



MEDIATION IN VIRGINIA

BEST PRACTICES IN 2024

SUMMARY

In 2024, the Court Referrals Task Force of the Virginia Mediation Network noted the many varied ways Virginia's district courts have implemented court-referred mediation programs. These differences reflect the diversity of Virginia's courts and their needs, but the Task Force recognized the difficulty these variations pose to mediators who work in many courts, and in courts wishing to start new programs. To alleviate these issues and encourage a more uniform mediation experience in Virginia's courts, the Task Force formed the Best Practices Task Force Subcommittee. This Subcommittee was comprised of mediation and court personnel across Virginia with the intention of identifying best practices for court-referred mediation programs.

This report consists of information, best practices, and recommendations for court-referred mediation programs in Virginia. It is divided into four sections – the first discusses general information available for all stakeholders of mediation programs; the second is written for mediators; the third is directed to court personnel, including judges and clerks; and the last is about forms which mediation programs can implement in their courts. Not all the recommendations of this report would be advisable or attainable for each court. Rather, this report includes best practices and examples from the knowledge and experience of the Subcommittee members. Courts and mediation programs should consider their own needs and resources when changing or establishing a mediation program.

The Subcommittee members thank the mediation coordinators who assisted with the development of this report, the Court Referrals Task Force for recognizing the need of this report, and Virginia's District Courts for recognizing the benefits of mediation and supporting its use in court-referred cases.

Best Practices Task Force Subcommittee:

Brandon Bastian, Executive Director, Piedmont Peace Center

Carolyn Fitzpatrick, Executive Director, Peaceful Alternatives

Jon Lamp, ADR Programs Specialist, Division of Dispute Resolution Services

Sylvia McDevitt, Mediation Services Director, Piedmont Peace Center

Pamela K Struss PhD, Executive Director, Greater Richmond Community

Mediation Center

Doreene Thomas, Mediation Coordinator, Chesapeake General District Court

TABLE OF CONTENTS

Summary	2
Table of Contents.....	3
General Recommendations.....	4
Coordinators	4
Identify resources.....	4
Referral options.....	6
Referral At Filing.....	7
Screened Cases are Referred Before Court Date	8
By Request	8
Court Sitting.....	9
Cases Appropriate for Mediation.....	10
Reporting options	11
Further court dates.....	12
Recommendations for Coordinators.....	13
Recommendations for Mediators.....	15
Recommendations for Clerks and Judges	17
Forms	19





GENERAL RECOMMENDATIONS

COORDINATORS

In many courts, court personnel are faced daily with a nearly overwhelming workload as they respond to the demands of court users. Mediation is often cited as one way in which courts can manage their dockets, giving parties the opportunity to resolve disputes on their own terms before appearing before a judge. Mediation programs are not without their administrative cost, however, and courts may not have the resources or expertise necessary to start and maintain a mediation program.

Luckily, there are resources available to help such courts. Mediation coordinators are entities that assist courts by managing their mediation programs, acting as liaison between the courts, mediators, and the Office of the Executive Secretary of the Supreme Court of Virginia (OES). In Virginia, coordinators range from non-profit community mediation centers to employees of the county or city government. The Division of Dispute Resolution Services (DRS), within the OES Department of Judicial Services, manages contracts between OES and such entities to coordinate district courts throughout the Commonwealth.

While a mediation coordinator may not be strictly necessary in all courts, they are often helpful. While a clerk's office may be able to handle the administrative burdens of a mediation program without the need of a coordinator, it can be helpful for the court, parties, and mediators to all have a common point of contact to whom they can address inquiries. As manager of the mediation program, the coordinator will leverage their own expertise in conflict resolution to provide guidance to mediators and help set policies and procedures for court-referred mediations. Therefore, it is recommended that courts with mediation programs identify a mediation coordinator, or, at minimum, a single point of contact who is well-versed in mediation policies, procedures, and best practices who can manage the mediation program, respond to mediation related inquiries, and troubleshoot issues.

Best practices for coordinators can be found in the Recommendations for Coordinators section.

IDENTIFY RESOURCES

Before beginning to mediate, it is important for mediation program coordinators, court staff, and mediators to take stock of the resources that are available for the program and identify what resources might be missing. Be sure to fully consider the entire mediation, from case filing to outcome



TIP FOR USING THIS REPORT

If you are reading an electronic copy of this report, the [blue underlined](#) text are links, either to another section in the report or to online resources.

reporting, when identifying current and potential resources. The needs of each program are different, but below are some examples of where to start:

Mediation Spaces

When mediations are taking place in the courthouse, having an appropriate space to mediate is extremely important. Court staff and mediation programs should work together to determine what space is available for the program in or near the courthouse. When deciding on a plan for in-person mediations, consider locations that:

- Ensure confidentiality,
- Are safe for the parties and the mediator in the event of threats of violence,
- Are dedicated to mediation, where possible, and
- Are close to other resources such as a computer and/or copier.

Once a space has been determined, mediators and programs should identify commonly used materials in mediation (like notepads, common forms, pens, etc.) and should develop a plan for quickly replenishing them in the middle of mediation.

