "learn to mediate," etc., are not sufficiently detailed goals); or

5) Update Section I of the *Mentee Portfolio* form for each co-mediation session as necessary.

   NOTE: In the instance where the mentee is in the midst of a multiple session co-mediation and begins a new co-mediation, the mentee should provide the mentor with the *Mentee Portfolio* form(s) for any ongoing case. The mentor in an ongoing mediation should date and note on the *Mentee Portfolio* form recommendations for the mentee based upon observations up to the point where the mediation session ended. The mentor may continue to use the same *Mentee Portfolio* form to note final observations and recommendations when the mediation is finally concluded.

ii) During Co-mediation

The mentor should regard the co-mediation as a session in which the mentee gains practical experience and observes a seasoned mediator manage the mediation process effectively. Allow the mentee to practice the opening, gather information, use open-ended questions, use the flip chart to identify issues, write the agreement, complete child support guidelines calculations by hand, and/or conduct the portions of the mediation in which he or she needs experience.

During the mediation, the mentor should:

1) Note things the mentee said or did that were effective, as well as areas in which the mentee can make improvement; and

2) Take a break, if necessary, to talk with the mentee privately about strategy, process, something the mentee may have said or done inappropriately during the mediation, or to encourage the mentee to be more involved in the mediation.

To assist the mentee in fulfilling certification requirements during the mentoring process, the mentor should ensure that:

1) The mentee is the "lead" mediator in what is anticipated to be the mentee's last co-mediation;

2) The mentee serves as primary scrivener of at least one Memorandum of Agreement. The mentor should encourage the mentee to practice agreement writing even if the case did not result in agreement; and

3) The mentee completes, with mentor guidance and oversight, the child support guidelines worksheet(s) by hand if the mentee is seeking Juvenile & Domestic Relations or Circuit Court-Family certification.

iii) Post-mediation De-briefing

The mentor may find "Section II: Mentee Skills" on the *Mentee Evaluation* form useful as a discussion guide during the post-mediation de-briefing.

NOTE ON FORM COMPLETION: The mentor and mentee should complete the *Mentee Portfolio* form collaboratively. Mentors should not feel compelled to complete the *Mentee Evaluation* form in the presence of the mentee.

During the co-mediation de-briefing, the mentor should:

1) Allow the mentee to explain how he or she felt the mediation progressed and how he or she performed in the role of mediator. The mentor should use open-ended questions to encourage discussion.

2) Allow the mentee to comment on the mentor's performance and the mediation process itself.

3) Review the mediation, starting with the introduction, and provide feedback on the performance of the mentee. NOTE: If an observer was present during the co-mediation, the mentor should excuse the observer before providing feedback to the mentee who participated as a co-mediator.

4) Answer questions from the mentee regarding any part of the mediation process.

5) Proceed with the de-briefing in the event the co-mediation is terminated for any reason. (The mentor should discuss the circumstances of the termination, including any ethical considerations.)

6) Discuss the child support worksheets and calculations, if appropriate. (The mentor should provide mentee with a copy of worksheets to submit with the application for certification.)

7) Review the Memorandum of Agreement written by the mentee, providing appropriate comments on style, wording, and format. (The mentor should provide the mentee with a copy of agreement to submit with the application for certification.)

8) Summarize mentee performance, noting, in particular, strengths, as well as areas for improvement. (The mentor should provide balanced feedback, highlighting the strengths and weaknesses of the mentee. The mentor should not feel pressured to provide only positive evaluations.)

9) Discuss and complete Sections II and III of the *Mentee Portfolio* form. (The mentor and mentee should identify skill development priorities for the next co-mediation.)

   NOTE ON FORM COMPLETION: The mentor should complete Section II of the *Mentee Portfolio* form at the end of each session of a multiple session co-mediation. The mentor should complete Section III of the *Mentee Portfolio* form at the end of the final co-mediation session for the case.

10) Sign the *Mentee Portfolio* form at the end of the final session of the co-mediation and return to the mentee.

11) Complete the *Mentee Evaluation* form and return to mentee within ten (10) days of the completion of the case.

    NOTE ON FORM COMPLETION: The mentor should complete the *Mentee Evaluation* form thoroughly.

    The *Mentee Evaluation* form is not required if the co-mediation is terminated and has not progressed through sufficient stages of the mediation process to constitute a complete case. Refer to Section II.3.2 "Mediation Case Criteria" of the Mentorship Guidelines for additional information.

    When completing "Section III: Overall Assessment of Mentee" on the *Mentee Evaluation* form, the mentor should address these essential questions regarding the mentee's performance:

    - ❖ Does the mentee have a good feel for the mediation process?
    - ❖ Has the mentee learned basic mediation skills?
    - ❖ What mediation skills does the mentee currently lack that should be addressed in subsequent co-mediations or training?

If the rating "1 – Unacceptable" or "2 – Needs Improvement" has been circled for any skill area in Section II on the *Mentee Evaluation* form, the mentor must provide a detailed discussion of the specific area(s) in which the mentee needs improvement.

4. Suggestions for Providing Feedback

The mentor should provide constructive feedback to the mentee. A thorough discussion should take place during the post-mediation de-briefing, one that ensures that the mentee will not be surprised when reading his or her evaluation at a later point. The *Mentee Evaluation* form should not only mirror the discussion during the post-mediation de-briefing, but also demonstrate that the mentor has reflected on the mentee's performance. The mentor should:

1) Phrase comments in a constructive (i.e., positive, frank, and thorough) manner, beginning with positive feedback on things the mentee did well;

2) Use specific statements or events during the mediation for illustration purposes;

3) Adjust the critique to the background and experience of the mentee;

4) Organize comments for the mentee into the major stages of the mediation in order to avoid presenting suggestions in a random manner;

5) Make suggestions concrete and specific, and give more than one alternative, if possible;

6) Use the mentor's own experience to illustrate what not to do; and

7) Summarize the major points, and reinforce what the mentee did especially well.

SECTION IV. Role and Responsibilities of Mentees

1. Expectations of Mentees

The Office of the Executive Secretary relies on the mentorship process in determining if mentees have met the requirements for certification. The information and recommendations of the mentor, as reflected in the completed *Verification of Observation, Mentee Evaluation,* and *Mentee Portfolio* forms, are critical to this determination. The mentee should view the mentorship process as the opportunity to observe mediation skills in use by the mentor, to practice and/or hone the mediation skills required for that co-mediation, and to demonstrate the skills learned during training. Typically, mentees should plan to take the lead in more stages of the mediation as additional cases are co-mediated and skill level increases. The Office expects the mentee to:

1) Respect and value the insights and guidance of the mentors.

2) Dress appropriately for the type of case and venue. Business dress is usually most appropriate for court cases whether conducted in court or in an office location.

