



MEDIATION ROLE PLAYS FOR CERTIFICATION

*A Guide for Using Role Play Scenarios in the
Mediation Mentoring Process*

MARCH 2024

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A guide for using role play scenarios in the mediation mentoring process February 2024

BACKGROUND

This guide was developed by a committee led by Dispute Resolution Services (DRS), Department of Judicial Services, in the Office of the Executive Secretary, Supreme Court of Virginia with the assistance of Virginia-certified mediators, mentors, and trainers. Formed in April 2023, the committee was tasked with the job of developing a structure for the use of role play scenarios during the mediation mentoring process.

More specifically, committee members focused on creating a guide for mentors working with mentees seeking certification at the General District Court (GDC) level. This approach was taken due to the ongoing difficulty voiced by many mentors and mentees in finding a sufficient number of eligible cases to satisfy the requirements for GDC certification. The hope was to ease that burden, while maintaining a high quality process, by encouraging the limited use of role play scenarios and offering a DRS-endorsed framework for their use.

NOTE: This guide is intended as a *supplement only* to the [Guidelines for the Certification and Training of Court-Referred Mediators](#) and the [Mentorship Guidelines](#) which govern the mediator certification process.

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PROGRAM FRAMEWORK

1. **Orientation: Role Players**

(See Responsibilities of Mentors and Role Players section for additional details)

- Mandatory, orientation session
- In person or virtual

Purpose:

- Set clear expectations for their participation before, during and after the role play
- Familiarize them with the purpose & structure of the program

2. **Orientation: Mentors**

(See Responsibilities of Mentors and Role Players section for additional details)

- Mandatory, one-time orientation for any mentor without prior experience in the use of role plays in the mentoring process
- Orientation may be an in-person or virtual session, or via a written handout provided by program sponsor

Purpose:

- Familiarize them with the purpose & structure of the program
- Set clear expectations for their mentoring role, especially how it is different than using a “real” case

3. **Certification: Number of role play simulations and actual cases**

- Individuals who apply for General District Court mediator certification by the Supreme Court of Virginia must provide documentation that they co-mediated with a mentor at least five (5) hours including a minimum of three (3) complete cases, according to the Guidelines C.3.h.1)c). Two (2) cases (i.e. court-referred or private, in-person or virtual) must be actual, non-simulated cases. A role-play simulation may be used for one (1) of the minimum three complete cases, and for any additional case(s) that may be necessary to meet all requirements.

4. **Co-mediation requirement**

- In keeping with the Guidelines for mediator certification, all cases submitted by an applicant - whether court-referred or role play simulations - must be co-mediated with a mentor.
- The co-mediation requirement only applies to the certification process and is not meant to restrict the use of role-play simulations. Role-play simulations may also be adopted for use in Continuing Mediator Education by certified mediators who submit the [Trainer Application for CME Course Certification \(ADR 2001\)](#) form

5. **In-person vs. virtual**

- Role plays used during the mentoring process may be conducted in-person or virtually, or any combination thereof.

6. Role Player requirements

- Each mentor or organization that offers mentoring services is free to establish its own criteria, if any, for who may serve as role players. As previously-indicated, the only mandated requirement is that all role players must attend an orientation session.

Co-Mediation Role-play Program:

Responsibilities of Mentors & Role Players

1. Purpose of program is to facilitate the mentorship of mentees in simulated co-mediations to partially fulfill requirements toward mediator certification
 - a. Each role-play case should be treated with the same respect for the parties, the process, and the outcome as a court-referred case
2. The following duties apply to each organization or individual mentor approved to offer the program. To be approved, DRS will request a letter of intent and provide a 1-page checklist application with conditions to be met
 - a. Responsible to recruit individuals to serve as party role-players
 - i. role-player parties may be paid or unpaid, be certified or have no mediation experience
 - ii. it is suggested but not required that role-players serve as parties for one case per mentee
 - b. Select and provide role-play scripts with assistance of mentor
 - i. simulated case should correspond in difficulty to mentee's level of development. A more challenging case should be chosen for a mentee if it is not their first co-mediation
 - c. Provide orientation to role-players on the goals and purposes of the use of role-play in the mentorship process
 - i. explain expectations about the role play script and confidential instructions role-players will receive
 - ii. provide in advance 'DRS Guide for Role-players' to parties and answer questions on how to participate and prepare
 - d. Provide orientation on expectations to mentors new to the program
 - e. Inform participants that if case exceeds allotted time, additional session(s) should be arranged like continuance of an actual case
3. **Mentor specific responsibilities:**
 - a. If new to program, receive orientation for role-play simulation
 - b. May participate in choice of role play based on the mentee's needs (see 2.b.)
 - c. Brief and debrief with mentee and adhere to [Mentorship Guidelines](#), Section III: Role and Responsibilities of Mentors
 - d. Complete mentorship evaluation forms as with regular co-mediation (i.e. [Mentorship Guidelines](#), Section III.1.7 "Set detailed goals for the mentee focusing on specific skills and process development during the co-mediation.")
 - i. ADR-1008 Mentee Portfolio Form
 - ii. ADR-1001 Mentee Evaluation Form
 1. *Please indicate on forms if case is a role-play simulation.*
 - e. Roles: "The mentor and mentee should discuss the nature of the case and the types of issues the case may present; the mentee's specific skill development needs; each person's responsibility for specific mediation tasks; and confirm the