Virtual Spaces

COVID made mediating virtually necessary. While many originally planned to return to the in-person format, mediating virtually via a platform such as Zoom created some unexpected benefits. Mediating virtually offers flexibility in scheduling for the parties and mediator(s), parties are not required to sit in the same room but instead they may attend from their personal safe space, and parties may be more relaxed. The resources needed for virtual mediation are:

- Desktop computer, laptop computer, tablet, or other videoconferencing-capable device
- Internet access
- Zoom or similar conferencing platform
- Parties need smart phone or computer access

You will also need to know your court's policies and have a plan in place for signatures on a final agreement. While the Virginia Uniform Electronic Transactions Act of the Code of Virginia states that electronic signatures satisfy legal requirements and that electronic signatures cannot be denied legal effect just because they are electronic, your court may have expectations of what that will look like. See if your courts have any preferred service to use before signing up for one.

Phones and Computers

In December 2018, the Supreme Court of Virginia [announced a model policy](#) for the use of portable electronic devices in courthouses and courtrooms.

This policy recommends that court visitors be allowed to use mobile devices, including laptops and cell phones, in common areas of the courthouse.

Courts should consider allowing mediators and parties to mediation to use such devices in confidential mediation spaces as well. In courts where such an allowance is not feasible, mediators (or program coordinators) should be given access to a phone and computer inside of the courthouse to be able to screen cases, contact parties, type and print agreements, print forms, and more.



VIRTUAL MEDIATION TIPS AND TRICKS

In 2020, DRS published a page of [Tips and Tricks](#) for mediating online that may be helpful.

Funding

As of August 2024, mediation vendors are paid \$120 per appointment mediated from district courts. This fee is meant to reimburse mediators for mediation services but does not extend to cases that are referred but do not mediate. Additionally, this fee does not cover the administrative work completed by mediation program coordinators. The Office of the Executive Secretary contracts with many vendors to coordinate one or more district court programs, but funding for this program is limited and not all mediation coordinators have such a contract. Some coordinators are funded in-part or entirely by their locality, and some others receive funding in the form of grants. Mediation coordinators and courts should consider the program's costs, revenues, and financial stability when developing or changing a program. Multiple funding sources may be available for mediation programs depending on the scope of their work.

Resources for Parties

Parties to mediation are often overwhelmed by the facts of their case and may be unaware of the resources available to them. Consider having a list of local and statewide resources available for parties when they are in need of assistance. For example, a local resources list might include a reference to the [Virginia Judicial System Court Self-Help page](https://selfhelp.vacourts.gov/) (<https://selfhelp.vacourts.gov/>), contact information for local legal aid groups, and more. Be sure that any information and resources provided to parties is neutral and does not cross the boundary into legal advice.

REFERRAL OPTIONS

One of the most essential choices that a mediation program will make is to determine how cases will be referred to mediation. There are as many variations as there are courts, but there are a few broad categories that programs often incorporate aspects of. Which referral methods a program incorporates will depend largely on the program's resources and goals, so it's important to establish these early if possible.

One of the biggest determinants of referral option is whether the program will be proactive about getting cases to mediation prior to the court date, or if the primary driver of mediation referrals will happen on or after court. Both offer their advantages and disadvantages, and some courts may choose to implement options that aim to refer cases both before and at court.

In general, pre-court referral methods require more resources of the mediation program to screen and coordinate cases but result in a higher rate of mediations and have the chance to resolve cases before being heard in court. Referral methods that rely on mediating cases on or after their court date generally require fewer resources to administer but result in fewer mediations and may result in mediators losing time and money.

Below are several examples of mediation referral options which programs can consider when deciding how to refer cases in their own courts. These

methods are not exclusive, and not set in stone. Programs should use these examples as guidelines for establishing a system in their own courts.

Referral At Filing

Mediation is standard procedure before trial

Category: Pre-trial

In this referral method, the parties are referred to mediation at the time of their case filing. The plaintiff is usually required to complete a mediation intake form that requests contact information (including email address and phone number) for the parties, as well as other information about the case helpful for screening. The submitted form is reviewed by someone in the mediation program who, if the case appears to be mediatable, contacts the parties to schedule the orientation session and mediation.



REFERRAL AT FILING

Pros: many cases go to mediation, standardized procedure, option to resolve cases before parties appear in court

Cons: requires a great deal of planning to start, requires considerable time and resources to administer

This method is ideal in courts that have a dedicated mediation coordinator, or other staff trained in assessing mediation appropriateness and can contact parties. This method builds mediation in as part of normal case procedures, which can make it more likely for parties to attend. Contacting the parties about mediation also gives the mediation program the opportunity to advocate for mediation and to answer questions the parties may have about mediation before agreeing to participate.

Opt-in vs Opt-out

Requiring parties to complete a mediation intake form when filing their case effectively makes mediation orientation an “opt-out” process, where it is assumed that parties will be attending a mediation orientation session as part of their case. This can be helpful for increasing the volume of mediations in a court, but requires extra time for the mediation program to review cases that are potentially unfit for mediation. Opt-in referral methods, where the parties request mediation through completing an intake form at filing, are likely to result in fewer mediations than opt-out methods, but also require less screening from the program.