3) Participate fully and work cooperatively with the mentor to make sure each step of the mentoring process occurs, including the 15 to 30 minute pre- and post-mediation sessions.

4) Complete the required number of observations and co-mediation cases needed to fulfill the requirements for certification. These requirements include:

    a) Completing the appropriate number and type of cases, and minimum number of case hours, for the type of certification being sought (General District Court (GDC) certification requires two observations and at least five hours of co-mediation including three complete cases; Juvenile and Domestic Relations District (JDR) Court certification requires two observations and at least ten hours of co-mediation including five complete cases; Circuit Court-Civil requires two observations and at least ten hours of co-mediation including five complete cases, or alternatively, two observations and twenty hours of co-mediation including a minimum of two complete cases; Circuit Court-Family requires two observations and at least ten hours of co-mediation including five complete cases. Note that where the mediator has GDC certification or JDR certification, the respective Circuit Court certification requires the necessary training, one observation and two co-mediations);

    b) Acting as the primary scrivener of the memorandum of understanding/ agreement for at least one of the co-mediations; and

c) Completing at least two child support guidelines worksheets when applying for Juvenile and Domestic Relations Court or Circuit Court-Family certification.

5) Work with at least two mentors during the course of the mentorship to enhance the opportunity to learn from mediators with different styles and to be coached and mentored by mediators who will see different strengths and weaknesses. Mentees may seek a waiver of this requirement where circumstances beyond their control preclude the ability to work with two mentors. Mentees should contact DRS for assistance, if needed, in finding mentorship opportunities.

6) Ensure that reflection and learning takes place between mentorship experiences. The cases that mentees work on during the mentorship are likely to require weeks or months to complete. Therefore, mentees should not observe or co-mediate more than two cases per day for certification purposes during their mentorship.

   NOTE: Mentees should recognize that the availability of cases, as well as no-shows/ cancellations, might affect the scheduling for observation or co-mediation purposes.

7) Understand that the mentor may recommend additional training and/or additional casework beyond the minimum required number of cases for the type of certification being sought.

8) Complete the entire certification process (course work, observations, and co-mediations) and submit the certification application (including documentation of training and all evaluation and portfolio forms) within a 24-month period. For General District Court certification, the 24-month period begins at the end of the 20-hour basic course. For Juvenile and Domestic Relations Court certification, the 24-month period begins at the end of the 20-hour family course. For Circuit Court-Family or Civil certification, the 24-month period begins at the end of the 12-hour and 20-hour course respectively. If an observation is conducted prior to the training, the 24-month period begins on date of the first observation. Waiver of this requirement may be granted upon special request to DRS. Additional or advanced training, observations and/or co-mediations may be required as a condition of any waiver.

9) Complete "Section IV: Mentee Feedback" of the *Mentee Evaluation* when the form is received from the mentor.

10) Keep all of the completed *Verification of Observation, Mentee Evaluation,* and *Mentee Portfolio* forms received from mentors. All of the forms must be submitted (regardless of the nature of the feedback) with the application for certification to DRS, as well as a copy of an agreement for which the mentee served as primary scrivener and a copy of a hand-calculated child support

worksheet, if applying for Juvenile & Domestic Relations or Circuit Court-Family certification. The mentee should retain a copy of all forms.

11) Consult the Guidelines for the Training and Certification of Court-Referred Mediators or DRS for clarification of the certification requirements, including the mentorship process.

12) Confirm with the mentor the fee arrangement for the mentorship. Some mentors may charge a fee for mentor services. The mentee should understand the mentor's fee structure and cancellation policy prior to beginning the mentorship. A list of mentors is available on the Supreme Court of Virginia web site www.courts.state.va.us.

2. Observation

i) Pre-mediation Briefing:

Before the mediation begins, the mentee should:

1) Meet with the mentor 15 to 30 minutes to discuss the details of the current case;

2) Provide the mentor with a blank copy of the *Verification of Observation* form;

3) Confirm the mentor's availability for the post-mediation de-briefing (immediately following the last mediation session or shortly thereafter).

ii) Post-mediation De-briefing:

DRS expects the mentee to participate fully in the post-mediation de-briefing.

During the de-briefing, the mentee should:

1) Discuss what he or she observed during the mediation.

2) Comment, constructively, on the mentor's performance and the mediation process itself.

3) Review the child support worksheet(s) calculations (if appropriate) and the use of any local guidelines.

4) Review the Memorandum of Agreement, if agreement was reached.

5) Retain a copy of the *Verification of Observation* form for personal file and for submission with application for certification.

3. Co-mediation

i) Pre-mediation Briefing:

DRS expects the mentee, in collaboration with the mentor, to identify, before each mediation, areas of focus and goals to be achieved in the current mediation, any discussions or de-briefings from prior mediations as described in earlier *Mentee Portfolio* forms, and any concerns or issues.

Before the mediation begins, the mentee should:

1) Meet with the mentor 15 to 30 minutes to discuss the details of the current case. Refer to the "Mentee's Pre-Mediation Checklist";

2) Confirm with the mentor that the training requirements necessary to mediate the current case have been met;

3) Confirm the mentor's availability for the post-mediation de-briefing (immediately following the mediation session or shortly thereafter).

4) Inform the mentor if the *Mentee Evaluation* form is needed in less than ten (10) days;

5) Provide the mentor with blank copies of the *Mentee Portfolio* and *Mentee Evaluation* (as appropriate) forms to be completed;

6) Provide the mentor with a copy of each completed *Mentee Portfolio* form (or incomplete *Mentee Portfolio* form(s) for an ongoing multiple session co-mediation); and

7) Complete "Section I: Skill Development Goals" of the *Mentee Portfolio* form in collaboration with the mentor prior to the mediation.

   NOTE: If the mentee does not provide the current mentor with the *Mentee Portfolio* form(s) from completed co-mediations (or incomplete *Mentee Portfolio* form(s) for an ongoing multiple session co-mediation), the mentee may participate in the co-mediation as an observer only.

ii) During Co-mediation:

DRS expects the mentee to strive to perform the mediator roles and responsibilities agreed to during the pre-mediation discussions.

During the co-mediation, the mentee should:

1) Follow the lead of the mentor who may need to take a more active role based on circumstances encountered during the mediation;

2) Conduct as many portions of the mediation as possible and practice the use of special techniques as appropriate during the mediation;

3) Serve as the primary scrivener on at least one Memorandum of Agreement;

4) Complete the child support guidelines worksheet(s) by hand using a calculator and the statute, if seeking JDR or Circuit Court-Family certification; and

5) Take note of learning opportunities that occurred in the mediation for later discussion with the mentor.

iii) Post-mediation De-briefing:

DRS expects the mentee to participate fully in the post-mediation de-briefing.

