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## **State Mediator Rosters and Qualifications**

This report was produced by the [Institute of Government, College of Professional Studies](#) at the [University of Arkansas at Little Rock](#) as part of a contract with the [Federal Mediation and Conciliation Service](#).

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This study examines the purpose and scope of mediator qualifications, lists, and certification procedures established by the judicial branch or other branches of state governments. The study focuses on lists and qualifications that are applicable statewide within each state (district-wide in the District of Columbia.)

Although many states recommend qualifications for mediators, no state has requirements for the practice of mediation. In any state, a mediator can practice in private settings without being licensed, certified, or listed.

Rather than regulate the practice of mediation, states have chosen to create lists of mediators meeting criteria for certain areas of practice. Statewide lists of mediators are usually maintained by the judicial branch as an extension of its responsibility for settling civil disputes. Lists or certification procedures have two general purposes: 1) to establish qualifications for mediators who receive funding from state government or who receive referrals from the courts or other agencies; and 2) to provide information about mediator qualifications for parties, attorneys, courts, and members of the public as they exercise free market choice among private mediators.

The Kansas Supreme Court, in Court Rule 902 (2001) describing mediator qualifications for court referrals and approved programs, stated: "No standards or qualifications should be imposed upon any person chosen and agreed to by the parties. These qualifications should not prevent parties having free choice of process, program and the individual neutral." This statement, emphasizing the importance attached to free choice, is typical of language in a number of state statutes and court rules regarding mediator qualifications.

In all states, parties can seek mediation and choose any mediator before a case is filed in court. In most states, parties retain this freedom of choice after filing. Two jurisdictions, the State of Georgia and the District of Columbia, require

mediators to be listed or a part of a program in order to practice in the courts. Only in the District of Columbia is a mediator required to be an attorney to mediate civil court cases other than family disputes.

When states have guidelines or requirements for mediators who receive court referrals or appointments, judges commonly have discretion in applying these guidelines.

States with mediation programs sponsored and/or funded by the judiciary or other branches of state government generally require mediators in these programs to meet certain qualifications. Such requirements are consistent with usual practices of state government regarding employees or contractors.

The study methodology included reviewing state statutes and court rules; examining information published on web sites of state courts, ADR programs, and professional associations; and conducting personal interviews with court and ADR program personnel, officials of state professional associations of mediators, and other individuals knowledgeable about mediator qualifications.

The following is a state-by-state summary of statewide mediator lists and minimum qualifications. Major sources of the information are listed for each state.

### **Alabama**

No state requirements for the practice of mediation. Parties or judges may select any mediator.

The Alabama Center for Dispute Resolution maintains the State Court Mediator Roster for public information about mediators who meet their qualifications.

Qualifications for general roster: 1) good character; 2) licensed attorney (any state) and 4 years practice of law, or have served professionally as the mediator in 10 cases in preceding 2 years; 3) 20 hours of approved mediation training; 4) subscribe to Code of Ethics and rules; and 5) provide 10 hours annual pro bono upon request.

Qualifications to be registered as a domestic relations mediator: 1) good character; 2) licensed attorney (any state) and 4 years' practice of law; or licensed physician in good standing by the state, and be certified in the practice of adult or child psychiatry; or licensed Certified Public Accountant by the state and in good standing, with 4 years' practice of accountancy; or be engaged in a practice for 4 years in social work, mental health or behavioral sciences, with a bachelor's or advanced degree in one or more of these fields; or have served professionally as the mediator in at least 10 mediations, at least 5 of which are domestic relations disputes, within the 2 years immediately preceding submission of an application for registration; 3) approved 40 hour mediation course on

domestic relations; 4) subscribe to Code of Ethics and rules; and 5) provide 10 hours annual pro bono upon request.

Sources: Judith Keegan, Director, Center for ADR; [www.alabar.org/Adr](http://www.alabar.org/Adr)

### **Alaska**

No state requirements or guidelines for the practice of mediation.

The Alaska Judicial Council published *A Consumer Guide to Selecting a Mediator* which suggests that consumers examine a mediator's training, experience, and written work as they relate to a particular dispute, but does not give guidelines for qualifications. (The Court Rules Attorney discontinued publishing a *Directory of Mediators* in 1999.)

Source: <http://www.state.ak.us/courts/mediat.htm>

### **Arizona**

No state requirements or guidelines for the practice of mediation.

Each county court has its own set of requirements for mediators. All require at least 40 hours of basic mediation training, plus additional training in family law for those who mediate family cases.

Sources: Joan Tobin, Arizona DR Association; Karen Kretschman, Family Law Unit Attorney, Arizona Supreme Court

### **Arkansas**

No state requirements for the practice of mediation. The Arkansas ADR Commission established three categories of guidelines dealing with mediator skills and qualifications: 1) general guidelines for the public to use in selecting a mediator; 2) standards and procedures for being placed on the voluntary Roster of Mediators maintained by the Commission; and 3) standards that may be used by the courts in establishing court-annexed mediation systems or selecting court-referred mediators. Courts are not required to follow the ADR Commission's guidelines or to use mediators from the Roster.

Requirements for inclusion on the voluntary Roster of Mediators: 1) bachelor's degree; 2) 40 hours approved mediation training; 3) 2 mediations observed, co-mediated, or mediated; 4) good moral character; and 5) accept and follow *Guidelines for Conduct of Mediation and Mediators*.

Guideline qualifications for family mediators: 1) 40 hours approved family mediation training or 40 hours general mediation training plus 20 hours family or

parenting mediation; 2) bachelor's degree and 2 years' experience in family and marriage issues; or master's degree in social work, mental health, behavioral social science; or be an attorney; 3) 2 family mediations observed, co-mediated, or mediated; 4) good moral character; and 5) accept and follow *Guidelines for Conduct of Mediation and Mediators*.

Guideline qualifications for Small Claims Courts: 1) 16 hours approved small claims court training; 2) good moral character; and 3) accept and follow *Guidelines for Conduct of Mediation and Mediators*.

Guideline qualifications for Circuit or Chancery Courts for other than family matters: 1) 40 hours of approved training; 2) member in good standing of AR bar or have master's degree; 3) 2 mediations observed, co-mediated, or mediated in circuit or chancery courts; 4) good moral character; and 5) accept and follow *Guidelines for Conduct of Mediation and Mediators*.

Sources: Jennifer Jones Taylor, Coordinator, ADR Commission;  
<http://courts.state.ar.us/courts/adr.html#Boards>

### **California**

No state requirements or guidelines except for child custody mediation through the courts.

Qualifications for child custody mediators in court cases: 1) master's degree in counseling, social work, or related field, or have experience above the minimum in these fields; 2) 2 years experience in mental health arena or education or training above master's degree; 3) 16 annual hours of continuing education. Individual courts may establish additional requirements.

Sources: Heather Anderson, Judicial Council, Administrative Office of the Courts; Albert Balingit, Director of the Department of Consumer Affairs, DR Office;  
<http://www.courtinfo.ca.gov/selfhelp/family/custody/advice/mediation.htm#whathappens>

### **Colorado**

No state requirements for the practice of mediation. Parties may choose any mediator.

There are guidelines endorsed by the Colorado Bar Association (CBA) and the Colorado Council of Mediators and Mediator Organizations (CCMO) on mediator training and education. Additionally, there are voluntary Colorado Standards of Conduct for Mediators endorsed by the Office of Dispute Resolution, Colorado

Judicial Institute, CBA, ADR Forum Committee, and the Attorney Generals Office, Department of Law.