- ii. additional information on the purpose of the role-play and specific role with confidential instructions
- b. Study tip-sheet 'DRS Guide for Role-players' to prepare
- c. Participate in a 10-15 minute session debrief, out of character, to provide feedback. Mentor will facilitate discussion.
- d. Complete modified Party Evaluation Form, ADR 1002a on-site immediately following or the next day, and submit to program

DRS GUIDE FOR ROLE-PLAYERS¹

Preparation and Participation Tips. As a co-mediation role-player, you carry a share of the responsibility for making the role play a useful learning tool and practice scenario for a mentee learning to mediate. Understanding your character before you arrive, and then playing your part as realistically as possible while staying true to your character is the surest way to do this. The following are some “tried and true” tips that should help make your role-play experience fun for you and educational for the mentee:

1. Prepare in advance. Read through your role and make mental or written notes of the interests, needs, emotions, and mediation goals for your character. Ask yourself what your character would need to get out of mediation to feel satisfied. Remember that satisfaction isn’t necessarily the same as getting every initial demand. This will help you get a feel for who your character is and play your part more effectively.

2. Once the role-play begins, you may make up facts to help you effectively play your role so long as they are *realistic and consistent* with the facts you have been given, and *do not materially change the context* of the role-play. Embellish, but don’t add major facts the other party would not understand. For example, if there is nothing in your role-play about one party having substance abuse issues, then you wouldn’t ad lib that into the role-play.

3. Try to connect with what your character may be thinking and feeling. While most people that agree to mediation want to reach a resolution, you don’t have to agree on everything. You may also express the emotion your character could be feeling, such as sadness, frustration, relief, etc.

4. It is okay to be slow to discuss or reveal information your character may wish to keep confidential, or if you don’t feel comfortable discussing an issue in joint session. The mediator may use private sessions, called a caucus, to try to learn more about the situation if someone’s body language suggests frustration or they detect a reticence of either party to share in the other’s presence.

5. Don’t try to make it impossible for the mediator to work with you, but don’t be a pushover either. You may interrupt or be provocative to see if the mediator will enforce the ground rules, but don’t stonewall without a reason. Be willing to respond at some point to the mediator’s efforts if those efforts are at all an effective response in the context of the discussion. *In other words, don’t be difficult just to be difficult.* Do what you think the character would do in this situation. And remember that when most people genuinely feel “heard,” they generally move to soften their initial demands.

6. The simulation will be the most valuable to the mentee-mediator if you stay in character and react to the process as naturally and with as much integrity as possible. If another player or the mediator breaks role, try to remain in yours. It will help others get back on track

¹ Adapted by the Dispute Resolution Services (DRS) division, Department of Judicial Services, in the Office of the Executive Secretary, Supreme Court of Virginia from “Mediation Role-Play Practicum, Guide for Role Players,” The Kansas Institute for Peace and Conflict Resolution (KIPCOR), © 2014, with additional input from Karen Asaro

and maintain the dynamics of the simulation. You may get tired, feel self-conscious, impatient, or embarrassed but “breaking role” can limit the learning potential of the role-play.

7. If anything is said that you do not understand, ask the mediator to explain jargon or complex language. Try to speak and act in a way that will not distract from or disrupt the flow of the mediation.

8. Make mental notes (or jot down) what works and what doesn't so you can share your insights and observations when the role-play is over. This kind of information can often be the most important learning opportunity for the mentee-mediator.