During the de-briefing, the mentee should:

1) Discuss the evolution of the case with the mentor and the completion of specific mediation tasks assigned;

2) Discuss his or her progress towards achieving previously identified skill development goals;

3) Review the child support guidelines worksheet calculations;

4) Review the Memorandum of Agreement;

5) Work with the mentor to identify skill development goals for the next co-mediation case (or session) as the mentor completes Sections II and III of the *Mentee Portfolio*; and

6) Complete "Section IV: Mentee Feedback" of the *Mentee Evaluation* when the form is received from the mentor. NOTE: The mentee is not obligated to share this section with the mentor.

7) Retain a copy of the completed *Mentee Portfolio* and *Mentee Evaluation* forms for personal file and for submission with application for certification.

4. Suggestions for Receiving Feedback

Reflective practice is an important attribute of good mediators. The mentorship process provides a safe learning environment where skills can be assessed and enhanced, and best

practices shared. To maximize the learning opportunities inherent in the mentorship, the mentee should:

1) Be receptive to constructive feedback;

2) Be willing to ask questions; and

3) Reflect on the case at hand and on previous cases.

SECTION V. Pre-Mediation Checklists

The mentor and mentee should discuss methods for interaction during mediation. Topics for discussion may include the following:

1. Mentor's Pre-Mediation Checklist

The mentor should determine who would assume responsibility for the following tasks:

___ Introduce party and mediator(s)
___ Explain mediation
___ Review agreement to mediate form
___ Conduct screening
___ Determine if case is appropriate for mediation
___ Ground rules
___ Lead story telling and issue identification
___ Lead problem solving
___ Lead agreement writing
___ Complete court paperwork and make copies
___ Complete child support guidelines worksheet(s)
___ Inform court of outcome
___ Recap and revisit at beginning of new session

The mentor should discuss the following:

___ Unique ground rules or practices
___ Transitioning from one person to the other and changing strategies during the mediation
___ Method for addressing concerns by either mentor or mentee without causing undue disruption
___ Procedure to be used to call a caucus
___ How responsibilities will be shared during the session so that both mediators obtain "voice legitimacy"
___ How to achieve balanced involvement in the mediation
___ How to work in the same direction and keep each other on track
___ Differences in style or approach

The mentor should confirm the mentee's availability to remain after the session to de-brief for 15 to 30 minutes. Where the de-briefing does not take place immediately following the mediation, it should be rescheduled as soon as possible within ten (10) days.

2. Mentee's Pre-Mediation Checklist

The mentee should:

____Arrive at least 15 to 30 minutes before the mediation is scheduled to occur
____Provide the mentor with a blank copy of each form to be completed
____Provide the mentor with a copy of each completed *Mentor Portfolio* form prior to the mediation and discuss expectations for the current mediation
____Complete "Section I: Skill Development Goals" of the *Mentee Portfolio* form in collaboration with the mentor prior to the mediation
____Inform the mentor if the *Mentee Evaluation* form is needed in less than ten days

Before the mediation, the mentee and mentor should discuss:

____The areas in which the mentee wants experience and feedback
____The nature of the case and types of issues the case may deal with, according to information in the case file
____The portions of the mediation for which each will take responsibility
____Any unique ground rules or practices
____Transitioning from one person to the other and changing strategies during the mediation
____Methods for addressing concerns by either mentor or mentee without causing undue disruption
____The procedure to be used to call a caucus
____How responsibilities will be shared during the first session so that both mediators obtain "voice legitimacy" early in the first session
____How the mentee and mentor will achieve balanced involvement in the mediation
____A strategy for how to work in the same direction and keep each other on track
____Differences in style and approach
____Whether the mentee needs to serve as primary scrivener of the mediated agreement if agreement is reached
____Whether the mentee has completed at least one child support worksheet, if JDR or Circuit Court-Family certification is sought

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

INSTRUCTIONS FOR COMPLETING THE *VERIFICATION OF OBSERVATION* FORM (ADR-1007)

I. INSTRUCTIONS FOR MENTEES

Save and submit all *Verification of Observation* forms (regardless of the nature of the feedback) with the application for certification. An observation form must be completed for each observation that will be counted for certification purposes.

II. INSTRUCTIONS FOR MENTORS

Complete Sections I and II of the *Verification of Observation* form. Describe how the mentee participated in the de-briefing at the conclusion of the mediation. Provide additional comments as necessary.

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

VERIFICATION OF OBSERVATION FORM

(To be completed by mentor and returned to mentee within ten days following case completion.)

Please type or print.

SECTION I. BACKGROUND INFORMATION

1. Name of mentee: _____

2. Name of mentor: _____

   (Are you currently certified as a mentor for this court level? ____Yes ____No)

3. Certification Number: _____

SECTION II. OBSERVATION INFORMATION

1. Date(s) of Observation: _____

2. Nature of Case: GDC _____ J&DR _____ CCC _____ CCF _____ Other_____

3. Length of Mediation: _____

4. Describe the mentee's participation in the de-briefing session.

   _____
   _____
   _____
   _____
   _____

5. Additional comments: _____
   _____
   _____
   _____
   _____
   _____

_____ _____
Signature of Mentor Mediator Date

FORM ADR-1007 (7/11)

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

INSTRUCTIONS FOR COMPLETING THE *MENTEE EVALUATION* FORM (ADR-1001)

I. INSTRUCTIONS FOR MENTEES

1) **Save and submit** all evaluations (regardless of the nature of the feedback) with the application for certification. An evaluation form must be completed for each co-mediation that will be counted for certification purposes. An evaluation form is not necessary, however, if the case will not count for certification purposes.

2) **Complete** "Section IV: Mentee Feedback" of the *Mentee Evaluation* form upon receipt from the mentor. The mentee should reflect on the case and the mentoring experience: Was the pre- and post- mediation de-briefing helpful? Does your self-evaluation differ from the mentor's assessment of your mediation skills?

3) The mentee can choose to share "Section IV: Mentee Feedback" with the mentor but is not obligated to do so.

4) An evaluation form should not be completed if the case is not a complete case. A complete case consists of one or more mediation sessions that included enough stages of the mediation process to allow the mentee to demonstrate competence in mediation skills.

II. INSTRUCTIONS FOR MENTORS

1) **Complete** the *Mentee Evaluation* form and return it to the mentee **within ten days** from the date of the last co-mediation session for the case.

2) **Describe** the case in Section I of the *Mentee Evaluation* form, noting both the nature of the case and the major issues involved (e.g., multi-party, presence of counsel, custody/visitation/support, truancy, General/JDR/Circuit: Civil or Family). Additional information should be included if the case was complex or difficult. Note which co-mediation this is (#1, #2, #3, etc.).

