

OFFICE OF THE EXECUTIVE SECRETARY

PROCEDURES FOR COMPLETION OF EVALUATION OF MEDIATION SESSION(S) AND MEDIATOR(S) OES FORM ADR-1002

1. **PURPOSE:** The "Evaluation of Mediation Session(s) and Mediator(s)" (OES Form ADR-1002) is designed to provide the Judicial Council of Virginia with information regarding the performance of mediators certified to receive court-referred cases. This evaluation form allows individual clients to express their opinions as to the value of the mediation process and the work done by their mediator(s). Review of client evaluations will provide opportunities to identify large-scale training and education needs as well as individual assistance that can be offered to mediators.
2. **DISTRIBUTION OF FORMS:** On the application for certification, mediators must sign a statement indicating that they will give to each party in any court-referred mediation an OES Form ADR-1002 and request that the parties complete the form and either return it to the mediator or program director, or send it directly to the Office of the Executive Secretary (OES). If the form is returned to the program director or to the mediator, a copy should be forwarded to OES. Mediators are encouraged to use these forms for non-court-referred cases as well. All forms received by OES will be reviewed.
3. **CONFIDENTIALITY:** Evaluations are confidential and will not be disclosed by OES to anyone other than the mediator and the parties, except as may be required by statute. Evaluations may be shared by the mediator with mediation programs or for purposes of professional consultation.
4. **NEGATIVE EVALUATIONS AND POSSIBLE INTERVENTIONS:** If an evaluation is received by OES which indicates serious dissatisfaction with the level of the mediator's performance, but does not allege conduct which could be a violation of the Standards of Ethics and Professional Responsibility (the Standards) or the Guidelines for the Training and Certification of Court-Referred Mediators (the Guidelines), the evaluation will be considered an indication that there may be a need for intervention or training. OES will contact the mediator regarding the evaluation(s) and indicate suggestions, if any, for appropriate training or mentorship. Where appropriate, an individual consultation with a mentor mediator may be offered as a means of assisting the mediator in improving performance.
5. **MULTIPLE NEGATIVE EVALUATIONS:** If a pattern of negative evaluations is observed and the intervention described in 4. above is refused or does not appear to improve the situation, the evaluations will be considered in the recertification process, in accordance with the Guidelines.

6. EVALUATIONS GIVING RISE TO COMPLAINTS: If an evaluation received by OES suggests that the mediator is not practicing in accordance with the Guidelines and/or the Standards, a copy of the Mediation Complaint Form (OES Form ADR-1004) and the Complaint Procedures for Mediators Certified to Receive Court-Referred Cases (the Complaint Procedures) will be sent to the individual who has submitted the evaluation along with a request for additional information. If the complaint form is returned, it will be treated pursuant to the Complaint Procedures.
7. RETENTION OF EVALUATIONS: Pertinent information from evaluation forms is entered into an OES database as a statistical means of evaluating the overall success rate of mediations taking place by certified court-referred mediators in Virginia. The paper copies of evaluation forms are not retained by OES once information is transferred to the database.
8. FAILURE TO PROVIDE FORMS: If it comes to the attention of OES that a mediator has not been supplying each party to a court-referred mediation with a copy of OES Form ADR-1002, OES will remind the mediator of the requirement pursuant to the Guidelines. Subsequent failure to provide the forms may cause a complaint to be initiated by OES. A complaint would be processed according to the Complaint Procedures.
9. MENTORING: The use of the evaluation is not a substitute for regular work with mentors and other peer evaluators, nor is it to be used in lieu of the formal complaint process. All other forms of self-evaluation and peer review are encouraged.
10. SOLICITATION: Evaluations shall not be used for the purpose of soliciting business without the express prior written consent of all parties to the mediation.