Best practices

- Create a “Mediation Intake Form” that can be distributed and collected by the clerk’s office when the case is filed. The form can capture contact information that often get missed in court paperwork. A process will need to be agreed upon by the mediation and the clerk’s office for how these forms are collected and given to the mediation program. See the [Forms](#) section for examples.
- Where appropriate, provide parties with the DC-604 (Order of Referral and Mediator Appointment Form) to inform them of the mediation referral process and provide them with information for opting out of mediation services. The DC-400 (Mediation Orientation Order of Referral) can be given to the mediator to include with their payment request should the case go to mediation, and can be imaged as part of the case’s files.
- Target providing mediation intake forms to filing types likely to mediate. In general district courts, filings likely to mediate are unlawful detainers, tenant assertions, warrants in debt, and small claims cases.



SCREENING BEFORE COURT

Pros: identifies cases likely to mediate before trial, does not require additional paperwork

Cons: may miss mediatable cases, requires considerable time and resources, screening is done with potentially less information than other pre-trial referral methods



BY REQUEST

Pros: allows pre-trial mediation with minimal extra resources, enables referrals potentially missed by other pre-trial referral methods

Cons: likely not a stable, consistent source of mediations, if too close to the court date may necessitate a continuance to attempt mediation

Screened Cases are Referred Before Court Date

Cases are Reviewed and Referred Individually

Category: Pre-trial

In this referral style, cases are screened after filing and prior to the court date. The screener pulls the case's files prior to their court date and makes an assessment as to whether the case might be a good fit for mediation. If so, the mediation program contacts the parties to schedule the mediation. Unlike referring the case at the time of filing, this referral method does not require the parties to complete additional paperwork. The program is thus unable to benefit from an additional form, though, meaning the program is limited to phone numbers and mailing addresses included in court paperwork.

Picking a Screener

The screener(s) in this referral method are likely going to be reviewing many cases, and are going to be the main determining factor of how many cases are referred to mediation. In some courts, especially courts with a low volume of filings, the clerk's office may be able to review cases to do an initial assessment of their appropriateness for mediation. It is important that whoever is screening cases is trained to identify appropriate cases, which could be an obstacle in courts with high turnover.

Best Practices

- Ensure that those responsible for reviewing cases are trained in assessing mediation appropriateness and are aware of the benefits of mediation.
- Inform parties at filing that they may be contacted regarding mediation if their cases is found to be appropriate. Be as specific as possible when saying *who* will be contacting them, as parties may not trust a mediator or coordinator reaching out to them with no prior notice.
- Refer appropriate cases to mediation using the DC-400, and send a copy by mail and/or email to parties once referred.

By Request

Cases are referred either at the request of a party or from the bench by a judge

Category: Pre-trial or Day of Court

This referral method relies on a party requesting a referral to mediation, or a judge referring the parties from the bench. The court will often already be working with a mediation coordinator or a small roster of mediators, and will refer the case directly to a mediator or coordinator. This is generally considered the least intensive pre-trial referral method to implement, however it still requires planning and coordination between the court and the mediation program.

Best Practices

- This referral method works best in conjunction with other methods, and not as a primary source of mediations.
- The court should have readily accessible contact information for the mediation program. If possible, programs and/or mediators should

supply clerk's office with business cards, flyers, or brochures with contact information that can be given to parties along with the DC-400.

- When referring a case to mediation, also send a copy of the DC-400 to the mediator or mediation program that the case is referred to.
- Consider having an intake or mediation request form that courts can collect to pass to the mediation program with additional party contact information.
- Be sure the parties fully understand the protocol for the steps after the mediation is filed, and once the mediation is completed.

Court Sitting

Mediators are physically present to mediate cases that day

Category: Day of Court

In the court sitting method of case referrals, mediators are present either in the courthouse or nearby to mediate cases that are being heard that day. This referral method has been used by many general district courts but is no longer recommended as a primary referral source in courts. A major obstacle facing court-sitting programs is mediator compensation, as mediators are compensated by the Office of the Executive Secretary per mediation and not per hour or day. Mediators are unable to invoice OES for their services if they do not mediate a case.



COURT SITTING

Pros: allows final chance for hard-to-contact parties to mediate, often less difficult to administer compared to pre-trial mediation

Cons: mediators may dedicate time to be present but are not compensated if there are no mediations, court expectations for time may pressure parties to end mediation early, continuances may be needed for compliance or to give parties additional time to work with resources identified in mediation

Best Practices

- Utilize court-sitting in addition to other, pre-trial referral methods. Court-sitting is ideal for parties that feel the pressure to mediate prior to their trial, and for parties that have been difficult to get in touch with. Mediating prior to trial benefits the parties even without an agreement, by giving them more time to reconsider their positions, seek out resources and information helpful to their case, and more.
- Identify points in docket where mediation-possible cases are scheduled. Courts should consider docketing cases likely to mediate, such as pro se cases, on specific days or times to reduce amount of time a mediator is needed to be present.
- At the start of court, a judge and/or mediator can speak to the courtroom to explain the mediation process and where parties can find a mediator before their case is called. A sample speech for judges can be found in the [District Court Judges' Benchbook](#) (page 59).
- Mediators should develop a plan for consistency and identifiability. For example:
 - The mediator may choose a specific spot in the courtroom that at so the judge knows where to direct parties to.
 - The mediator can wear a name badge or button that identifies them as a mediator making it easy to be identified by parties and court staff.
- Establish resources and procedures prior to sitting in court – know where mediations will take place, procedures for if mediation cannot occur that day, what to do if no mediators are available when a case is referred, how to communicate referral outcome to clerks, etc.