3) **Rate** the mentee's skills in Section II of the *Mentee Evaluation* form using the rating scale. A rating of "1 - Unacceptable" or "2 - Needs Improvement" requires further explanation in Section III of the form.

4) **Provide** an overall assessment of the mentee's performance in Section III of the *Mentee Evaluation* form. The mentor should consider the mentee's acquisition of basic mediation skills to date: Does the mentee understand the mediation process? Does the mentee need additional co-mediations or training? Is the mentee prepared to mediate independently?

5) **Suggest** verbally (during the post-mediation de-briefing) and in writing (on the form) that the mentee take additional co-mediations or training, if necessary, to improve mediator skill level.

6) **Provide** additional feedback upon request of the Dispute Resolution Services' office.

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

MENTEE EVALUATION FORM

(To be completed by mentor and returned to mentee within ten days following case completion.)

Section I. Mentee & Case Information (please type or print)

Mentee Mediator: _____

Mentor Mediator: _____ Certification Number: _____

(Are you currently certified as a mentor for this court level? ____Yes ____No)

Co-Mediation Case # (Circle) 1 2 3 4 5 6 7 8 Case Type: ΔGDC ΔJDR ΔCCC ΔCCF ΔOTHER

Date(s) of Mediation: _____ Length of mediation: _____

Please describe the nature of the case and major issues involved (e.g., multi-party, presence of counsel, custody/visitation/support, truancy). Note the challenges/problems the case presented.

_____

_____

Section II: Mentee Skills

Circle the appropriate number for each item using the following rating scale:

NA – Not Applicable	**3** – Satisfactory (Performed Adequately for Current Co-mediation)
1 – Unacceptable	**4** – Highly Competent (Took Lead and Exceeded Expectations for Current Co-mediation)
2 – Needs Improvement (Additional Development and/or Training Recommended)	**5** – Excellent (Demonstrated a Professional Level of Mediator Skills)

A. Personal Qualities

Appropriate dress and appearance…….	NA	1	2	3	4	5
Developed rapport and trust, and conveyed a positive outlook…….	NA	1	2	3	4	5
Appeared confident and in control of emotions…….	NA	1	2	3	4	5
Appeared sensitive to clients' physical and emotional comfort……	NA	1	2	3	4	5

B. Introduction

Provided welcome and opening comments……	NA	1	2	3	4	5
Explained mediation process……..	NA	1	2	3	4	5
Clarified role of participants……	NA	1	2	3	4	5
Established ground rules……..	NA	1	2	3	4	5
Covered Agreement to Mediate form……..	NA	1	2	3	4	5

C. Information Sharing

Engaged participation of clients……..	NA	1	2	3	4	5
Understood issues and empathized with feelings……	NA	1	2	3	4	5
Accurately and briefly summarized information and concerns……..	NA	1	2	3	4	5
Balanced time and focus between clients……	NA	1	2	3	4	5

D. Issue Clarification

Asked appropriate questions……..	NA	1	2	3	4	5
Identified interests, intentions, differences, limitations, and underlying problems……	NA	1	2	3	4	5
Identified common ground……..	NA	1	2	3	4	5
Reframed statements and issues……..	NA	1	2	3	4	5

E. Generation of Options

Organized and prioritized mediatable issues…….	NA	1	2	3	4	5
Focused on present and future needs rather than positions……	NA	1	2	3	4	5
Elicited multiple options and explored settlement possibilities…….	NA	1	2	3	4	5

F. Resolution/Closure

Facilitated negotiation and bargaining……..	NA	1	2	3	4	5
Assisted parties with reality testing……... ..	NA	1	2	3	4	5
Drafted agreement that is sufficiently specific and addressed all issues……...	NA	1	2	3	4	5
Drafted agreement that is well organized, clearly stated, and easily readable……..	NA	1	2	3	4	5
Assisted in developing an agreement that is balanced, fair, realistic, understood, and not coerced……..	NA	1	2	3	4	5
Discussed options for noncompliance or resolving future conflict……..	NA	1	2	3	4	5
Sufficient effort exerted to assist parties in reaching agreement……..	NA	1	2	3	4	5
Provided appropriate information and referral…….	NA	1	2	3	4	5
Completed child support worksheet by hand (if applicable)……	NA	1	2	3	4	5

G. Professional Qualities

Allowed adequate planning and preparation time……..	NA	1	2	3	4	5
Possessed adequate knowledge of issues……	NA	1	2	3	4	5
Demonstrated an awareness of ethical issues……..	NA	1	2	3	4	5
Maintained neutrality, impartiality, and objectivity……	NA	1	2	3	4	5
Avoided giving advice, pressure, and judgment…….	NA	1	2	3	4	5
Demonstrated respect for different values and lifestyles……	NA	1	2	3	4	5
Demonstrated ability to work with co-mediator and clients……...	NA	1	2	3	4	5
Engaged in ongoing assessment of appropriateness of case for mediation…….	NA	1	2	3	4	5

H. Communication Skills

Demonstrated appropriate posture, gestures, and eye contact…….	NA	1	2	3	4	5
Demonstrated appropriate use of voice, tone, volume, and clarity…….	NA	1	2	3	4	5
Demonstrated appropriate verbal content and timing…….	NA	1	2	3	4	5
Demonstrated appropriate listening styles and other intuitive abilities……..	NA	1	2	3	4	5
Demonstrated good paraphrasing and reframing skills……..	NA	1	2	3	4	5

I. Special Techniques

Demonstrated appropriate use of caucus……	NA	1	2	3	4	5
Demonstrated appropriate involvement of other parties……	NA	1	2	3	4	5
Overcame impasse, resistance, or difficult behavior…….	NA	1	2	3	4	5
Dealt with power imbalance or control issues……	NA	1	2	3	4	5
Handled intense emotions or difficult agendas……..	NA	1	2	3	4	5
Displayed flexibility and used creative strategies effectively……	NA	1	2	3	4	5

Section III: Overall Assessment of Mentee

Mentors must complete Section III for all co-mediations. Attach additional sheets as necessary.

Please discuss skill areas in which the mentee showed strength or needed improvement. If the rating "1 - Unacceptable" or "2 - Needs Improvement" has been circled, the mentor must propose suggestions for mentee improvement. The mentor's assessment should address the following questions regarding the mentee: Does the mentee have a good feel for the process? Has the mentee learned basic mediation skills? What mediation skills does the mentee currently lack that should be addressed in subsequent co-mediations or training?

Based on this co-mediation, and in relation to the mentee's present level of training and experience, has the mentee demonstrated competency in the mediation process? Yes___ No___

If this mediation meets minimum co-mediation requirements, has the mentee demonstrated the appropriate level of skill to mediate independently? Yes___ No___ (additional training or experience required)

If "No" has been checked for either question, the mentor must comment below.