The Office of Dispute Resolution does not maintain a roster. However, the ODR contracts with mediators in each district to provide services. The following are recommended qualifications for mediators who contract with the Office of Dispute Resolution: 1) 40 hours of mediation training; 2) mediated 20 cases, preferably solo cases in courts in substantive area of practice; 3) substantive knowledge of law; 4) familiarity with court system; 5) non-directive mediation style; 6) meet the needs of the program; 7) acceptable to court and local attorneys; 8) willing to assist with local development of ADR programs; 9) fit with local team; 10) reside near local program and have minimal scheduling conflicts. In addition, mediators who are offered a contract with ODR may be required, at their own expense, to complete an internship including peer review observation and co-mediation.

Sources: Cynthia Savage, Director, ODR, Colorado Judicial Branch; Charmaine Yorty, Office of the State Court Administrator. (look under State Court Administrator, Court Services, and then ADR.)

### **Connecticut**

No state requirements or guidelines for the practice of mediation.

Each civil clerk's office and court information desk maintains a public listing of private ADR providers but does not make referrals.

Court annexed mediation uses primarily retired judges as mediators. Mediation training is not required; however, the Superior Court publishes a list of Superior Court Senior Judges and Judge Trial Referees who have attended mediation training sessions.

Sources: Kim Sullivan, Court Planner, State Judicial Branch;  
<http://www.jud.state.ct.us/external/super/altdisp.htm>

### **Delaware**

No state requirements or guidelines for the practice of mediation. Parties may choose any mediator.

The Delaware Superior Court maintains a Roster of Neutrals for court referrals. The roster requires "new attorneys or other qualified professionals" to take 25 hours of training in conflict resolution techniques approved by the President Judge of the Superior Court. Mediators are asked to complete 5 pro bono mediations to complete their training and to assist the court.

Cases which are assessed by the parties as having a value less than \$100,000 must seek mandatory arbitration, which may be binding or non-binding. Parties are encouraged to participate in the court's mediation program.

Sources: Mark Vavala, Commissioner, Superior Court;  
[www.courts.state.de.us/superior/adr/d\\_16.2x.htm#med3](http://www.courts.state.de.us/superior/adr/d_16.2x.htm#med3);  
[courts.state.de.us/superior/alternative.htm#adr3](http://courts.state.de.us/superior/alternative.htm#adr3)

### **District of Columbia**

No state requirements or guidelines for mediation in a private setting. Mediators in the courts must be staff or volunteers of the Superior Court Multi-Door Dispute Resolution Division's Mediation Program. (In addition to mediation of court cases, the Multi-Door DR Program also offers pre-filing conciliation, mediation, and referral services.)

Qualifications for small claims mediators: 1) successfully undergo a selection orientation to assess each candidate's communication style; 2) complete 40 hours of approved training; 3) co-mediate with several mentors until approved as a probationary mediator; 4) perform agreed number of hours of mediation through the program; and 5) undergo performance evaluations.

Qualifications for family mediators: 1) successfully undergo a selection orientation to assess each candidate's communication style; 2) complete 55 hours of approved training; 3) co-mediate with several mentors until approved as a probationary mediator; 4) perform agreed number of hours of mediation through the program; and 5) undergo performance evaluations.

Qualifications for civil court mediators: 1) licensed attorney; 2) active or inactive member of the bar of any U.S. jurisdiction; 3) 27 hours of approved training; 4) 6 hours of pro bono mediation; 5) mediate approximately 17 cases during a 12 month period; 6) participate as required by the program in performance assessment and inservice training.

Sources: <http://www.dcbbar.org/dcsc/faqs.html>; Wallace Meissner, Trainer, DC Multi-Door Court Annexed Mediation Program

### **Florida**

No state requirements for the practice of mediation. Parties may choose any mediator, subject to the approval of the judge.

The State Supreme Court maintains a list of certified mediators. Mediators must be on the list to receive court referrals. All certified mediators must be of good moral character. Additional qualifications are summarized below.

Qualifications for county court mediators: 1) observe 4 county court mediation conferences conducted by certified mediator; 2) conduct 4 conferences supervised by certified mediator; and 3) 20 hours of certified mediation training.

Qualifications for family mediation mediators: 1) master's in social work, mental health, or behavioral or social sciences, or physician certified in psychiatry, or licensed attorney or CPA from any U.S. jurisdiction, and have 4 years' experience in field; or have 8 years' family mediation experience with a minimum of 10 mediations per year; 3) observe 2 family mediations conducted by certified family mediator; 4) conduct 2 family mediations supervised by certified family mediator; and 5) have 40 hours of certified training.

Qualifications for circuit court mediators for other than family matters: 1) member in good standing of Florida Bar with 5 years of Florida practice and be an active member of the Florida Bar within 1 year of application, or retired trial judge from any U. S. jurisdiction who was a member of state bar for preceding 5 years; 2) observe 2 circuit mediations conducted by circuit certified mediator; 3) conduct 2 circuit court mediations supervised and observed by certified circuit court mediator; and 4) 40 hours of certified training.

Qualifications for dependency mediators: 1) master's in social work, mental health, or behavioral or social sciences, or physician licensed for psychiatry or pediatrics, or licensed attorney from any U.S. jurisdiction; 2) observe 4 dependency mediations conducted by certified dependency mediator; 3) conduct 2 dependency mediations supervised by certified mediator; and 4) 20 hours of certified training if a certified family mediator who has mediated 4 dependency cases, otherwise 40 hours.

Sources: [http://www.tfapm.org/Drc/drc\\_rules.shtml](http://www.tfapm.org/Drc/drc_rules.shtml);  
<http://www.flcourts.org/osca/divisions/adr/Certrules.html>

## **Georgia**

No state requirements for the practice of mediation when a court case has not been filed. However, all neutrals working on court cases must be registered with the Georgia Office of Dispute Resolution.

The ODR maintains a list of registered mediators but does not make referrals. Courts are free to impose higher qualifications for neutrals who serve in their programs than the threshold requirements for registration with the ODR.

Overall guidelines are: mediators should be drawn from a variety of disciplines and should reflect the racial, ethnic and cultural diversity of our society. Prospective mediators should be screened carefully for qualities such as the ability to listen actively, to isolate issues, and to focus discussion on issues.

General mediator qualifications for ODR registration are: 1) observation of or co-mediation with a veteran mediator in at least 5 mediations; 2) one letter of recommendation from a court ADR program, other approved ADR provider, or a superior or state court judge, or 3) letters of recommendation from clients, attorneys of clients, court personnel, or registered neutrals who have observed the applicant's performance as a neutral; and 3) 20 hours of training.

Qualifications for divorce and custody case referrals : 1) satisfy the requirements for general mediators; 2) bachelor's degree from accredited 4-year college; 2) observe one mediation and co-mediate 2 divorce/custody cases with veteran mediator; and 3) 40 hours of domestic relations training including training on domestic violence.

Sources: Leila Taaffe, Georgia Office of Dispute Resolution; <http://www.ganet.org/gadr/>; Tracy B. Johnson, 6<sup>th</sup> District ADR Program; <http://www2.state.ga.us/courts/adr/adrrules.htm>

## **Hawaii**

No state requirements for the practice of mediation.