- Most courts only require a single mediator on days where mediation-appropriate cases are likely. Some courts may require more, depending on the average volume of mediations referred. If a program is unsure about how many mediators to staff on a given day, start out with a single mediator and schedule more depending on the court's needs.

CASES APPROPRIATE FOR MEDIATION



COMMON MEDIATABLE CASE TYPES

In general district court, filings likely to mediate are unlawful detainers, tenant assertions, warrants in debt, and small claims cases



SITUATIONS THAT BENEFIT MOST FROM MEDIATION

- Misunderstandings caused by lack of communication
- High emotions
- Need to maintain ongoing relationships
- Need for apology

Mediation excels in disputes that are caused by a lack of communication or misunderstandings between parties, cases that are emotionally charged, and/or cases where the parties have a need for an ongoing personal or business relationship. Mediation also offers parties the opportunity to come to more creative agreements than can be reached in court. For example, privacy or even an apology may be more important for some cases than a litigated outcome. Mediation gives the parties to most types of cases the chance to develop a solution on their own that works for them.

There are a few instances where mediation might not be appropriate, however. These cases usually involve one or more of the following characteristics:

- One party wishes to establish legal precedent;
- One party cannot negotiate for themselves;
- One party does not have authority to settle (for example, if they represent an organization but are not authorized to sign an agreement on behalf of the organization);
- Physical or psychological abuse impairs a party's ability to protect their interests;
- Imbalances in knowledge or bargaining power between the parties are extreme;
- The case may impact public policy, necessitating an open record; or
- The party's options for resolve the dispute are dictate or limited by law, such as for matters subject to mandatory arbitration.

There are many benefits to mediation beyond just a mediated agreement, though, so when screening a case for appropriateness it's often best to err on the side of attempting mediation unless there is a reason not to.

Cases Requiring Advanced Training and/or Experience

There are some scenarios where mediating a case might be made difficult due to the nature of the dispute or the history between the parties. These scenarios often require additional training or experience of the mediator to accommodate for those difficulties. Mediators are required by their Ethics to mediate only cases in which they determine they have sufficient skill or subject-matter knowledge to effectively mediate, so it is important to refer difficult cases to mediators that are sufficiently trained and skilled to handle them. For example, many mediators do not mediate cases that involve domestic violence due to the presence of significant power imbalance between the parties and the risk for harm. Mediators trained and experienced

in mediating issues between parties with a history of domestic violence, however, can assess whether the parties have sufficient capacity to advocate for themselves, and can take steps necessary to safely facilitate communication between the parties while addressing power imbalances.

REPORTING OPTIONS

Before mediating, there is much that mediator needs to consider about the mediation's end. How will the parties get copies of the agreement? How to dismiss the parties in such a way as to prevent conflict when leaving the mediation? These questions need to be answered for every mediation; however, court-referred mediations have their own procedural requirements that need to be determined in advance, too. No mediator wants to be scrambling after a mediation to report a case back to court, and no clerk wants to be left wondering about the outcome of a mediation.

To prevent these issues, it's important for the mediation program to carefully plan what happens after a mediation. Developing robust procedures that can accommodate a variety of outcomes will keep cases running smoothly, and will lead to less stress for mediators, court staff, and parties. Below are considerations and best practices to follow when establishing end-of-mediation protocols.

Determine Timing Needs

Each mediation program and each court each have different needs and time constraints they face. In courts that refer cases prior to trial, programs should find out:

- How far in advance a court wants/needs to know when a case will not mediate. A case might not mediate either at the request of one or more parties, or the parties just might not be contactable by the mediation program;
- When a court expects to have the outcome of a mediation turned in; and
- When is the last day a court can accept the mediation outcome.

All mediation programs should also discuss the court's expectations for submitting payment requests, whether an invoice should be submitted as soon as possible after a mediation or if the mediator can submit invoices later.



ACCESS

The line at the window in the clerk's office can get long fast! Consider developing processes to return cases through a more direct method.

Establish Reporting Procedure

Once a mediation is complete, one of the mediator's primary focuses should be communicate the result of the mediation to the court. Trying to submit an outcome report to the court can be a difficult process without proper preparation, though. It's important that the court do what is in their power to accept outcome reports as quickly as possible by allowing the mediator to send reports and case documents electronically, or by offering a quick way to do so in-person.

Mediation Report Forms

The Order of Referral forms most common to district court mediation (the DC-604 (Order of Referral and Mediator Appointment Form) and the DC-400

(Mediation Orientation Order of Referral)) each have a space to be completed by the mediator indicating the outcome of the mediation. However, these forms might be missing some information important to the court and may blend in with other court forms, making it difficult for the court to identify necessary information quickly. Mediation programs may want to consider creating their own mediation report forms that communicate the mediation outcome in a clear, quickly readable manner. Some helpful things to consider when devising a report form are listed below.