Signature of Mentor Mediator_____ Date_____

Section IV. Mentee Feedback

To be completed by mentee upon receipt of completed evaluation form. The mentee is encouraged to share these comments with the mentor but is not obligated to do so. DRS may anonymously share feedback with mentors, and may also use feedback anonymously to train mentors. Attach additional sheets as necessary.

Mentor Name and Date of Mediation _____

Please address the following questions:

Did the mentor discuss expectations of mentees during the pre-mediation session? Yes___ No___
Were you able to participate fully during the mediation? Yes___ No___
Were the pre- and post-mediation mentoring sessions helpful to you in understanding the case and your skill development needs? Yes___ No___
Did the mentor return the form within ten days? Yes___ No___

Additional Comments: _____

What is your personal assessment of your mediations skills in this mediation?

Thank you for your feedback. All responses will be carefully reviewed. If ethical issues are raised, the Office of the Executive Secretary will follow-up. If you have questions or concerns about the mentorship process, please contact the Office of the Executive Secretary, Dispute Resolution Services, at (804) 786-6455. Return this *Mentee Evaluation* form with your certification application to Dispute Resolution Services, Supreme Court of Virginia, 100 N. Ninth Street, Third Floor, Richmond, Virginia 23219.

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

INSTRUCTIONS FOR COMPLETING THE *MENTEE PORTFOLIO* FORM (ADR-1008)

INSTRUCTIONS FOR MENTEES

1) **Complete** "Section I: Skill Development Goals" of the *Mentee Portfolio* with the assistance and input of the mentor.

INSTRUCTIONS FOR MENTORS

1) **Indicate** the number for the current co-mediation at the top of the document.

2) **Review** earlier *Mentee Portfolio* form(s) prior to beginning the pre-mediation discussion at the second and all subsequent co-mediations.

3) **Discuss** with the mentee his or her progress towards the skill development or goals previously identified and the nature of the current mediation case.

4) **Identify** goals for the mentee's skill development during the current mediation case by listing specific skill or process development goals. "Learn to conduct a mediation," "learn to mediate," etc, are not sufficiently detailed goals.

5) **Observe** the mentee during the mediation session, noting specifically the areas previously identified.

6) **Complete** the *Mentee Portfolio* form, noting both the mentee's self-identified goals and the mentor's identified goals (if different). Include any recommendations for additional training (courses, readings, co-mediations, or other developmental activities).

7) **Sign and date** the *Mentee Portfolio* form and give to the mentee before concluding the de-briefing.

8) If the case has multiple sessions, the *Mentee Portfolio* should be completed at the end of each session and reviewed prior to the beginning of the next session. The comments at the end of each session of a multi-session mediation should be initialed and dated by the mentor. A single *Mentee Portfolio* form can be used for a multi-session mediation.

OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

MENTEE PORTFOLIO FORM

(To be completed by mentor and mentee at the end of each co-mediation session.)

Co-Mediation Case # (Circle) 1 2 3 4 5 6 7 8

Case Type: ΔGDC ΔJDR ΔCCC ΔCCF ΔOTHER

Mentee Mediator: _____

Mentor Mediator: _____ Certification Number: _____

(Are you currently certified as a mentor for this court level? ____Yes ____No)

Date(s) of Mediation: _____

Section I: Skill Development Goals
Complete prior to mediation.

I. MENTOR & MENTEE: (Review previous co-mediation case portfolio pages.) The mentee and mentor identified the following goals for the mentee's skill development during the case.

Section II: Skill Development Progress
Complete after the co-mediation session.

II. MENTOR: Describe the mentee's progress toward the skill development goals identified in Section I.

Section III: Skill Development Priorities
Complete after the co-mediation session or at the conclusion of the case.

III. MENTOR: Based on your post-mediation discussions with the mentee and your observations during the case, identify the skill development priorities you recommend for the mentee in subsequent mediations. Include any recommendations you may have for additional training, reading, or other developmental activity.

Signature of Mentor _____ Date_____

Signature of Mentee _____ Date_____

Mentorship Process: Frequently Asked Questions

1. What are the requirements for mentor status?

A prospective mentor must have been recertified at least once in the level(s) of court in which the mentor intends to provide mentor services. For example, a Juvenile and Domestic Relations District Court mentor must be recertified in Juvenile and Domestic Relations District Court at least once. In addition,

- The mentor must have conducted a minimum of 10 cases and 30 hours at the court level in which he or she seeks to provide mentor services.
- A waiver of the two-year recertification time requirement will be considered based on a letter of recommendation by the director of a community mediation center or other established mediation organization, describing the mediation experience and training of the applicant. (The cases and training required for recertification will not be waived.)
- Participation in a minimum of a four (4)-hour certified course on Mentoring Individuals Seeking Certification as a Court-Referred Mediator.
- DRS approval of the completed Mentor Application (OES Form ADR-4000).

2. Can I provide mentor services if my certification has expired?

No. Mentors cannot provide mentoring services if mediator certification has expired in the court level in which mentoring services would be provided or if they have not applied for and been granted mentor status. Mediators have an ethical obligation to ensure that their certification is current for each court level in which they are providing mediation or mentoring services.

3. Can I mentor Juvenile & Domestic Relations Court cases if I have General District Court certification and mentor status?

No. Mentors can only provide mentoring services at the court level in which they have been certified. For example, a mentor certified as a General District Court mediator can only provide mentoring services in General District Court. A mentor certified in General District Court and Juvenile & Domestic Relations Court could provide mentoring services for cases in both court levels, but must apply for mentor status at each level.

4. Can a mentor charge a fee for providing mentoring services?

Yes. A mentor can charge a fee for providing mentoring services. The mentor should discuss fees, cancellation, and refund policies with the mentee prior to providing services. The mentor should also consider providing mentor services *pro bono* to help new mediators enter the field and to contribute to the expansion of a diverse cadre of competent mediators.

The fee charged for mentorship services should not, under any circumstances, influence the evaluation of a mentee's performance.

5. What are my responsibilities as a mentor?

The Mentorship Guidelines should be reviewed for a more thorough discussion of the information provided therein. In brief, the Mentorship Guidelines details the specific role and responsibilities of both mentors and mentees. DRS relies on the information provided by, and recommendations of, mentors in the completed *Verification of Observation, Mentee Evaluation*, and *Mentee Portfolio* forms. By providing performance-based evaluation feedback, mentors serve as an extension of DRS in its certification-granting capacity. Certification approval or denial is based, in large part, on the honest and detailed evaluations provided by mentors.

Neither the completion of the minimum mediator certification requirements nor the payment of a mentorship fee should influence the evaluation of the mentee or the recommendation for certification made by the mentor.