The Center for Alternative Dispute Resolution, The Judiciary, Hawaii, published voluntary *Standards for Private and Public Mediators in the State of Hawaii*, which were endorsed by the Supreme Court. The standards call for mediators to 1) have substantive knowledge and procedural training, including professional ethics, standards, and responsibilities; and 2) acquire continuing education.

Source: <http://mano.icsd.hawaii.gov/jud/adrstds.htm>

## **Idaho**

No state requirements for the practice of mediation. Parties may select any mediator.

The Supreme Court Administration Director of Courts maintains two rosters of mediators, a Civil Case Mediator Roster and a Child Custody Mediator Roster.

Qualifications for the Civil Case Mediator Roster are: 1) Member of Idaho State Bar; 2) has been admitted to practice law for not less than 5 years and has attended a minimum of 40 hours of approved training. Additionally, 20 hours of approved continuing education every 2 years to remain on the roster.

Qualifications for the Child Custody Mediator Roster are any one of the following professional credentials: 1) Membership in the Academy of Family Mediators at the practitioner level, or other national organizations with equivalent standards for membership; or 2) member of the Idaho Judiciary, licensed member of the Idaho State Bar Association, licensed psychologist, licensed counselor, certified social worker, certified school counselor, or certified school psychologist who, in

addition to such membership, has attended a minimum of 40 hours of mediation training, 20 of which must be in the field of child custody mediation; or 3) bachelor's degree with a minimum of 60 hours of mediation training, 20 of which must be in the field of child custody mediation. (Training must include specified components.) In addition, mediators must complete 20 hours of continuing education every 2 years.

In addition, a private or public dispute resolution organization may make its roster of mediators available to the Administrative Director of the Courts for distribution if it has an established selection and evaluation process, a mechanism for addressing complaints brought against neutrals, and a published code of ethics. The Idaho Mediation Association (IMA) has made its list of Certified Professional Mediators available, and the list is distributed by the Administrative Director of the Courts.

IMA requirements for certification are: 1) current and continuing membership in the Idaho Mediation Association (IMA); 2) 40 hours of core mediator skills and knowledge training; 3) 20 hours of mediation case practice; 4) 60 hours of additional mediation-related experience or study; 5) a letter of recommendation for professional certification by an IMA certified professional mediator or the professional equivalent; and 6) 20 hours of continuing education every 2 years.

Sources: Valerie Reynolds, Idaho Supreme Court; <http://idahomediation.org/>; <http://www2.state.id.us/judicial/rosters.htm>; <http://www2.state.id.us/judicial/rules/ircp16j.rul>; <http://www2.state.id.us/judicial/rules/ircp16k.rul>

## **Illinois**

No state requirements or guidelines for the practice of mediation.

The use of ADR in the Illinois court system is decided on a circuit-by-circuit basis. Most circuits have mediation programs which may include civil litigation, probate, domestic relations, and community programs. The qualifications for mediators vary among circuits.

Sources: <http://www.caadrs.org/>

## **Indiana**

No state requirements for the practice of mediation. Parties may choose any mediator with the approval of the court.

The Indiana Supreme Court Commission for Continuing Legal Education maintains the Registry of Qualified Mediators for court practice.

Qualifications for mediator registration in civil cases are: 1) be an attorney in good standing with the Indiana Supreme Court; 2) 40 hours of approved training;

3) 6 hours continuing education every 2 years; and 4) conform to ethical requirements established by ADR Rule 7.

Qualifications for registration in domestic cases are: 1) bachelor's degree from an accredited university; 2) 40 hours of approved training; 3) 6 hours of continuing education every 2 years; and 4) conform to ethical requirements established by ADR Rule 7.

Sources: Julia Orzeske, Director and Anne Davidson, Indiana Continuing Legal Education; [http://www.spea.indiana.edu/icri/indy\\_adr.htm](http://www.spea.indiana.edu/icri/indy_adr.htm)

## **Iowa**

No state requirements or guidelines for the practice of mediation.

Two of the eight judicial districts in the state have ADR programs. Mediators must meet the ethical standards set by the Academy of Family Mediators and must receive 40 hours of divorce mediation training.

Source: Rebecca Colton, Executive Assistant to the Chief Justice (ADR Grant Fund), Supreme Court of Iowa

## **Kansas**

No state requirements for the practice of mediation. Parties and/or attorneys may choose any mediator.

The Kansas Judicial Branch Dispute Resolution Coordinator maintains a list of approved mediators for court referrals and referrals by state government.

General qualifications for listing are: 1) complete 16 hours of core mediation training plus additional hours for the types of cases the applicant wishes to receive approval to mediate; 2) sign an agreement to follow the ethical standards of Supreme Court Rule 903; 3) co-mediate with or be supervised by approved mediator for 3 cases or 15 hours during the first year following core training; 4) 6 hours annual continuing education.

Qualifications to mediate domestic disputes: 1) satisfy general qualifications: 2) 14 hours of mediation skill training; and 3) 10 hours of subject matter training.

Qualifications to mediate parent/adolescent disputes: 1) satisfy general qualifications: 2) 14 hours of mediation skill training; and 3) 10 hours of subject matter training.

Qualifications to mediate general civil cases of a non-domestic nature: 1) satisfy general qualifications; 2) 14 hours of mediation skill training; and 3) 10 hours of training related to the subject being mediated or the civil litigation system.

Sources: <http://www.kscourts.org/adr/>; <http://www.kscourts.org/ctruls/adrruls.htm>

### **Kentucky**

No state requirements or guidelines for the practice of mediation. Parties may select any mediator.

The Administrative Office of the Courts is beginning to develop standards which they hope will be adopted by the Supreme Court or the state legislature.

Sources: Melinda Wheeler, Administrative Office of the Courts; Carol Paisley, Director of Mediation Center of Kentucky.

### **Louisiana**

No state requirements for the practice of mediation.

The ADR Section of the Louisiana Bar Association maintains a register of persons qualified as mediators pursuant to La. R.S. 9:4106 (civil cases) and La. R.S. 9:334 (child custody/ visitation). Parties, attorneys, and judges are encouraged to select a mediator from the register but are not required to do so. Qualifications for inclusion on the register for civil cases are: 1) be licensed for the practice of law in any state for 5 years and have completed 40 hours of approved training; or have mediated more than 25 disputes or have engaged in more than 500 hours of dispute resolution and have completed 40 hours of approved training; or have served as a Louisiana district, appellate, or supreme court judge for 10 years but be no longer serving as a judge; and 2) 10 hours of continuing education every 2 years; and 3) accept 2 annual pro bono appointments.

To serve as a qualified mediator in child custody/visitation cases, a person must: 1) have served as a Louisiana district, appellate, or supreme court judge for at least ten years, have completed at least twenty hours of specialized mediation training in child custody disputes, and no longer be serving as a judge; or possess a college degree and complete a minimum of forty hours of general mediation training and twenty hours of specialized training in the mediation of child custody disputes; or hold a license or certification as an attorney, psychiatrist, psychologist, social worker, marriage and family counselor, professional counselor, or clergyman and complete a minimum of sixteen hours of general mediation training and twenty hours of specialized training in the mediation of child custody disputes; and complete a minimum of eight hours of co-mediation training under the direct supervision of a qualified mediator who has

served a minimum of fifty hours as a dispute mediator. (The co-mediation training requirement is waived for mediators who met the requirements in (1) as of August 15, 1997 and who have served a minimum of 50 hours as a child custody dispute mediator.); and 2) complete a minimum of twenty hours of clinical education in dispute mediation every two calendar years.