- Make sure the form includes enough identifiable information that the court can utilize it effectively. Include the court name, the case number, and the name of at least one party or the case style to give the court multiple ways of identifying the case.
- Give the court several points of contact if they have questions about the case. Include the mediator(s) names and certification numbers, as well as a contact for the program (if there is one).
- Include the potential case outcomes the court should know about, but be sure not to violate the laws governing confidentiality in Virginia, specifically [Virginia Code § 8.01-581.22](#). The DC-400 lists the following, for example:
 - Agreement reached in mediation
 - Copy attached
 - Copy to be forwarded by parties or counsel
 - Agreement not reached in mediation.
 - No orientation session or mediation occurred.
- Include a section that can be used to request a continuance for the case. Include the time frame requested, and a generic reason for the request.
- Make the form distinct to ensure court staff can easily identify a report form from other forms that may be associated with the case. Consider placement, format, word density, paper color, highlights, etc.

See also the best practices outlined in the [Forms](#) section.

FURTHER COURT DATES

Sometimes, a case might not be fully resolved even if an agreement is reached. Following the end of a mediation session, it is sometimes necessary to request a continuance of the case from the court. The mediation program will need to establish with the court how continuances will be requested, and what limits the court might place on how far out a case can be continued.

Common causes for continuances include, but are not limited to:

- **Continuances to Complete Mediation**
A mediation might require more time to reach an agreement than there is available to mediate in a day. Courts should consider continuing such cases to another status hearing in the future to give ample time for the parties to reach an agreement. Some courts may even allow mediators to choose future status hearing dates within a certain timeframe to expedite the process and save the clerks office additional work.

- **Continuances to Fulfil Agreements**

Some agreements require an action to take place after the mediation, such as a payment to be made or work to be completed. In these situations, it can be helpful for the court to continue the case to allow the agreed requirements to come to fruition, giving the parties to return to court if they are not followed. Some courts may prefer the case to be closed and refiled if an agreement fails, though, so be sure to discuss these options ahead of time.

RECOMMENDATIONS FOR COORDINATORS



COMMUNICATION

Maintain consistent contact with the court at a level comfortable to them. Be a partner and an asset rather than a burden.

Communication

- Establish consistent contact and communication. It is imperative that the court feels secure in the ability to reach you. Your presence may not always be warranted but the court's ability to reach you is.
- As coordinators, be the point of contact. The court may get overwhelmed if they aren't sure who to direct inquiries to, or if there are many mediators seeking clarification from the court at once. If you are a coordinator of many courts, it may be necessary to appoint one of your mediators as a designated contact for the court for day-to-day communication.
- Remember that positions of authority in the courts rotate. Chief judges may rotate every 2 to 4 years depending on the court.

Clerks

- Establish the primary contact or contacts in the clerk's office. This will secure the flow of information.
- Get to know your clerk's workload and process. Mediation can be a valuable tool for courts to reduce their workload and manage their docket, so long as mediation is not adding more work for court staff than it is taking away.
- Understand hierarchies of authority as well as office environment and circles of influence. Knowledge of each person's authority in the circle brings you closer to the decision makers.

Education of Mediation processes

- Invite and include clerks in mediation training, lunch and learning sessions, and applicable continuing mediation education (CME) whenever possible. Also, ask to be a part of clerk training when possible.
- Understanding clerk and court processes helps your mediators write better agreements. For instance, block out dates for continuances, number of times a case may be continued, differences between a regular *pro se* docket and a small claims docket.
- Clear forms that flow between clients and the court are a must.



JUDGES

Clarity is key. Reporting, use of forms, and lines of communication should all be clear.

- Systems take time and effort to change. If you feel inspired to move your program in a certain direction, remember to approach that change incrementally.

Judges

- You will not be in the courtroom to explain your forms to your judges. The clearer your forms, the clearer your communication of the work you have done. This includes agreements and mediation outcomes. It should not take great effort to decipher your work.
- Have one primary point of contact for the judges to work with. Work through your clerk contact if asked. Shield both the clerk and the judge from unnecessary contacts. When coordinating more than one court at a time, even though you have your mediator representative you should still be the primary contact as the coordinator.
- Invite your judges and clerks to attend meaningful events (contract renewal celebrations, mediator refreshers and trainings).
- Reports are important. Sharing your stats with your judges opens a window to your program's progress and assists in pointing out areas where change may be needed.
- Use appropriate titles ("Your Honor," "Judge [last name]"), especially when addressing your judge in court or in mixed company.
- Meet with your judges at least once annually but as you build your relationship with your court, meetings may become more frequent.
- Courthouses are busy places, and court staff have a lot on their plates at any given time. Your professionalism and openness to understand the court's concerns and needs will go a long way to fostering a successful mediation program.



DRS

Reach out to DRS with questions or concerns and they will do their best to help.

