

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

Frequently Asked Questions

Q. How often do I have to recertify?

A. Every two years; a Virginia certified mediator’s certification expires 31 October of the year following initial certification. This means that your first recertification may be less than two full years. Since it is bi-annual, your recertification will either be every odd or even number year. Your certification dates are noted on your most recently issued certificate.

Q. Can I watch a two-hour video on the subject of **mediator ethics** to receive the ethics credit necessary for recertification in Virginia?

A. Ethics credit can only be earned by attending a live course. This does not mean it has to be in person! Live can also be remote, virtual, on an online platform. The reason it must be live is two-fold: mediation is an interactive sport – it demands communication and open discussion. Since ethical dilemmas involve grey areas or a choice between two things that may appear equally valid or right these are best teased out through discussion. The second reason is that Virginia has its own [Standards of Ethics and Professional Responsibility](#) and it is incumbent on the VA certified mediator to be near fluent with these guidelines. Discussion can help one practice drawing upon the Standards in real time for immediate application.

Q. I heard that beginning with the recertification period in 2024, DRS will require that 4 of the 8 required non-ethics credits to be live. What does DRS mean by a ‘live’ course?

A. A live course can be in person or virtual (on a remote platform like Zoom, WebEx, Teams, etc.). The training and the learning happen synchronously, in the same place, and the trainer is available for questions. Ideally, an environment is fostered that encourages participation. A pre-recorded course, like a video, is just that – an electronic recording of a presentation from sometime in the past. It is asynchronous, often viewed on one’s own, for professional development outside a community of learning. A pre-recorded course via video or audio is excellent for self-study; but is different from a live course which may allow one to engage in a question / answer with other students and the instructor.

Q. I registered for a live seminar but was, unfortunately, not able to attend. Can I view a recording of the training and have it count the same as if I had attended it in real-time?

A. Yes, you have 60 days to view a recording of the event and receive full CME credit as if you had attended live. Please note, however, the trainer or sponsoring organization must offer you a way to ask follow-up questions or discuss the material, if so desired.

Q. Can I receive additional carryover from a pre-recorded course presented on-demand?

A. Only four hours of credit earned from a pre-recorded, on-demand source can be used in any recertification cycle. It is a similar cap to that which applies to CME credit received as a trainer

(6), or credit received from a Mediator Peer Consultation session (6), and credit for Self-Reflection following a co-mediation (3).

Q. I took an ethics course that was approved by the Virginia State Bar for CLE credit. Can this count toward the ethics credit I need for recertification as a mediator?

A. It is possible but unlikely; mediator ethics and attorney ethics are distinct and have specific guidelines governing the behavior of members in each profession. A CLE course that is determined to be primarily pertinent to the ethics of attorneys may, however, be approved for non-ethics CME. This rule, however, is applied on a case-by-case basis and we are happy to review the course material. You may submit requests for CME credit for trainings where the trainer has not previously sought approval by using the [ADR-2002 form](#).

Q. I took several courses that were each approved for Ethics CME and I have two carryover credits toward my next recertification. Can I carryover the ethics credits?

A. Ethics credit applies to the certification period in which it is earned. Any and all carryover is counted as non-ethics credit in the next recertification cycle.

Q. I am a trainer. Can I receive CME credit for my work as a trainer?

A. If you delivered a course specifically approved for CME, you may claim up to six (6) credit hours toward recertification. However, core course training hours *do not* count toward this credit.

Q. I received an ADR 1010 for a course I attended. What do I do with this form?

A. Please complete the Trainee section, then sign and date the ADR 1010. Keep the form until you are ready to recertify, and submit it to DRS with your application for recertification ([ADR 1003](#)).

Q. I took a course that I believe is relevant to my mediation practice however it is not an approved course. Is it possible I can receive credit for it?

A. Yes! Please complete and submit the information required on the [Mediator Application for CME Course Certification form \(ADR-2002\)](#). Be sure to give thorough answers in Section III (Course Information, questions 2.a. and 2.b.) that ask about the relevance of the training to mediation and to your own practice.

Q. What criteria does DRS use to determine if a course that is not pre-approved for CME credit may be approved so I can use it for recertification?

A. When we review CME's with unique content or subject matter, there are a few questions that guide how we determine approval:

- Is the trainer of the course a mediator? Preference is given to VA certified mediators or to others that are mediators in addition to subject matter experts.
- Is the subject of the course about mediation? If it's not about mediation directly, are mediators a segment of the target audience so the instructor is prepared to address

concerns and challenges pertinent to the profession? If you have a question about a course or training program you have taken or would like to take, please ask.

Q. I conducted a mediation recently that I am still thinking about. Are there any resources for self-reflection that I might use to analyze my performance beyond simply 'what worked well' and 'what didn't work so well'?

A. Glad you asked! In collaboration with many VA mediators, DRS has developed a [Mediator Self-Reflection Treasury](#), designed to assist the novice and veteran mediator to reflect productively on their practice. It is a workbook chock-full of questions with guidance to help you achieve growth toward excellence as a practitioner.

Q. Can I receive CME credit for self-reflection, or reflection with peers, or reflection through independent study?

A. I. Yes! Following a *co-mediation*, you may complete the exercises offered on the [Mediator Self-Reflection – Request for CME form \(ADR-1011\)](#). Up to 3 credits may be awarded depending on co-mediation hours and insights learned.
II. Debrief with a group of your peers to receive credit (up to 6 hours) for Peer Mediator Consultation. As iron sharpens iron, find a roundtable in your area or ask about developing one to reflect on your practice together and find new answers to the same old questions. If you are interested in facilitating such a discussion, please use the [ADR-2001 form](#) to request approval.
III. DRS is working to develop an Independent Study Reflection CME available for credit following a solo mediation. Stay tuned!

Q. I am a trainer, completing an application for CME and I noticed that course length refers to "Using 50 minute hours." Do I need to fractionalize the length of the course?

A. No! We would appreciate it if you would use whole hours (including half hour increments) in submitting either the Trainer or Mediator Application for Course Certification approval. The 50 minute hour is meant to allow a relaxed structure that incorporates time for reflection, Q and A, and breaks without the pressure of providing straight content. For trainings that are 10 minutes away from the nearest hour, round up to the next hour.

Q. I am unable to complete all the credit hours I need to be recertified. Can I get an extension?

A. Certification periods cannot be extended. If your certification does expire, you will not be able to accept court-referred cases and would not be covered by the civil immunity protections. Mediators whose certifications have lapsed are allowed a grace period of 12 months to complete the recertification requirements. After a year, additional requirements may be imposed at the discretion of DRS on a case-by-case basis.