To serve as a qualified mediator in a juvenile court dispute pursuant to La. Children's Code art. 439, a person must: 1) possess a college degree and complete a minimum of forty hours of general mediation training and twenty hours of specialized training in the mediation of juvenile court disputes; or hold a license or certification as an attorney, psychiatrist, psychologist, social worker, marriage and family counselor, or professional counselor or clergyman and complete a minimum of sixteen hours of general mediation training and twenty hours of specialized training in the mediation of juvenile court disputes and; 2) complete a minimum of eight hours of co-mediation training under a course that has been approved by the Louisiana State Bar Association, Alternative Dispute Resolution Section, or under the direct supervision of a mediator who has served as a dispute mediator for a minimum of fifty hours. (The co-mediation training requirement is waived for mediators who met the requirements in (1) as of August 15, 1999.) (La. Ch. C. art. 439) and; 3) complete a minimum of twenty hours of clinical education in dispute mediation every two years.

Source: Tracy A. Buccino, Research Attorney, Judicial Administrator's Office, Louisiana Supreme Court. [www.legis.state.la.us/tsrs/RS/9/RS\\_9\\_4106.htm](http://www.legis.state.la.us/tsrs/RS/9/RS_9_4106.htm)

## **Maine**

No state requirements for the practice of mediation.

The Court Alternative Dispute Resolution Service (CADRES) of the Maine Judicial Branch maintains Mediation Rosters. Court referrals must be made from the appropriate roster. (The CADRES Director may waive qualification criteria for a particular applicant.)

Qualifications for General Civil Litigation Roster: 1) have a combination of 100 hours of training and experience including a minimum of 40 hours mediation process training (15 hours within 2 yrs of application), 20 hours experience as mediator or co-mediator with a CADRES mediator, and 10 hours training in civil law and court procedure; and 2) 15 hours annual continuing education in specified areas.

Qualifications for Superior Court Roster: 1) be on the CADRES General Civil Litigation Roster, or have a combination of 100 hours of training and experience including a minimum of 40 hours mediation process training (15 hours within 2 yrs of application), 20 hours experience as mediator or co-mediator with a CADRES mediator, and 10 hours training in civil law and court procedure; and

have the ability to conduct mediation, and receive a satisfactory criminal background check; and 2) complete a half-day orientation and training program on the Superior Court ADR Program; and 3) 15 hours annual continuing education in specified areas.

Qualifications for the Small Claims Roster: 1) combination of 50 hours training and experience including a minimum of 20 hours mediation process training (8 hours within 2 yrs of application), 15 hours experience as mediator, facilitator of multi-party contested issues, or co-mediator with a CADRES mediator, and 3 hours training or experience in consumer or debtor/creditor law; and 2) 8 hours continuing education per year in specified areas.

Qualifications for the Environmental, Land Use, and Natural Gas Pipeline Roster: 1) combination of 110 hours training and experience including a minimum of 40 hours mediation process training (15 hours within 2 yrs of application), 15 hours experience as mediator or co-mediator with a CADRES mediator, and 20 hours work experience or substantive training in a land use or environmental field, or other approved combination of training and experience; 2) completion of CADRES land use mediation training; and 3) 15 hours continuing education per year in specified areas.

Sources: Diane E. Kenty, Esq., Director, Court Alternative Dispute Resolution Service (CADRES), State of Maine Judicial Branch; Kathryn M. Ainsworth, President, Maine Association of Dispute Resolution Professionals; <http://www.courts.state.me.us/whatsnew/ADRstatement.html>;

## **Maryland**

No state requirements for the practice of mediation. Parties may choose any mediator.

Each county administrative judge prepares an approved list of mediators for court appointments. Qualifications are established by Court of Appeals Rules Order dated June 8, 1998. These Rules apply only to ADR practitioners handling civil actions in a Circuit Court, and apply only to court appointments.

Qualifications in General are: 1) 21 years of age; 2) bachelor's degree from accredited university (may be waived for good cause); 3) 40 hours of approved training; 4) abide by code of ethics; 5) agree to submit to periodic monitoring; 6) comply with the court's procedures, including accepting reduced fee or pro bono cases.

Qualifications for mediators of child access disputes are: 1) meet qualifications in general; 2) observe 2 custody or visitation mediations conducted by approved mediator; and 3) 20 hours of approved training in family mediation.

Source: <http://www.courts.state.md.us/adrrules.html>

### **Massachusetts**

No state requirements for the practice of mediation.

The Chief Justice of each trial court department approves programs to receive court referrals. The Chief Justice for Administration and Management combines and distributes these lists.

Basic qualifications for mediators: 1) 30 hours basic mediation training; 2) court orientation; 3) specialized training if required for a trial court department; 4) evaluation in a role-play situation; 5) under the supervision of a qualified mediator, observe a minimum of one mediation and discuss the mediation with the mentor, and be observed mediating a minimum of one case and discuss the mediation with a mentor; 6) engage in continuing education. Alternative training, evaluation, and mentoring may be accepted if qualifications are substantially met.

Sources: Jeannie Adams, Massachusetts Office of Dispute Resolution; Tim Lineham, Administrative Office of the Trial Court; <http://www.state.ma.us/modr>

### **Michigan**

No state requirements for the practice of mediation.

Each court creates its own list for court referrals. Many courts have developed referral processes with local community mediation centers. In general, mediator qualifications are: 1) 40 hours of training; 2) observation or participation in two mediations; and 3) 8 hours of continuing education every 2 years.

The Michigan One Court of Justice has established a Community Dispute Resolution Program.

Qualifications for Domestic Relations Mediators who provide services under this program are: 1) to complete a training program approved by the State Court Administrator; 2) either a) be a licensed attorney, licensed or limited licensed psychologist, licensed professional counselor, or a licensed marriage and family therapist; b) have a master's degree in counseling, social work, or marriage in marriage and family therapy; c) have a graduate degree in a behavioral science, or d) have 5 years experience in family counseling; 3) observe 2 domestic relations mediation proceedings conducted by an approved mediator, and

conduct one domestic relations mediation to conclusion under the supervision and observation of an approved mediator.

Sources: Douglas Van Epps, Office of Dispute Resolution;  
<http://www.supremecourt.state.mi.us/programs/cdrp/>;

### **Minnesota**

No state requirements for the practice of mediation.

Rule 114 of the Minnesota General Rules of Practice mandates that the court provide parties with information on ADR. Parties are required to discuss the use of ADR and address this issue in an informational statement filed with the court. Although parties may by agreement create an ADR process, they are encouraged to choose a neutral from the rosters. In addition, the Supreme Court encourages the selection of a mediator for private mediation from the rosters. The Office of Supreme Court Continuing Education maintains 2 separate rosters, civil and family. In court ordered mediation, parties, attorneys, or judges must choose from the rosters.

Qualifications for the Civil Facilitative/Hybrid Neutral Roster are: 30 hours of training in specified areas including 15 hours of role-playing.

Qualifications for the Family Law Facilitative Neutral Roster are: 1) 40 hours of certified family mediation training in specified areas including 40 percent role-playing and simulations; 2) 6 hours domestic abuse training, which may be part of the 40 hours; 3) good standing in their profession.