Dispute Resolution Services (DRS)

- You should know what you are capable of doing and what you are willing to do before you apply for a coordination contract. Not meeting a court's high expectations may spoil the court's desire for a mediation contract.
- Understand the program that you want to put into place before it is offered to the court and before you apply to DRS.
- Make sure that DRS is updated on your court's referral system.
- You are the liaison between the court and DRS. The flow of information concerning your court's status and health will come from you. DRS does not know what may be happening in your court. It is easier for DRS to answer questions from your court if they have been updated often on your mediation process.
- Remember, if you have a good relationship with your court authorities it is less likely that your court authorities will have a need to contact DRS with questions.
- Understand the different positions held at DRS so that when you have a question you contact the correct person. If you are unsure who to reach out to, you can send an email to disputeresolution@vacourts.gov.

Legal and Resource Community

- Know your local bar's lawyer referral service (if any).
- Legal Aid can be a great ally. Keep their information handy.



GOVERNMENT

Your program may be eligible to apply for financial support from your local government.

- Have resources to refer clients for legal advice and help if necessary
 - Tenant groups
 - Shelters
 - Food pantries
 - The Court Self-Help page (<https://selfhelp.vacourts.gov>)

Government

- Build relationships with the county / city to ask for annual budgetary support for your program (especially if you are offering above-and-beyond programs)
- Know who the budgetary decision makers are.
- Invite decision makers to view your program
- Know who influences the decision makers.

Clients

- Know your system well enough to answer questions from your clients. For example, what happens if the agreement is not met with compliance? Does the client have to wait until the continuance date to notify the court of non-compliance? How far in the future may a continuance date be set for?
- Understand your client. Do not use legalese in orientation or during your mediation. You may be familiar with the court process, but they are not.

Your relationships with the aforementioned entities are like gold. Don't squander them. A missed opportunity for a good relationship is the opportunity for a contract or court to be lost. That lost opportunity is difficult to regain for even the best of coordinators or programs.

Be present and understand your court's jurisdiction and system. Keep the momentum of connection within your and their system by making relationship part of your practices, policies, and procedures. Become a part of the system as much as possible without becoming a hinderance to the system.

RECOMMENDATIONS FOR MEDIATORS

You are an integral part of alternative dispute resolution for the state of Virginia. You have the unique position of garnishing the opinions and impressions of colleagues, judges, clerks, and the community. The impression you make can affect the dispute resolution community.

With that in mind the following are best practices to consider.



GENERAL RESOURCES

The main page for mediation on the DRS website is nested in vacourts.gov.

Certification

To mediate court-referred cases in the state of Virginia, you must be certified. Maintaining certification within the state requires continuing education. Remember that staying on top of current methods and practices is your responsibility. Honing your craft and strengthening your ability to serve your clients and the court will only come with practice and willingness to continue to learn. You may find information about [training and certification](#) on the website for Virginia's Judicial System. [Recertification information](#) can also be found there.

Mandatory Outcomes

As mediators, you may desire a positive outcome for every mediation. The agreement at times becomes the prize at the end of the rainbow. That desire, while seemingly positive, is destructive to the mediation process. No outcome is mandatory. You help by helping parties come to the table and have a conversation regardless of what their final decisions will be. You are there to guide, illuminate, reframe, and sometimes restore throughout the conversation.

Confidentiality

The mediation process only works when participants feel safe and secure that what they say during the mediation process cannot be held against them. When signing the agreement to mediate form, it is important to assure participants that all parties will be held accountable for confidentiality. At no time will you give information to the governing bodies that may affect the outcome of the case. All notes and aids used during the mediation should be destroyed upon the termination of the mediation. Only the agreement becomes a product of the process that is returned to court or the document that concludes your process stating no agreement has been reached. Be sure you are fully aware of the exemptions to confidentiality in mediation, however, as listed in [Virginia Code § 8.01-581.22](#).

Impartiality

Mediators must remain neutral at all times. They assist the parties reach their own resolution by restating and reframing the party's issues and desires without introducing their own worldview or opinion. This way, any agreement reached by the parties is of their own determination, without coercion or pressure from the mediator. Appearance of bias or judgement from the mediator may upset this axiom of mediation, losing the trust of the parties.

A mediator may not, under any circumstances, enact the unauthorized practice of law. Even if a mediator has a license to practice law, they must not give legal advice to either party. More information can be found on this topic via the [Guidelines on Mediation and the Unauthorized Practice of Law](#) published by DRS and found on vacourts.gov.

Professionalism

As a representative of the court-referred mediation program, your conduct reflects on the Virginia Judicial System as a whole. When in court, be sure to adhere to the following guidelines:

- Your appearance in court should be businesslike, though mediators are not attorneys. It is important while dressing appropriately for court (no beach or casual attire), you must also be relatable to your clients. Each

court is different in their expectations, so follow the guidelines set by your mediation coordinator or court representative when given.

- Use appropriate titles (“Your Honor”, “Judge [last name]”), especially when addressing the judge in court or in mixed company.
- Prepare yourself and your surroundings for mediation. Proper conditions will foster trust from your clients and will lead to a better understanding of mediation outcomes.

Many courts have a mediation coordinator who will give you guidance on the requirements and practices for the court. Be sure to follow whatever instructions the coordinator provides, and rely on them if you have questions about court policies and procedures. If the court does not have a coordinator, or if they are not available, identify someone who works with the court who can act as your primary contact with the court. Keep communication open with them, and be prepared to follow their directions.

Your work product is an extension of you and a reflection of the mediation program overall. It is good practice to think of the court as the consumer. If the service, product, and response are good, the consumer will return.

