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MEMORANDUM

TO: Certified Mediators

FROM: Sally P. Campbell, DRS Manager

DATE: March 7, 2017

SUBJECT: DRS Seeking Mediator Comment – **Recertification Requirement Revisions II**

Dispute Resolution Services is grateful for your plentiful and helpful feedback on the proposed recertification requirement revisions to the [Guidelines for the Training and Certification of Court-Referred Mediators](#) (Section D). In response to the feedback, we've made additional revisions and again seek mediator review and comment.

This second round of revisions includes: 1) eliminating the case requirement¹; 2) increasing the education requirement by two hours to ten hours total (stressing education over number of cases mediated); and 3) eliminating the requirement for non-ethics courses (e.g., 10 ethics hours with no non-ethics courses could fulfill the CME requirement).

Links to the draft revisions to the [Guidelines](#) Section D are available in the beige box on the [mediation website](#). For context, a link to the current [Guidelines](#) document is provided in the first paragraph of this memo.

Please provide comments on the proposed revisions in the survey document on the [mediation website](#). Mediator comments must be entered no later than Friday, March 17, 2017, after which DRS will review all comments received.

DRS anticipates presenting final revisions to the Judicial Council of Virginia for adoption at its meeting in late April. Assuming the revisions are adopted, DRS will request an immediate effective date.

¹ This proposal might seem odd, but consider whether mediating cases without knowledgeable feedback or assessment is a true measure of proficiency. Some complaints filed against longtime mediators make clear that regular mediation practice does not insure skillful, ethical practice. In DRS's experience, numbers of cases completed and years of practice do not necessarily denote mediator quality or proficiency.

On the other hand, the Standards of Ethics mandates certified mediator competence, regardless of experience. Section J obliges mediators to undertake a case only if they have sufficient mediator skill and subject matter knowledge "to effectively mediate the dispute" (unless the parties agree otherwise).

Few, if any, other professions require proof of experience for continuing credentialing.