Sources: Stacy Janke, Office of the Supreme Court Continuing Education;  
[http://www.courts.state.mn.us/adr/adr\\_info.htm](http://www.courts.state.mn.us/adr/adr_info.htm)

### **Mississippi**

No state requirements for the practice of mediation.

A List of Mediators is maintained by the Mississippi Bar. Courts and parties are encouraged, but not required, to select mediators from this list.

Qualifications for list are: member of Mississippi bar in good standing and 14-16 hours of training approved by the Court-Annexed Mediation Committee.

Sources: <http://msbar.org/aboutdir.html>; [http://www.msbar.org/SC\\_Orders.html](http://www.msbar.org/SC_Orders.html)

### **Missouri**

No state requirements for the practice of mediation.

Individual courts may maintain lists of mediators, may utilize lists maintained by a bar association, and may establish mediation programs.

Minimum qualifications for the practice of in a circuit court program for civil cases are 16 hours of training.

Minimum qualifications for the practice of in a circuit court program for child custody and visitation cases are: 1) be an attorney or have a graduate degree in psychiatry, psychology, social work, counseling, or other behavioral area substantially related to marriage and family interpersonal relationships; and 2) 20 hours of training.

Sources: Donna Devine, Office of State Courts Administrator;  
<http://www.courtrules.org/barule.htm>; <http://www.courtrules.org/qx217alt.htm>

### **Montana**

No state requirements or guidelines for the practice of mediation.

Montana Civil Procedure Rule 54 mandates alternative dispute resolution in appeals on workers' compensation, domestic relations, and money judgment cases. The Clerk of the Supreme Court maintains three lists of resident Montana attorneys who have indicated their desire to be appointed as mediators in these appeals cases. Parties are encouraged to voluntarily select a mediator, but if they are unable to do so, the Clerk will appoint a mediator from the lists.

Listed attorneys for court appointments in appeals cases must be members in good standing with the State Bar of Montana and have been licensed as attorneys for no less than 5 years.

Sources: Kathy A van Hook, Montana Consensus Council, Governor's Office; Office of the Clerk of the Supreme Court; <http://web.lexis-nexis.com> (Mont. Code Anno., Ch. 21, Rule 54 (2000))

### **Nebraska**

No state requirements or guidelines for the practice of mediation.

The state recognizes 6 ADR centers, each with its own mediator qualifications. In order for a center to receive state funding, their mediators must complete a minimum of 30 hours of training. For disputes involving marital dissolution, mediators must have an additional 30 hours in family mediation. An initial apprenticeship with an experienced mediator is required for at least three sessions for all mediators without prior mediation experience.

Sources: Wendy Hind, ODR; <http://web.lexis-nexis.com> (R.R.S. Neb. § 25-2913 (2001))

## **Nevada**

No state requirements or guidelines for the practice of mediation. Parties may use a mediator of their choice.

Each court may develop its own mediator qualifications. Mediation or arbitration is required in certain claims relating to residential property within the common-interest community, and divisions handling such claims are required to establish and maintain lists of mediators. Most district courts have mediation programs for child custody and visitation cases.

For example, qualifications for mediators in the court-connected mandatory access and visitation mediation program of the Eighth Judicial District Court are: 1) hold a law degree or a master's degree in psychology, social work, marriage and family therapy, counseling or related behavioral science; 2) 60 hours of approved child custody and divorce mediation training including a minimum of 4 hours of domestic violence training; 3) 3 years of experience in the domestic relations arena conducting child custody mediation; 4) 15 hours of continuing education each calendar year; 5) adhere to the Model Standards of Conduct for Mediators.

Source: Ronetta Clark, Nevada Supreme Courts; <http://web.lexis-nexis.com> (Nev.Rev.Stat.Ann.38.330 (2001))

## **New Hampshire**

No state requirements for the practice of mediation.

The New Hampshire Marital Mediator Certification Board maintains a list of Certified Marital Mediators. Qualifications for certification are: 1) 60 hours of approved training including 8 hours of domestic violence issues and 15 hours of direct role- playing; 2) internship of 60 hours involving 6 different marital mediation cases with a certified marital mediator, including 54 hours in co-mediation with a Certified Marital Mediator; and 3) 3 letters of recommendation from persons who have participated with the applicant in marital mediation work. Recertification is required every three years. Parties are encouraged but not required to choose a Certified Marital Mediator.

The Superior Court maintains the Rule 170 Mediators Directory. Rule 170 states that all writs of summons and transfer of actions from the District Court, with the exception of cases submitted by the parties to private mediation, shall be assigned to ADR. Court referrals are made from the directory. However, parties may choose mediators not in the directory.

Qualifications for the Rule 170 Mediators Directory are: 1) attorney approved by the court; 2) 20 hours of court-sponsored training in civil mediation; and 3) adhere to Guidelines for Rule 170 Mediators.

Qualifications for practicing in the probate courts are: 1) 5 years experience as a mediator; and 2) 40 hours of training; and 3) ability to travel regionally. Knowledge of the probate court is desired.

Sources: Peter Wolfe, Chair of Superior Court ADR Committee, ADR Coordinator; <http://www.state.nh.us/marital/>

### **New Jersey**

No state requirements for the practice of mediation. Parties may choose any mediator.

Court rules distinguish between "neutrals" and "qualified neutrals," with a qualified neutral defined as an individual included on any roster of neutrals maintained by the Administrative Office of the Courts or an Assignment Judge. The Administrative Office of the Courts maintains a statewide roster for civil, general equity, and probate cases. Each family court has its own roster maintained by the Assignment Judge. Courts may make referrals to non-roster neutrals upon the finding that it will not prejudice the interests of the parties.

Qualifications for Civil, General Equity, and Probate Mediators are: 1) advanced or undergraduate degree in field of intended mediation practice; 2) 5 years of professional experience in their field; 3) if advanced degree, 2 mediations in the last year; if undergraduate degree, then 10 mediations in last 5 years; 4) 18 hours of training in specified areas; 5) 4 hours of annual continuing education; and 6) good professional standing.

Qualifications for Custody and Parenting Time Mediators are: 1) graduate degree or certification in a behavioral or social science; 2) supervised clinical experience in mediation; 3) 40 hours of training in specified areas; 4) 4 hours of annual continuing education; and 5) good professional standing. The Assignment Judge may substitute relevant experience for education, clinical experience, or both.

Qualifications for Special Civil Part Mediators (small claims and landlord/tenant) are to complete 12 hours of approved training. (Judicial law clerks, court staff, and volunteers.)

Sources: N.J. COURT RULES, 1969 R. 1:40 (2000)

### **New Mexico**

No state requirements for the practice of mediation.

Recommended qualifications for family courts are: 40 hours of basic mediation training and 16 hours of training in abuse and neglect.

Recommended qualifications for state agency mediators are: 40 hours of basic mediation training, 20 hours of mentoring, and 20 hours of facilitation.

Sources: Julia Barnes, Administrative Office of the Courts; Julia Barnes, New Mexico Administrative Office of the Courts; Megan Rafferty, Training Director, New Mexico Center for Dispute Resolution; Bob Horwitz, Member of ADR Advisory Council; <http://nmconsensus.org/>

### **New York**

No state requirements for the practice of mediation.