RECOMMENDATIONS FOR CLERKS AND JUDGES



WORK WITH YOUR COORDINATOR

Your coordinator will help tailor your mediation program to your court's needs and work to maximize your court's resources. Predictable and clear communication smooths the way for a system that works.

As Clerks of the Court and Judges you have the unique opportunity to shape your Alternative Dispute Resolution program to best suit your court's needs—and more importantly the needs of your community. The following points will help you craft a system that will allow your mediation services program to flourish.

- First start by reaching out to the coordinator of your mediation program. If you do not know who that is or if your court does not have a mediation program established, reach out to Dispute Resolution Services (under the Office of the Executive Secretary of the Supreme Court of Virginia) at disputeresolution@vacourts.gov.
- Meeting with the coordinator of your mediation program is key to creating the type of program that you want to have. Together with your coordinator you will access and define the needs, capabilities, structure, and boundaries of your particular program.
- You may also talk to the coordinator about workloads and discuss how to increase the case flow of mediated cases without negatively impacting the weight that your deputy clerks may already be handling.
- You should try to meet with your mediation program coordinator at least once or twice per year. It is important for the success of the mediation program that court staff and mediators are on the same page.

- At first, it may appear that your provider is overzealous. Don't fret, they actually are. It is because they understand the need for continuous contact to set a program that best suits your court.

Communication:

- Your openness to meet with and communicate as often as possible with your services provider will lead to a successful program. Your provider is there to adjust or completely change your program within the guidelines of ADR ethics and other restrictions to suit your best needs. They can't fix what they don't know about.
- Consider asking your mediation coordinator to train court staff on mediation procedure and documents. It is important that each person who works with the program and related documents are aware of how they are used.
- Always remember that your mediation coordinator is the link to the mediators rotated through your court and the prime specialist for creating a program of success.

Referral systems:

Court referral systems vary from court to court. It will be up to you and the services provider to enlist the type of program that best reflects your court's needs. You may decide to any one system or a combination of systems. You are in control and your services provider can bring your thoughts to fruition. More detailed information about referral systems is listed above in the [Referral options](#) section.

- [Court Sitting](#): Mediators are assigned to sit in court during your dockets. This method works best if targeted at dockets that are *pro se* heavy and laden with cases that are appropriate for mediation. Judges review from the bench and refer cases as they come before the judge. Consider putting *pro se* cases at the beginning of the docket so the sitting mediator may be dismissed if no cases mediate (mediators are only paid per case mediated).
- [Screened Cases are Referred Before Court Date](#): Cases are reviewed by either the provider or the clerk prior to the court date and cases may be referred to the rotation mediators to attempt mediation before the court date. Cases that are not mediated beforehand are then mediated in court by the duty mediator.
- [Referral At Filing](#): All cases are reviewed by your services provider at the time of filing and prior to the court date and will be assigned to rotation mediators.

These are just a few examples of the current systems that may be available to you. Communication is imperative to creating the program that will be most effective in your court and community. If you feel that more guidance is needed, Judges and clerks with working programs may be willing to share their process with you, or you may contact DRS to discuss options and implementation.



FORMS

What follows are sample forms used in various jurisdictions in Virginia or recommended by DRS. They are shared with permission from their respective programs. Feel free to adapt these forms or take inspiration from them in developing your own. Remember that the clearer your forms, the clearer your communication of the work you have done. It should not take great effort to decipher your work. The easier it is for mediators, clerks, judges, and clients to understand what they are looking at, the better received your work will be.

Below is the list of forms, with the source in parentheses.

- Agreement to Mediate (DRS)
- Contact information – opt-in form (Peaceful Alternatives)
- Contact information – opt-in form (Piedmont Peace Center)
- Mediation notice (Peaceful Alternatives)
- Mediation report (Piedmont Peace Center)
- Memorandum of Agreement (Chesapeake)
- Orientation consent (DRS)
- Screening form (Piedmont Peace Center)

AGREEMENT TO MEDIATE

We the undersigned parties agree to voluntarily enter the mediation process and understand and consent to the following:

1. **Definition of Mediation:** Mediation is a process in which a mediator facilitates communication between the parties and, without deciding the issues or imposing a solution on the parties, enables them to understand and to reach a mutually agreeable resolution to their dispute.
2. **Role of the Mediator:** The mediator acts as a facilitator, not an advocate, judge, jury, counselor, or therapist. The mediator assists the parties in identifying issues, reducing obstacles to communication, maximizing the exploration of alternatives, and helping parties reach voluntary agreements.
3. **Mediator's Style/Approach:**
 - ☐ The mediator uses a facilitative approach.
A facilitative mediator guides the parties' conversation and discussion of issues that are important to them, without providing an opinion or judgement regarding the merit of the claims or the likely judicial outcome. The mediator can assist the parties in assessing the strengths and weaknesses of their case. The mediator will not tell the parties what to do or suggest a particular outcome.
 - ☐ Other: _____
_____.
4. **The Mediation Process:** The process will include at a minimum, an opportunity for all parties to be heard, the identification of issues to be resolved, the generation of alternatives for resolution, and if the parties so desire, the development of a Memorandum of Understanding or Agreement. **The mediation may be terminated at any step of this process by any party or by the mediator.**
5. **Other procedures to be used during the mediation include:**
 - ☐ Caucus
Each party meets privately with the mediator. Everything said in caucus is confidential unless the mediator is given permission to share details with the other party.
 - ☐ Other: _____

_____.
6. **Confidentiality:**

All memoranda, work products and other materials contained in the case files of a mediator or mediation program are confidential. Any communication made in or in connection with the mediation, which relates to the controversy being mediated, including screening, intake, and scheduling a mediation, whether made to the mediator, mediation program staff, to a party, or to any other person, is confidential. However, a written mediated agreement signed by the parties shall not be confidential, unless the parties otherwise agree in writing.

