

# SUPREME COURT OF VIRGINIA

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SENIOR JUSTICES  
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ELIZABETH B. LACY  
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Press Release: June 13, 2018

## VIRGINIA'S APPELLATE COURTS ANNOUNCE MEDIATION PILOT PROJECTS

The Supreme Court of Virginia and the Court of Appeals of Virginia will undertake mediation pilot projects beginning January 1, 2019. The mediation pilot projects will run for two years, and will be available in select civil cases where both parties are represented by attorneys. In the Supreme Court, mediation will be available only in certain cases where a petition for appeal has been granted. In the Court of Appeals, mediation will be available in equitable distribution cases and/or related attorneys' fee disputes. In applicable cases, the Clerk of each court will notify counsel that if both parties agree to mediate the case, there will be an automatic stay of proceedings for 30 days to allow them the opportunity to participate in mediation.

In 2017, at the request of Chief Justice Donald W. Lemons, the Joint Alternative Dispute Resolution (ADR) Committee of the Virginia State Bar and the Virginia Bar Association established a Special Committee to Study Appellate Mediation in Virginia. The Special Committee included judicial representatives from both appellate courts, appellate litigation representatives from the Virginia State Bar and the Virginia Bar Association, leaders from the Joint ADR Committee and the Dispute Resolution Services Manager from the Office of the Executive Secretary of the Supreme Court of Virginia. In April 2018, the Special Committee made specific recommendations to the Chief Justice, including the establishment of mediation pilot projects in the Commonwealth's appellate courts. The Special Committee also recommended a new level of certification for appellate mediators during the pilot projects, which will be presented to the Judicial Council for adoption later this year. These recommendations were approved by the full Court in May 2018, with some revisions. The revised report from the Special Committee is available on the Virginia Bar Association's website at [http://www.vba.org/resource/resmgr/adr/report-special\\_cmte\\_to\\_study.pdf](http://www.vba.org/resource/resmgr/adr/report-special_cmte_to_study.pdf).

Chief Justice Lemons expressed his appreciation for the Special Committee's work, and stated "Mediation of cases pending in our courts, including our appellate courts, gives citizens an alternative to traditional litigation with its attendant expenses and stress. A successful mediation allows the parties to 'own' the outcome. No case will be required to be mediated; rather, we are simply offering a creative alternative to those who want it."

According to Glen A. Huff, Chief Judge of the Court of Appeals, "The Court of Appeals welcomes the new initiatives for mediated resolution of disputes. Satisfaction of the parties is best accomplished through voluntary settlements rather than decisions imposed by the Court."

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