The NY State Unified Court System has developed a number of ADR programs including mediation programs, which vary from county to county. The Unified Court System also maintains the statewide Office of Alternative Dispute Resolution Programs, which has established Standards for Training and Continuing Education for Mediators and Trainers for Community Dispute Resolution and Judicial District Funded Programs administered through local community mediation programs.

Qualifications for community mediators are: 1) 25 hours of training and role-play conducted by a certified trainer; 2) completing 1 observation and 2 mediations under the supervision of the Program Director; 3) 6 hours per year of continuing education; and 4) conducting 3 mediations per year to remain active in the Program.

Additional qualifications for family mediation are 12 hours of training in visitation/custody and/or adult/child area of specialty.

Sources: <http://www.courts.state.ny.us/adr/index.html>;  
<http://www.courts.state.ny.us/cdrpc/MedReq.html#A!>

### **North Carolina**

No state requirements for the practice of mediation.

The NC DR Commission certifies mediators to conduct mediated settlement conferences A) in cases filed in the state's civil, superior courts, and B) in district court cases involving equitable distribution and other family financial matters. Parties may choose a non-certified mediator if approved by the court. Court appointments must be certified mediators. For court appointments, parties may express a preference for either an attorney or a non-attorney mediator, and the

judge shall honor these preferences if possible based on the list of certified mediators desiring to practice in the district.

Qualifications for certification for civil cases for attorneys are: 1) 40 hours certified mediation training; 2) either be a member in good standing of the State Bar or be member in good standing of the Bar of another state and demonstrate familiarity with NC courts and procedures and provide three letters of reference; 3) 5 years experience; 4) observe 2 mediated settlement conferences conducted by a certified mediator, one of which must be court ordered; 5) demonstrate familiarity with the statute, rules, and practice governing mediated settlement conferences in NC; and 6) be of good moral character and adhere to ethical standards.

Qualifications for certification for civil cases for non-attorneys are: 1) 40 hours certified mediation training; 2) 6 hours certified training on NC courts and related matters; 3) 3 letters of reference; 4) either a) 20 hours basic mediation training and mediating 30 disputes over 3 years or equivalent experience, and a four year college degree or 4 years management or administrative experience; or b) 10 years of management or administrative experience; and 5) observe 5 mediated settlement conferences conducted by at least 2 different certified mediators, one of which must be court ordered; and demonstrate familiarity with the statute, rules, and practice governing mediated settlement conferences in NC; and 6) be of good moral character and adhere to ethical standards.

Qualifications for certification for equitable and other family financial cases for attorneys are: 1) 40 hours certified mediation training; 2) either be a member in good standing of the State Bar or be member in good standing of the Bar of another state and demonstrate familiarity with NC courts and procedures and provide three letters of reference; 3) 4 years experience; 4) observe 5 mediated settlement conferences conducted by a certified mediator, 3 of which shall involve custody or family financial issues; 5) demonstrate familiarity with the statute, rules, and practice governing mediated settlement conferences; and 6) be of good moral character and adhere to standards of practice; 7) take required continuing education.

Qualifications for certification for equitable and other family financial cases for non-attorneys are: 1) be an advanced practitioner member of the Association for Conflict Resolution; 2) 6 hours certified training on NC courts and related matters; 3) 3 letters of reference; 4) observe 5 mediated settlement conferences conducted by a certified mediator, 3 of which shall involve custody or family financial issues; 5) demonstrate familiarity with the statute, rules, and practice governing mediated settlement conferences; 6) be of good moral character and adhere to standards of practice; and 7) take required continuing education.

<http://www.aoc.state.nc.us/www/drc/>

## **North Dakota**

No state requirements for the practice of mediation.

The State Court Administrator maintains rosters of neutrals for civil mediation and domestic relations/contested child proceedings mediation. The parties may select a neutral that is not listed on the roster. A court-appointed contested child proceedings mediator must have the qualifications listed below.

Qualifications for the Civil Mediator Roster are: 1) 30 hours of training with specified components; 2) 15 hours of role-playing; and 3) 9 hours of continuing education every three years.

Qualifications for the Domestic Relations/Contested Child Proceedings Mediator Roster are: 1) 40 hours of domestic relations training including 2 hours on domestic abuse; 2) either a bachelor's degree in behavioral science with 2 years of experience in family/child intervention service, or a master's degree in behavioral science with 1 year of experience in family/child intervention service, or a license to practice law with 2 years of experience in domestic relations cases; and 3) continuing education of 9 hours in domestic relations training every three years.

Source: <http://www.court.state.nd.us/Court/Rules/ndroc/Rule8.9.htm>

## **Ohio**

No state requirements or guidelines for the practice of mediation. Ohio has developed its mediation practice as a free market state and there is no certification, licensure, or specific training requirement in place for mediators.

Local practice for court mediation programs requires a minimum of 40 hours of mediation training for civil mediators in the courts of general practice.

Mediators who are employed by the court or to whom the court makes referrals in disputes concerning allocation of parental rights and responsibilities are required to meet the following qualifications: 1) bachelor's degree, or equivalent educational experience; 2) 2 years of professional experience with families; 3) 12 hours basic mediation training, or equivalent experience as a mediator; and 4) 40 hours approved specialized family or divorce mediation training.

Sources: Maria Mone, Executive Director, Ohio Commission on Dispute Resolution and Conflict Management; [www.sconet.state.oh.us/dispute\\_resolution/](http://www.sconet.state.oh.us/dispute_resolution/). Eileen Pruett, Coordinator, Dispute Resolution Programs, Supreme Court of Ohio. Link to rule 16, qualifications for mediators concerning allocation of parental rights and responsibilities. <http://www.sconet.state.oh.us/Rules/superintendence/#rule16>

## **Oklahoma**

No state requirements for the practice of mediation.

The Dispute Resolution Act of 2000 authorized any county, municipality, accredited law school or agency of OK to establish programs for the purpose of providing mediation services and established qualifications to certify mediators participating in these programs.

Certification is granted when a mediator has obtained the following: 1) approval by a certified program; 2) 20 hours of training with specified components; 3) written recommendation from the trainer; 4) observation of 1 mediation by a certified mediator; 5) written approval of the sponsoring program's coordinator; 6) 10 hours of annual service as a mediator or co-mediator in a certified program with satisfactory evaluations, or equivalent continuing education; 7) recertification each fiscal year.

Certification as a Family and Divorce Mediator is granted when a mediator candidate has obtained the following: 1) approval by a certified program; 2) signed commitment to provide 8 hours of service per month or 80 hours of service per year as a mediator, training coach, mentor, peer evaluator, or other service; 3) 40 hours of training with specified components; 4) written recommendation from the trainer; 5) mediation and/or co-mediation of 3-5 actual family and divorce mediations (minimum of 12 hours) supervised by a certified mediator; 6) written approval of the sponsoring program's coordinator; 7) 80 hours of annual service as a mediator or co-mediator in a certified program with satisfactory evaluations (continuing education may be substituted for some hours); 8) recertification each fiscal year.

A district court may maintain a list of qualified mediators to assist the parties in selecting a mediator.

Minimum qualifications for civil and commercial mediators are to be certified pursuant to the Dispute Resolution Act or: 1) observe 2 mediation proceedings; 2) complete 24 hours of approved training; 3) complete 6 hours of continuing education every 2 years; and 4) adhere to the Model Standards of Conduct.