Debriefing and Feedback. Debriefing will take place in the 15 minutes immediately following each role-play, and role-players should plan to participate fully in this aspect of the role-play experience. The feedback provided in a debriefing session is as important as the actual practice of the role-play itself. And the feedback received from the role-players sometimes provides the most useful insight for mentee-mediators. Here are tips for offering constructive feedback:

1. At the end of the role-play, each role-player will be asked questions, such as: “*What worked well? What did the mediator do that was most helpful for you as a party?*” In answering these questions, remember that most mentee-mediators will focus only on what they think were their mistakes, and will have no idea what they did well. They need to hear what their strengths and gifts are. Be sure to express the feelings and perceptions that you experienced as well as the technique or behavior that you believe worked well. The more specific the better!

2. After hearing what went well, each role-player will be asked questions, such as: “*What suggestions for improvement do you have? Is there anything you—as a party—wanted more (or less) of from the mediator?*” In answering these questions, focus on actions or techniques that can be altered and be specific. For instance, “It would have helped to see our problems listed on the chart.” Be sure to express the feelings and perceptions which you experienced, as well as the technique or behavior at issue.

3. The mentee-mediator will have an opportunity to engage in dialogue with you about your feedback and will also be asked similar questions to obtain his/her personal assessment. The mentor mediator will interject where appropriate with any additional comments that may not have been covered by others. The mentor will end the debriefing session and then speak with the mentee-mediator privately.

4. There is a limit to how much feedback, positive or negative, a person can usefully assimilate. People will typically only remember 2-3 main points, so focus on the most important comments you want to share.

DRS Form ADR-1002a Supplemental form for Role-Play Co-Mediation

This form is designed for use by the role player to evaluate the work of the mentee. The official form can be found on the DRS website: [Forms and Applications Used for Mediation \(vacourts.gov\)](http://vacourts.gov)

Evaluation of Mentee Mediator and the Mediation Process

***Please return this form to the Program Coordinator within 2 days ***

Name of Mentee: _____ Date of Roleplay: _____

Name of Role-player: _____ Role played: _____

I. Please rate the mentee on the following. Select the appropriate number:

1 = Needs improvement 2 = Yes, adequately 3 = Yes – exceptionally

1. Clearly explained the mediation process and procedures	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
2. Managed our session effectively	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
3. Created a safe, inclusive environment	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
4. Was a good listener	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
5. Allowed me to talk about issues that were important to me	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
6. Allowed us to control the decision-making and outcomes	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
7. Was respectful	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
8. Helped clarify issues	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
9. Was impartial	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
10. Encouraged us to collaborate	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
11. Managed a private session effectively	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
12. Wrote what we agreed upon clearly and accurately	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A
13. Worked well with their co-mediator	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="radio"/> N/A

II. If you have given a low score to any of the questions above, please elaborate.

III. Share additional comments on the mediation process and either of the mediator(s)

Sample Role Play Scenarios

The following pages contain three sample role play scenarios. They vary in complexity and were designed to reflect the types of cases that might be referred to mediation from General District Court (GDC).

If you choose to use role plays in your work with mentees, you will need to develop a healthy stockpile of similar role play scenarios. The scenarios should cover a variety of case types, and range from simple to complex in order to match the experience and skill level of particular mentees.

Feel free to use the following scenarios and add them to your role play catalogue as you work with mentees seeking certification at the GDC level.

SCENARIO 1
Landlord/Tenant- Small Claims

Title: Pets being Pests

Plaintiff – Pat

Your name is Pat, and you have been renting your townhome for over 6 years now with your daughter Linda, three dogs and one cat Tigger who you consider family. Your new neighbor, Sandy, moved into the neighborhood 6 months ago and ever since you've found cat defecation in many outside areas that are not any of your pets, as well as, destroyed plants from digging and waste.

You have attempted multiple times to speak with Sandy, however, they dismiss it with their cat being mistaken for another. You have gotten creative in your efforts to deter the cat from defecating and destroying plants such as: Standing forks- prong side up, a sonar "fence" which keeps critters and animals away when turned on among many others. However, to your disappointment – the problem persists.

You seek to get along with your new neighbor, and have brought up the issue with them, however, you don't feel heard or believed. You feel you have exhausted all options and are being disrespected. Over the past 6 months, you have had to replace over \$350.00 worth of plants including \$150.00 for items such as the sonar "fence". You have filed a case in Small Claims and seek to mediate the case, so that the dispute at hand can be resolved and your plants and property can be respected.

Caucus:

These plants and having your space respected mean a lot to you as you have cultivated your own greenspace amid the background of a bustling city.

Safety and security are of the utmost importance to you, and due to past situations with break-ins, you have cameras, so you know that it is indeed their cat.