6. Can I provide mentoring services for more than one case to the same mentee?

The mentor may provide mentoring services for more than one case to the same mentee. The mentor may invite the mentee to participate in more than two cases in one day; however, only two cases per day will count for certification purposes. The mentor should inform the mentee that he or she must attain mentorship with more than one mentor in order to receive a variety of feedback and to experience more than one mediator style.

7. Can I provide mentorship services to a mentee for all of the required co-mediations?

The mentee must work with at least two mentors during the course of the mentorship to enhance the opportunity to learn from mediators with different styles and to be coached and mentored by mediators who will see different strengths and weaknesses. For example, the mentee co-mediates two General District Court (GDC) cases with mentor #1 and has an opportunity to co-mediate a third GDC case with the same mentor. During the third case, the mentee serves as the scrivener and drafts the Agreement to Mediate. In this instance, the mentee has co-mediated three GDC cases but has not mentored with two mentors. The mentee must co-mediate an additional case with mentor #2.

Mentees may seek a waiver of this requirement where circumstances beyond their control preclude the ability to work with at least two mentors. The mentor should contact DRS when in doubt about being the sole mentor to a mentee.

8. Can I mentor more than one mentee in the same day?

Yes, the mentor can mentor more than one mentee in the same day; however the mentor should be cognizant of the responsibilities to each mentee to provide sufficient pre- and post- mediation briefings and to thoroughly complete the *Verification of Observation*, *Mentee Portfolio*, and *Mentee Evaluation* forms for each mentee.

9. Are the pre- and post-mediation briefings necessary?

The success of the mentorship process is dependent upon the commitment of both the mentor and the mentee. The pre- and post-mediation briefings are critical components of the process and should be completed for each case. If the briefings present scheduling difficulties, the mentor can exercise some flexibility but must ensure that the briefings take place.

10. Should I proceed with the mentorship if the mentee does not provide the *Mentee Portfolio* forms from previous cases?

If the mentee does not provide the current mentor with the *Mentee Portfolio* form(s) from completed co-mediations or ongoing multiple session co-mediation, the case will not count as a co-mediation for certification purposes. The mentee should participate in the co-mediation as an observer only.

11. What is considered a case for mentorship purposes?

A complete case, for mentorship purposes, is a case that includes enough stages of the process to allow the mentee to demonstrate substantive engagement in the process. The case may consist of one mediation session or more than one session. If the case is for observation purposes, it will be of sufficient length to allow the mentee to observe the stages of mediation.

A dispute resolution orientation session is not considered a mediated case for certification purposes.

12. What should I do if parties decide, after the first mediation session, not to continue to mediate?

If the mediation session included enough stages of the process to constitute a complete case, the mentor has ten (10) days after this notification to complete the appropriate mentorship form and forward the form to the mentee. The case can count toward the certification requirement as a co-mediation or an observation. The final de-briefing between the mentor and the mentee can occur via telephone. The mentor should complete the *Verification of Observation, Mentee Portfolio,* and/or the *Mentee Evaluation* form(s) as appropriate.

If the first mediation session did not include enough stages of the process to constitute a complete case, the case cannot count as a co-mediation or an observation.

13. Are there other situations where an observation or co-mediation will not count for certification?

Yes.
Example #1: The parties sign the Agreement to Mediate form and then indicate they wish the mediator(s) to serve only as a scrivener. The case will not count for certification purposes.

Example #2: The mentee participates in pre-mediation briefing with the mentor via telephone but arrives after the mediation session has begun. Since mediation is a process designed to meet the needs of the parties, the mentee's late arrival would disrupt the flow of the mediation. The mentor, at his or her discretion and at an appropriate time in the mediation, may permit the mentee to observe the mediation. The case will not count for certification purposes.

14. What forms do I need to complete for the mentee?

The mentor should complete the following forms:

a. *Verification of Observation* form, if the mentee is participating as an observer;
b. *Mentee Evaluation* form, if the mentee is participating as a co-mediator; and
c. *Mentee Portfolio* form, in collaboration with the mentee during the post-mediation de-briefing.

Mentors should not feel compelled to complete the *Verification of Observation* or *Mentee Evaluation* forms in the presence of the mentee. (The *Mentee Portfolio* form is completed in collaboration with the mentee.) The mentor should, however, complete the required forms while the details of the mentee's performance and the case are easily recalled and before the ten-day time frame has expired.

15. What happens if I do not complete a mentorship form within the ten-day time frame?

The mentor should be aware of scheduling issues and other commitments prior to confirming mentoring services. In the event that a mentorship form will not be completed within the ten-day time frame, the mentor should contact the mentee as soon as possible and discuss the impact the delay may have on the mentee's future co-mediations. If, prior to the start of the case, the mentor anticipates a delay in completing the forms within the ten-day time frame, the mentor should discuss the situation with the mentee.

16. What feedback should I provide to the mentee?

The mentor will provide both verbal feedback to the mentee during the post-mediation de-briefing and written feedback on the appropriate mentorship form regarding the mentee's strengths and areas needing additional work. The mentor should, during the de-briefing, share the essence of the comments that will be submitted as written feedback on the *Mentee Evaluation* form. The mentee should not be surprised by the information on the written evaluation. The mentor can refer to the Mentorship Guidelines and the Mentoring Individuals Seeking Certification as a Court-Referred Mediator course materials for additional information on providing feedback.

17. What are the mentee's responsibilities during the mentorship process?

The mentee's role and responsibilities are detailed in the Mentorship Guidelines and will be incorporated in the mediator training course curricula. The Mentorship Guidelines are be available online on the Supreme Court of Virginia website at http://www.courts.state.va.us/.

18. What if the mentee has not completed all of the training and case observation requirements prior to beginning the co-mediations?

The mentee must complete all of the necessary training and case observation requirements prior to beginning the co-mediations, as outlined in the Guidelines for the Training and Certification of Court-Referred Mediators. The mentor should confirm with the mentee that all of the requirements have been completed prior to the start of the co-mediations.

19. What should I do if the mentee has not completed a Memorandum of Agreement or a child support worksheet?

The mentor should encourage the mentee, as primary scrivener, to complete several Memorandum of Agreements (MOA) and, as a prospective family mediator, child support worksheets. In the unusual event that a mentee has met the co-mediation case requirements but has not had the opportunity to write an MOA or complete the child support worksheets, the mentee should continue to co-mediate until the requirement is completed.

If the mentee is not competent to complete the Memorandum of Agreement or child support worksheets without further training, the mentor should make specific recommendations for further courses or training.

20. What if I cannot recommend the mentee for certification?

The mentor should provide honest, objective feedback for each co-mediation, whether it is the mentee's first or final case. If the mentee is not yet ready to receive certification to mediate on his or her own, the mentor will have indicated

which co-mediation is being evaluated (#1, #2, #3, etc.) on the *Mentee Evaluation* form and should recommend additional cases or training beyond the minimum requirement. The mentor should also indicate what mediation skills the mentee currently lacks that should be addressed in subsequent co-mediations or training.