Minimum qualifications for divorce and family mediators are to be certified pursuant to the Dispute Resolution Act or: 1) have been regularly engaged in the practice of family and divorce mediation for 4 yrs, or 2) 40 hours of training in family and divorce mediation, and conduct 12 hours of mediation with three 3 separate families, 6 hours of continuing education every 2 years; and 3) adhere to the Model Standards of Conduct.

Sources: [http://oklegal.onenet.net/oklegal-cgi/iffetch?Oklahoma\\_Statutes.99+24634501466+F](http://oklegal.onenet.net/oklegal-cgi/iffetch?Oklahoma_Statutes.99+24634501466+F);

<http://www.oscn.net/applications/oscn/deliverdocument.asp?cite=12+os+1801>;  
12 Okl. St. Chap. 37, Appx., Rule 11 (2000)

## **Oregon**

No state requirements for the practice of mediation.

Community Dispute Resolution Programs which receive state funding must adhere to mediator qualifications set by the Oregon DR Commission, as listed below. Court connected mediators must also meet the qualifications below.

Qualifications for community dispute resolution program mediators are: 1) 30 hours of training with 3 supervised role-plays and an evaluation, and 2) 2 supervised mediations.

Qualifications for court connected domestic relations mediators are: 1) 30 hours of mediation training with 3 supervised role-plays and evaluation, plus 24 hours of domestic relations training; 2) a master's degree with substantial course work in behavioral science, or a law degree, with seminar or graduate level work in specified family issues; 3) 20 supervised domestic relations mediations, or 2 years as a mediator, or 2 years counseling or legal experience with 6 cases/60 hours mediation case experience; and 4) 12 hours continuing education per year.

Qualifications for court connected domestic relations financial mediators are the same as for court connected domestic relations mediators, but with the addition of: 1) 40 hours of family legal and financial training including 6 hours of role plays and 6 supervised financial mediation cases; and 2) 7 hours continuing education per year.

Sources: [www.odrc.state.or.us/cdrc.htm](http://www.odrc.state.or.us/cdrc.htm); ORS 36.100 to 36.210

## **Pennsylvania**

No state requirements for the practice of mediation. Parties may choose any mediator.

The PA Supreme Court established minimum qualifications for mediation in custody and visitation cases through family court programs and court-ordered mediation for individual cases. Local courts may impose additional, more stringent qualifications. Minimum qualifications are: 1) a bachelor's degree and practical experience in law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field; 2) successful completion of approved basic training in domestic and family violence or child abuse and a divorce and custody mediation program; 3) mediation professional liability insurance; and 4) additional mediation training consisting of a minimum of 4 mediated cases totaling 10 hours under the supervision of a mediator who is

approved by the court to supervise other mediators; 5) compliance with the ethical standards of the mediator profession as well as those of his or her primary profession; 6) 20 hours of continuing education every two years in topics related to family mediation. A post-graduate student enrolled in a state or federally accredited educational institution in the disciplines of law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field may mediate with direct and actual supervision by a qualified mediator.

Sources: Patricia Miles, PA Supreme Court; Bernie Behrand, President, Mediation Council of Western PA

### **Rhode Island**

No state requirements for the practice of mediation.

Rhode Island provides confidentiality for communications with mediators only if the mediator has the following qualifications: 1) 30 hours of training; and 2) 2 years of professional experience as a mediator or has been given an appointment to mediate by a judicial or governmental body.

The Chief Judges Office of the Family Courts maintains a roster of mediators for divorce mediation. Mediators on the roster meet the above requirements for confidentiality. In addition, most have either a Postgraduate Degree in Mental Health or a Law Degree and have taken specialized training in Divorce Mediation. Parties are free to choose mediators who are not on the roster.

Sources: General Laws of Rhode Island. R.I. Gen.Laws § 9-198-44 (a) (2001)

Lorraine Della Porta, Deputy Director, MA Office of Dispute Resolution

David Tassoni, Administrative Office of Family Courts

### **South Carolina**

No state requirements for the practice of mediation.

Civil actions filed in the circuit court for more than \$25,000 and custody or visitation in domestic relations actions, with some exceptions, are subject to mediation. Parties may choose any mediator. Where parties fail to find a mediator of their own choosing, the court will appoint a mediator who has been certified by the Board of Arbitration and Mediator Certification.

The Board of Arbitration and Mediator Certification certifies mediators to be eligible for court appointments.

Qualifications for Circuit Court Mediation are: 1) be admitted to practice law in SC for at least 3 years, be a member in good standing of the SC Bar, and has not within 5 years been disbarred or suspended from practice of law or publicly reprimanded; or be admitted to practice law in the highest court of another state or the DC for 3 years, and have received JD from approved law school, and be a member in good standing in each jurisdiction where admitted, and has not been disbarred or suspended from practice of law or publicly reprimanded, and be an associate member of the SC Bar in good standing, and agree to be subject to the Rules of Professional Conduct; 2) 40 hours approved civil mediation training; 3) demonstrated familiarity with SC mediated settlement conferences; 4) be at least 21 years of age; 5) be of good moral character; and 6) agree to provide mediation to indigents without pay.

Qualifications for Family Court Mediation are: 1) be a member in good standing of the SC Bar; or be admitted to practice law in the highest court of another state or the District of Columbia, have received a JD from an approved law school, be a member in good standing in each jurisdiction where admitted, have not been disbarred or suspended from the practice of law or publicly reprimanded, be an associate member of the SC Bar in good standing, and agree to be subject to the Rules of Professional Conduct; or be a licensed psychologist, licensed master social worker, licensed professional counselor, licensed marital and family therapist, or a licensed physician specializing in psychiatry; 2) 40 hours approved family court mediation training; 3) demonstration of familiarity with SC mediated settlement conferences; 4) be at least 21 years of age; 5) be of good moral character; 6) has not, within last 5 years, been denied a professional license or disciplined; and 7) agree to provide mediation to indigents without pay.

Source: Capers G. Barr III/ Co-Chair of the Joint Commission on ADR;  
<http://www.judicial.state.sc.us/courtReg/listArbMedRules.cfm>;  
[www.scbars.org/pdf/fammed.pdf](http://www.scbars.org/pdf/fammed.pdf); [www.scbars.org/pdf/adr\\_all.pdf](http://www.scbars.org/pdf/adr_all.pdf)

## **South Dakota**

No state requirements for the practice of mediation.

To be eligible as a court-appointed mediator in Family Courts, the qualifications are: 1) 40 hours training and consultation with an experienced mediator for at least 3 mediation sessions; or 5 years experience in mediating custody and visitation issues with a minimum of 20 mediations during that period; 2) knowledge of SD court system and procedures in contested family matters, knowledge of SD family law as applied to custody and visitation issues, knowledge of child development and the impact of divorce or separation, knowledge of available resources, and knowledge of interviewing and mediation techniques applicable to the family setting; and 3) continuing education courses.

Sources: Tom Barnett, South Dakota State Bar, 605-224-7554. Personal Communication, February 11, 2002; [www.usd.edu/sdma/court.html](http://www.usd.edu/sdma/court.html)

## **Tennessee**

No state requirements for the practice of mediation.

The ADR Commission maintains a list of family mediators and a list of general-civil mediators. Court-ordered mediation and court-annexed programs must use mediators from these lists. Parties are free to choose other than listed mediators.