Defendant – Sandy

Your name is Sandy, and you are a new townhome owner who lives with your three daughters and one cat, Jiminy. You have neighbors whom you have found to be very welcoming.

It's been an adjustment to the neighborhood for you and your family, especially since you had a divorce about a year ago.

You have gotten along with your neighbors for the past 6 months, but your neighbor Pat, to the right has notified you a couple of times that their plants are being destroyed and that they have found cat feces that do not belong to their cat or animals.

You have let Pat know that it couldn't be your cat Jiminy as there are many cats in the neighborhood that roam and get onto others' properties, and Jiminy just isn't that cat. The plants you have put out have been in great condition, so you don't understand why your neighbor is assuming it's yours, and why you are being sued and brought to court.

Caucus:

You know from previous experience that Jiminy has defecated in former neighbors' properties and chewed plants up of theirs. However, you believe that all incidents that your neighbor Pat is accusing you of cannot be due to Jiminy, and you're worried that if you agree it was Jiminy- then they will think that is the case every time.

As you have recently divorced, you are getting used to taking better care of your personal matters along with work and family and have not been feeling balanced in all areas of your life. You had filed for Spousal support a year ago, and your ex-partner stopped making payments 6 months ago which has left you in the red for your finances.

You seek to get along with your neighbors, however, you have learned in your life to not be bullied which is how you perceive this suit against you.

SCENARIO 2

FOR LANDLORD: JORDAN

STORY:

You are the owner of a property with a small house and a barn. You rent the house out and allow the tenant access and use of the barn. Your current tenant is Al, a 45-year-old who has a history of unreliability. Noting their spotty rent payments to past landlords, you made sure that Al was only a co-signer on the lease. The primary lessee is their parent, Sam, a 71-year-old hardworking person who lives in their own apartment. Rent is set at \$2200 per month, with a \$300 fee assessed each month that rent is more than 5 days late. Sam is on the hook for paying rent anytime that Al is late or fails to pay.

The rented house is nothing amazing, a small two bedroom and one bath home with no central heating or air. In the winters tenants can stay warm with the cozy wood-burning stove or use electric heaters. The barn is pretty run down but perfectly functional, and you lease some space for neighbors to keep their animals.

The tenants have been behind in their payments for a few months now. Actually, it's been rather a long time. When you check your ledgers, you realize that they're about 15 months behind, so they owe \$37,500. Even so, you probably wouldn't have sued them (you like Sam and feel bad that they are carrying the weight of Al's irresponsibility), except that 2 weeks ago a fire with suspicious origins swept through the locked barn, tragically killing all the animals within. You suspect that Al had run cords from the house to the barn to power heat lamps and raise chickens in the barn, and you think that started the fire, but there is no evidence. The firefighters and investigators say all evidence of what started the fire was destroyed in the blaze.

CLAIM: You sued in general district court for \$37,500 in back rent and for possession of your property again.

CONTEXT: In truth, though, you aren't sure how easily you would be able to find a new tenant. You know the location isn't great, the amenities aren't there, and you would need to invest a lot of money and time to get the property ready to sell or rent. Money and time that you don't want to spend. You would definitely prefer that Al be officially evicted—they've been nothing but trouble—but you wouldn't mind if Sam inhabits the residence. You could even figure out a way for Al to stay if they can both come up with a good enough portion of the back rent, say, \$25,000. You're also willing to work out a payment plan to get things taken care of. As long as you end up getting your money and you don't need to invest in or think too much about the property, you'll be fine.

You would really like some more information on what happened with the barn. Everything else might be negotiable, especially for Sam. You have a soft spot in your heart for them, and you'd probably be willing to come up with something creative to keep from causing them further stress.

FOR TENANT: SAM (Parent of official tenant)

STORY:

You are a 71-year-old parent of Al, who is 45 years old, and rents a small house and barn from the landlord. You co-signed on the lease two years ago, and Al promised that they would keep up on all of the rent payments and only needed your signature because their credit score was low. Al is always in and out of small jobs but doesn't seem to be able to stick with any one thing for long. You know they raise chickens in the barn by the house. Or, well, they did, up until the barn burned down a few weeks ago. A real tragedy that made the local news because of all the animals that died.

Out of the blue, you've been served with a court summons asking for \$37,500 and to kick Al off the property. When you confronted Al about it, they admitted that they haven't gotten around to paying rent in "a few months." Al's sure it's no big deal and doesn't even plan to go to the court date. Al figures the landlord will have to take extra time to get them evicted, so they'll have more time to figure out Al's next move. You are irate, because you know your name and credit will go down with Al. And you are planning to retire this year—even if you did have the money to bail Al out (which you don't, \$37,500 is a lot of money!), you need every dime to live on in your future years. When mediation is offered, you jump at the opportunity to try to work things out outside of court.