21. What is the meaning of the question "Does the mentee have a good feel for the process?" in 'Section III: Overall Assessment of Mentee' of the *Mentee Evaluation* form?

The question is designed to prompt the mentor to consider the mentee's understanding of, and facility with, the mediation process. The mentor should consider whether the mentee could handle the intricacies of a mediation case as either a solo mediator or a co-mediator.

22. Will DRS send the mentor a copy of the completed "Section IV: Mentee Feedback" from the *Mentee Evaluation* form?

The mentorship process is designed to be a learning experience for both the mentor and the mentee. The mentor should allow the mentee the opportunity to comment on the mentor's performance as part of the post-mediation de-briefing. The mentor can ask the mentee to share his or her written feedback on the *Mentee Evaluation* form but the mentee is under no obligation to do so.

DRS will contact the mentor to discuss the *Mentee Evaluation* form if there are any questions or concerns raised in the completed form.

23. How can I improve/enhance my mentoring skills?

Mentors can improve/enhance their mentoring skills by attending local Mediator Peer Consultation meetings, the Virginia Mediation Network conferences, and mediator continuing education courses, and by doing independent reading on mediation.

24. Can I lose my approval as a mentor?

DRS will work with the mentor to resolve any issues that may arise as a part of the mentorship process and, if necessary, to improve the quality of the comments written by the mentor on the *Mentee Evaluation* as well as the sufficiency of the post-mediation de-briefing. The decision to remove mentor status from a mediator will be made after a reasonable period of time if concerns are not addressed.

25. Who should I contact if there are questions regarding the mentorship process?

The mentor should contact DRS at 804-786-6455 if there are questions regarding the mentorship process.

Mentoring Tips, Techniques, and Best Practices

Background:

This document reflects the experiences shared by many mentors and mentees. It should be viewed in the context of the policies and standards of the Mentorship Guidelines of the Dispute Resolution Services office of the Supreme Court of Virginia. In particular, mentors should review Sections III and IV of the Mentorship Guidelines, which contain the expectations of mentors and mentees and suggestions for providing effective feedback during mentoring. This material supplements those sections and should be discussed as part of the training for mentors.

* * *

Before the mediation:

1. Discuss what the mentee wants to achieve in the upcoming mediation and any concerns and anxieties he or she may have.

2. Against the background of the mentee's experience to date, any developmental needs noted by prior mentors, and the discussions under item 1 above, plan with the mentee for your mutual expectations and your respective roles – *e.g.,* how you will share or otherwise handle the introduction to mediation, the extent to which you will share "air time" during the mediation, how to deal with breaks, and how to deal with the particular skill development needs of the mentee. Revisit and reinforce basic learning points as needed (*e.g.,* for the introduction, the trust-building overlay, different ways of approaching "ground rules"). Remind the mentee about the importance of body language and of the importance of listening for the "message behind the words."

3. Discuss your personal style or model of mediation with the mentee, and any particular practices you favor concerning "ground rules" and caucusing. This provides a touchstone for post-mediation debriefing on different approaches to issues that arose during the mediation. Mentees often are trying to make sense of different approaches or perspectives from several sources.

4. Assure the mentee understands that the parties' needs are paramount and take precedence over the mediation as an educational endeavor for the mentee -- and that if you as mentor feel the need to step in, you will do so.

5. Discuss what you know about the upcoming case and any particular emotional, process, power, or substantive matters that might arise and ways in which these matters might be approached.

6. If you are joined by an observer rather than a co-mediating mentee, clarify expectations about how the observer will be introduced to the parties, where the observer will sit, and the observer's non-participatory role. Give the observer assignments for later discussion: watching body language, questions about your actions and reactions during the mediation.

7. Share your practices around a suggested "toolbox" – copies of forms, "introduction-to-mediation" outline, tissues, calendar, notepaper and pens, etc.

During the mediation:

1. Follow your plan. Send a message of support (and responsibility) to the mentee by doing the things (and letting the mentee do the things) you discussed before the mediation.

2. As a general rule, do not identify your co-mediator as a mentee. This can have the effect of diminishing your mentee's perceived role so substantially that it becomes virtually useless as a co-mediation learning experience.

3. Be continuously alert, but give the mentee room to work and to make some (harmless) errors. Your primary responsibility is to the parties, but you should be prepared to tolerate some less-than-artful actions of the mentee. There are few errors from which one cannot recover. You should note opportunities for improvement for later debriefing.

4. Although you want to give the mentee room to learn from his or her own experiences, your modeling of adroit mediation practices is a very effective learning tool as well. For example, you can demonstrate useful phrases used to clarify or offer an example of your style of reframing and affirm these later in debriefing.

5. If you must step in, try to do so unobtrusively if possible – *e.g.,* if you believe you really need to redirect a line of discussion from something the mentee just asked, you might say *"Just before we get to that, could we first clear up something that I still am a little unclear about . . . ."* It is best that the parties not unnecessarily pick up "vibes" that something has gone wrong, as it can negatively affect their trust in the mediation -- and you want to avoid appearing to disrespect your co-mediator.

6. Once in a while, things may go so badly that you need to change directions substantially and immediately. Take a break (you do not necessarily have to disclose your real reason for the break to the parties). Then meet with the mentee, debrief specifically around why you took the action, and plan for recovery.

7. Ordinary breaks during the mediation may present "mini-debriefing" opportunities about prior activity; just keep in mind that a break may be too short to effectively deal with an issue or may over-emphasize a particular contemporary event. On the other hand, breaks can be used as opportunities to re-visit your mentoring plan and analyze options for proceeding after the break.

8. An important challenge for the mentor is timely note-taking about items to discuss during de-briefing – things that went particularly well, problems that arose and options for handling them, and things that might have been done differently. While you do not want to lose focus or divert attention by voluminous note-taking, it is important to develop your own way of making brief notes sufficient to later remind you and the mentee of the specifics of a learning event. It may be some time before you can return to an important event that occurred during only a few seconds in mediation. Sometimes, you may need to capture the exact words a mentee used to debrief effectively. Consider practicing the art of brief, marginal note-taking without looking down, and developing your own shorthand!

Debriefing and evaluation after the mediation session:

1. Take a short break after the mediation session and before the debriefing to refresh and refocus. The mentor can use this opportunity to organize his/her thoughts. Mark the transition psychologically by changing something – take your coat off, arrange the seats differently, etc. Reintroduce the purpose of the debriefing, your respective roles, and confirm you are in agreement about the time available. Often, mentor and mentee may need a little time to decompress from the mediation – which may provide an opportunity to segue into specific elements of the debriefing. If the mentee appears at all apprehensive about the debriefing, acknowledge that evaluation is difficult but valuable experience for everyone, particularly in the mediation process, where as mediators we need to anticipate and welcome constructive feedback in one form or another throughout our professional lives.