Qualifications to be listed as a general-civil mediator are: 1) bachelor's degree in any field and 6 years of practice, or master's degree in any field and 4 years of practice; 2) 40 hours of approved training with specified components; 3) observe one mediation conducted by a listed mediator; 4) be willing to undertake mentorship and pro bono obligations; 5) be of good moral character; 6) adhere to Standards of Professional Conduct; and 7) 6 hours of continuing education every two years.

Qualifications to be listed as a family mediator are: 1) CPA license or a graduate degree; 2) 4 years experience in psychiatry, psychology, counseling, social work, education, law, or accounting; 3) 40 hours of family mediation training with specified components including domestic violence; 4) 6 hours of training in TN family law and court procedure; 5) be willing to undertake mentorship and pro bono obligations; 6) be of good moral character; 7) adhere to Standards of Professional Conduct; and 8) 6 hours of continuing education every two years.

Sources: Richard Kessler, Director, Commission on Alternative Dispute Resolution, Administrative Office of the Courts; [www.tsc.state.tn.us](http://www.tsc.state.tn.us)

## **Texas**

No state requirements for the practice of mediation.

An impartial third party appointed for dispute resolution services by a court or a governmental body must have the following qualifications: 40 classroom hours of approved training in dispute resolution techniques; and for parent-child disputes, an additional 24 hours training in the fields of family dynamics, child development, and family law. In appropriate circumstances, a court may appoint a person as an impartial third party who does not qualify as described above if the appointment is based on legal or other professional training or experience in particular dispute resolution processes.

The Texas Mediator Credentialing Committee, a coalition of Texas mediator organizations, has a voluntary credentialing program.

Sources: Wayne Fagan, Texas State Bar Association, ADR Section Council Chair; <http://www.texasadr.org/crefinalreport.html>

## **Utah**

No state requirements for the practice of mediation.

The Administrative Office of the Courts maintains the Court Annexed Alternative Dispute Resolution Program Roster of Mediators, for public information and quality assurance. Qualifications to be included on this list are: 1) 30 hours of training in mediation; 2) mediated 3 cases/10 hours. Parties are free to choose a mediator not on the roster.

Sources: Sandy Iwasaki, Administrative Office of the Courts of Utah, ADR Mediation Section; <http://courtlink.utcourts.gov/mediation/>; Tamara Fackrell, Professor of Law and Mediator, BYU

## **Vermont**

No state requirements for the practice of mediation. Parties may select a mediator of their choice.

The Vermont Court Administrator keeps a list of mediators, most of whom have gone through a training program to practice in the federal courts in Vermont, for the information of judges making court referrals on major civil cases.

The Vermont Family Court Mediation Program has defined criteria for their list of contracted mediators: 1) 100 hours of training including 28 basic, 72 in divorce mediation with specified components; 2) 40 hours mediation experience, with 30 hours as an intern divorce mediator, 5 hours of supervisions between the intern mediator and supervising mediator; 3) 20 hours of continuing education every 2 years.

Source: Lee Suskin, Court Administrator, Supreme Court Office of the Court Administrator; <http://www.vermontjudiciary.org/>

## **Virginia**

No state requirements for the practice of mediation. Parties can choose any mediator.

The State of Virginia has a roster of approximately 1000 certified mediators. Mediators must be certified to receive court referrals. Re-certification is required every 2 years. Qualifications for different courts are listed below.

Qualifications of court-referred mediators for General District Court: 1) bachelor's degree or equivalent; 2) 20 hours certified training; 3) observation of 2 complete cases or additional 8 hours training; 4) supervised co-mediation of 3 cases/5 hours with written evaluation and recommendation from certified mentor; 5) 4 hours certified training in VA judicial system or equivalent experience; and 6) adherence to ethical standards.

Qualifications of court-referred mediators for Juvenile and Domestic Relations District Court: 1) bachelor's degree or equivalent; 2) 40 hours certified training; 3) observation of 2 complete cases or additional 8 hours training; 4) supervised co-mediation of 5 cases/10 hours with written evaluation and recommendation from certified mentor; 5) 4 hours certified training in VA judicial system or equivalent experience; and 6) adherence to ethical standards.

Qualifications of court-referred mediators for Circuit Court-Civil Mediation: 1) bachelor's degree or equivalent; 2) 40 hours certified training including 20 in family mediation; 3) observation of 2 complete cases or additional 8 hours training; 4) supervised co-mediation of 5 cases/10 hours with written evaluation and recommendation from certified mentor; 5) 4 hours certified training in VA judicial system or equivalent experience; and 6) adherence to ethical standards.

Qualifications of court-referred mediators for Circuit Court-Family Mediation: 1) bachelor's degree or equivalent; 2) 52 hours certified training with specified components; 3) observation of 2 complete cases or additional 8 hours training; 4) supervised co-mediation of 5 cases/10 hours with written evaluation and recommendation from certified mentor; 5) 4 hours certified training in VA judicial system or equivalent experience; and 6) adherence to ethical standards.

Source: Geetha Ravindra, Director of DR, Supreme Court of VA; [www.courts.state.va.us](http://www.courts.state.va.us)

## **Washington**

No state requirements for the practice of mediation.

The Washington Mediation Association has a voluntary Mediator Certification Program for members.

There are court rules for mandatory mediation of healthcare claims. The Superior Court maintains a register of qualified mediators for medical malpractice cases. Qualifications required to be registered as a mediator for malpractice cases are: be an attorney; have been a member of the Washington State Bar Association for at least five years; and have experience or expertise related to litigating actions arising from injury occurring as a result of health care; and have 6 hours of CLE mediator training and acted as a mediator in at least 10 cases, three of which were medical malpractice; or be a retired judge having experience or

expertise related to actions arising from injury occurring as a result of health care and satisfy the requirements of the above.

Sources: Louise Anderson, Office of the Administrator for the Courts; Evan Ferber, Washington Mediation Association; State Rules, Rules for Superior Court, Wash. CR 53.4 (2001)

### **West Virginia**

No state requirements for the practice of mediation.

The Supreme Court of Appeals maintains a list of Court-Approved Family Court Mediators for court-annexed programs. Qualifications are: 1) a 4-year degree from an accredited college or university; 2) 40 hour approved domestic relations course; 3) 2 observations of family court mediations; 4) 3 co-mediations with experienced family court mediators; 5) professional liability insurance; and 6) agree to complete twelve hours of family court mediator continuing education every two years. Mediators are encouraged to mediate some cases referred by the West Virginia Family Court at no charge.

Source: <http://www.state.wv.us/wvsca/familyct/cover.htm>

### **Wisconsin**

No state requirements for the practice of mediation.

The only statewide mediation program is the Medical Mediation Panel. Medical malpractice cases are required by statute to be mediated by a three person panel consisting of an attorney, a doctor, and one of a list of lay persons appointed by the governor. No mediation training or experience is required. The Medical Mediation Panels Coordinator generally selects an attorney with mediation experience and a doctor with substantive experience in the type of case being mediated.

Source: [http://www.courts.state.wi.us/circuit/Alternative\\_Dispute\\_Resolution.htm](http://www.courts.state.wi.us/circuit/Alternative_Dispute_Resolution.htm);  
Randy Sproule, Medical Mediation Panels Coordinator

### **Wyoming**

No state requirements for the practice of mediation.

The State Court Administrator keeps a state-wide roster of qualified mediators. Mediators must present documented evidence of training in their specific area.

Source: Holly Hansen, State Court Administrator.