CLAIM: \$37,500 in back rent, and eviction of Al.

CONTEXT: You can't afford for this to turn into judgment against you. You are willing to jump through all sorts of hoops to avoid this going to judgment. You're okay with kicking Al out, to push them to figure things out on their own as it's not the first time this has happened. You're hoping that getting Al out of the property will be enough for the landlord. If they end up needing money, though, you're not sure what to do. You don't have any spare money sitting around. You suppose that once you get Al out you might be able to move into the property. Your apartment lease is almost up anyway, so you have the flexibility. You're a strong independent person and you're sure you can make things work, but you would need a good plan with a lot of time to make up \$37,500. And getting wood for the stove would be tough in the winter. You'd have to figure something out to be safe through the cold months. So, while it's possible, moving into the house isn't your preferred option. It's a last resort in case nothing else can be worked out.

FOR MEDIATOR:

CLAIM: \$37,500 back rent and immediate possession of the home (eviction of tenant)

CONTEXT: You do happen to have heard a little bit about this case, because it was in the local news the other day! The barn on the property burned down, and all of the animals were locked inside and died.

The person living on the property didn't show for court and the judge sent the landlord and the tenant's parent, who signed on the lease, to mediation. The judge gave express permission to mediate the case with these parties—though the tenant was named in the suit, apparently only the parent signed the actual lease, so they can mediate without the tenant being present.

SCENARIO 3 **Workplace Role Expectations Conflict**

Chris and Taylor

BACKGROUND

(Designed to be given to mentee mediator prior to mediation session)

A misunderstanding has developed between Chris, a new employee, and Taylor, their informal mentor. Their conflict revolves around their different expectations for their roles, and their differences regarding personal habits. Their manager referred them to mediation with the hope they can resolve their differences without her intervention.

Chris

You were hired by MedCo approximately two months ago, and this is your first job since graduating from college. When you were hired you were told that you would be assigned to Taylor to provide orientation and to show you the ropes. From the very first you were impressed with their good judgment and thorough understanding of the job. You privately decided to adopt Taylor as your mentor. You tend to be a somewhat reserved person and don't easily make friends, but once you feel comfortable with someone, you usually get rather attached as you have with Taylor. That relationship has made this large organization seem less scary.

Whenever you have had a question or concern, even one that was unrelated to work, you have consulted Taylor. Recently, you were quite taken back to learn that they had complained about you to your manager. The gist of the complaint was that you were "crowding" them and taking up too much of their time. In addition, you sense that Taylor disapproves of your vaping. You feel like this is your business, and you have attempted to limit yourself to one "vape" break each hour. This has been an adjustment, because in college you had the flexibility to vape much more during the day without having to walk so far to an approved area outside.

Even though you have some apprehension about mediation, you like the idea better than having your manager know all about this situation or making a decision for you. You hope to not only work out your differences, but to maintain your relationship with Taylor.

Taylor

About two months ago Chris was hired by MedCo fresh out of college. They were assigned to you initially so that you could provide orientation and show them around. You expected the orientation to take about a week or two, but Chris has clung tenaciously by your side for the whole two months. The first thing you noticed about Chris was how they invaded your personal space. They always hovered too close for comfort when you were explaining things. You could even feel their breath on the back of your neck. In addition, Chris is a nonstop talker. You are far too polite to tell someone to just be quiet, but you frequently feel like telling them that.

You can't get your work done because Chris is always asking you questions, and not just about work either. They want to talk about personal things that you believe should not be talked about on work time. You don't believe Chris means any harm, but they are just incredibly insensitive to not see how much they are invading your space and encroaching on your time.

Another concern relates to a sensitive issue. Chris vapes frequently, and even though they go to the smoking area outside, you are bothered by the odor that permeates their clothing. Plus, in your opinion, Chris takes far too many breaks to feed this habit. Finally, Chris always takes a long lunch break and is not considerate of how that affects you. You need to back up the phones when they are gone, and there is never any thanks.

You became so frustrated that you took your concerns to your manager. You had hoped that they would just fix things for you, even though you realize that was not realistic. You don't want to criticize or hurt Chris, but you do want them to understand how their actions and dependency are affecting you. You hope you have the courage to bring up all your concerns in mediation.