2. A good general principle about feedback is to focus on the *behavior*, not the person. You want to make it easy for the mentee to hear you and to heed your input, and it helps to reduce the mentee's personal defensiveness.

3. Generally, start with the mentee's own experiences (and your own encouraging observations), building toward your constructive feedback. Illustrations: *"Jim, what in particular went well for you?" "I noted how well you handled that transition when …." "I was impressed with how you responded to the question on confidentiality . . . ."* Frequently, that encouragement makes it safe for a mentee to move forward. If not, you might ask: *"Was there anything in particular that you felt uncomfortable with?"* Often, the answer will reflect something you may have noted for feedback purposes yourself, and you can use

the mentee's own statements as an entry for your critique and developmental discussion.

4. Generally, the mentor should prioritize and carefully select learning points (or themes) for feedback – perhaps no more than three to five primary subjects of feedback per mediation session. A long and scattered list can dilute the importance of priority items and may not be remembered or learned as well by the mentee. Briefly outline your overall themes at the outset, so the mentee has a sense of context and limits.

5. During feedback, the mentor should identify the action or behavior in question as *specifically* as possible, linked to context. This helps avoid ambiguity and confusion about what happened, and reduces the opportunity for defensiveness on the part of the mentee. You can then proceed more directly to productive discussions. To do this well, you must be able to frame events accurately, which underlies the importance of good, just-in-time note-taking.

6. Rather than (or before) challenging an action of the mentee *per se,* start by asking the mentee for clarification or perspective on the event. For example, assume a mentee interrupted the parties' exchange at one point, and you want to use this event to discuss when and how to intervene. You might try the following: *"Do you remember when Bob was talking about [x] when we were discussing [y]? You responded just then by asking [z]. I think it would be useful to discuss that interaction. What strategy did you have in mind at that moment?"* Or, if you had had to step in at some point to recover a mediation veering off because of a question or action of the mentee, you might say: *"You probably remember when I stepped in at [x point]. What is your perspective on what was happening there*?" Generally, mentees learn better by being integral to a developmental discussion where they help lead themselves to new perspectives, rather than merely being subjected to "mini-lectures."

7. Do not evade your responsibility to telling a truth just because it is difficult. As in mediation generally, it is *how* you say something, not *whether.* Mentors have a responsibility to mentees, to the public, and to mediation generally, to assure that difficult topics are dealt with and that mentees who have trouble "getting it" are well-directed toward the best path – whether that means further training, an evaluation that recommends additional practice, or an evaluation that does not recommend certification. In these instances, it is particularly important to identify objective behaviors and context. Sometimes, setting up the seriousness of the subject is the psychological key – e.g., *"Bob, I believe we need to debrief carefully around one exchange: the one where Katie said she didn't know what to do about [x] and you stepped in to give her some very specific options. As I believe you know, the aspect of self-determination is key, both legally and as a matter of the core values of mediation as we practice it here. There are ways you can help a person develop or obtain ideas and perspectives on options without giving advice."*

8. Use stories and humor. Adults learn well from (one or two brief) stories about mediation events that happened to you or others and illustrate things that went wrong or right. These stories connect you with the mentee on a human level and give you the opportunity to provide a memorable, even enjoyable lesson linked to a subject in the mentee's just-completed experience. You can soften critiques with humor, particularly at your own expense as part of a story -- e.g., *"I remember a case where I got so interested in a party's story that I interrupted it, and I got just the kind of reaction you experienced today!"*

9. If a subject is important enough to critique, it is important enough to critique with some detail. It is insufficient to merely say, *"I want you to work on your reframing."* In addition to using the specific contextualizing discussed above, give examples of alternative approaches, touch on underlying theory, ask the mentee to suggest how they might have done it differently, etc. – parsing the issue from several different angles, if you can. You might suggest further reading or revisiting a basic training manual, or you might set up a mini-role play during the debriefing to test different ways of dealing with a subject, or suggest phrases you and other mediators use to clarify, reframe, and transition.

10. Use comparisons of actual and hypothetical options and comparisons of ideas on how to approach a specific interaction.

11. Make "lemonade out of lemons" by stating negatives as their obverse positives – e.g., instead of *"You may be too passive"* say *"There are ways you can be more active."*

12. Avoid absolutes such as "always" and "never." With rare exceptions there are few things in mediation that are not situational. Further, there probably are things you may do or avoid that other competent mediators engage quite differently. Thus, if you wish to state a stylistic choice you prefer, try to relate it to a broader theoretical basis so the mentee can reflect on a range of possible choices.

13. If a mentee appears frustrated or defensive, take time to discuss those feelings, clarify the debriefing process, and adapt the evaluation process to the results of the discussion.

14. Invite the mentee to ask questions about *your* performance. He or she may be afraid to question something the "master" did, but if a question arises, it deserves an answer and may start a discussion or be a valuable learning point for the mentee. If you made a mistake, it can be useful to acknowledge it and make the point that mediation is so complex that no one can ever do everything perfectly – and that if you mediate a thousand cases, you will learn something new on the thousand-and-first.

15. End the debriefing on a positive note. While mentors have a "gatekeeper" role, our basic stock-in-trade is guiding, coaching, and developing neophytes in the pursuit of excellence. Look for a closing opportunity to reinforce the mentee's own sense of value, achievement, and opportunity for growth.

16. Touch on next steps. Finally, help the mentee be clear on the next steps toward certification and where to go for more information.

Documentation:

1. Target specific skill areas in collaboration with the mentee when completing the *Mentee Portfolio* form. "Section II: Mentee Skills" on the *Mentee Evaluation* form can be used as a concise way to focus the mentee's efforts during the co-mediation and to determine the skill development goals that are in need of development. These skill areas can be a focal point for the co-mediation practice and for the written comments.

2. Assess the mentee openly. Written comments on the *Mentee Portfolio* and *Mentee Evaluation* forms should indicate whether or not the mentee's performance is "on track," given continuing opportunities to mediate, for certification. The mentor's comments about the mentee's current performance level should state, in a direct manner (without "waffling" or "equivocating"), if the mentee will need additional course work or if the mentee should not be certified. If the mentor cannot determine whether the mentee is on track (for example, due to the brevity of the co-mediation), the mentor should state this fact on the form.

3. Discuss your assessment with the mentee. The mentee should not be surprised by the mentor's written comments. The gist of the comments should have been shared during the de-briefing session.

4. Complete the form in a timely fashion. The mentor should complete the *Mentee Evaluation* form while the information regarding the case and the mentee's performance is still mentally fresh.