Confidential materials and communications are not subject to disclosure in discovery or in any judicial or administrative proceeding except:

 - (i) where all parties to the mediation agree, in writing, to waive the confidentiality,

- (ii) in a subsequent action between the mediator or mediation program and a party to the mediation for damages arising out of the mediation,
- (iii) statements, memoranda, materials and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in and actually used in the mediation,
- (iv) where a threat to inflict bodily injury is made,
- (v) where communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime,
- (vi) where an ethics complaint is made against the mediator by a party to the mediation to the extent necessary for the complainant to prove misconduct and the mediator to defend against such complaint,
- (vii) where communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against a party's legal representative based on conduct occurring during a mediation,
- (viii) where communications are sought or offered to prove or disprove any of the grounds listed in § [8.01-581.26](#) in a proceeding to vacate a mediated agreement, or
- (ix) as provided by law or rule.

7. **Mandatory Reporting:** According to Virginia Code §63.2-1509, if mediators have reason to suspect that a child is abused or neglected, they must report the suspected abuse immediately. Therefore, the information about the abuse is not confidential.
8. **Complaints Against Mediators:** If someone who is not a party to the mediation files an ethics complaint against the mediator, confidentiality will be waived to the extent necessary for the complainant to prove misconduct and the mediator to defend against the complaint.
9. **Full Disclosure of Assets:** In domestic relations cases involving divorce, property, support or the welfare of a child, each party agrees to provide substantial full disclosure of all relevant property and financial information.
10. **Legal Counsel / Effect of Agreement:** The mediator(s) does not provide legal advice. Parties are encouraged to seek the advice of independent counsel at any time. Any mediated agreement may affect the legal rights of the parties. Each party to the mediation should have any draft agreement reviewed by independent counsel prior to signing the agreement.

11. **Fees:** ☐ None ☐ The fee arrangement is as follows: _____.

Plaintiff/Petitioner	Date
Plaintiff/Petitioner Attorney	Date
Respondent	Date
Respondent Attorney	Date
Mediator	Mediator

MEDIATION REVIEW FORM

Lynchburg General District Court, in concert with the Supreme Court of Virginia, offers Pro-Se litigants, *free* mediation services. All cases that are filed within civil court are reviewed for appropriateness to a mediation orientation and many litigants choose to move forward into the mediation process for early resolution.

Participating in mediation does not affect your ability to have a judge hear your case if the parties are unable to resolve the matter with a mediator. Mediation offers you the opportunity to have input and some control over the resolution of your case. If the case is tried in court, often due to the rules of evidence and time constraints, parties cannot say what they need to say and feel unheard.

Please complete the following form to the best of your ability. It is important to fill out as much information as possible. Failure to do so may result in an error in referral to the mediation program.

Plaintiff(s) Name (print) _____

Telephone # _____

Email address: _____

Brief Explanation of the claim

Defendant(s) Name (print) _____

Telephone # _____

Office Use Only Case # _____

Court Date _____

31ST JUDICIAL DISTRICT
OFFICE OF DISPUTE RESOLUTION
Serving Prince William County, Manassas, and Manassas Park

CONTACT INFORMATION FOR MEDIATION

Plaintiff's Name _____

Plaintiff's Phone _____

Plaintiff's Email _____

Defendant's Name _____

Defendant's Phone _____

Defendant's Email _____

This form will be sent to the Office of Dispute Resolution, which will invite all parties to mediate before your first court date.

- Mediation doesn't delay your court case and doesn't cost you anything (the county and state pays).
- If you reach an agreement, your agreement is filed with the court, and parties usually do not need to return to court.
- If you do not reach an agreement, you proceed to your court date as scheduled.
- Benefits of mediation include:
 - A court-enforceable agreement that generally has a higher compliance rate than court judgment.
 - More autonomy to customize the outcome.
 - Avoiding court judgment (which can affect a defendant's credit score).

You can reach out directly to the Office of Dispute Resolution:

Phone: 703-792-4753 ♦ Text: 703-239-4421

Email: odr.manassas@gmail.com

Office of Dispute Resolution *administered by* Piedmont Peace Center
Serving Northern Virginia from Caroline and Madison to Loudoun and Fauquier counties
9309 Center Street, Suite 301, Manassas, VA 20110-5599
Phone: (703) 792-4753 Fax: (703) 792-4566

NOTICE

Parties may be contacted prior to their court date by Peaceful Alternatives Community Mediation Services, Inc. to determine if a referral to the mediation process is appropriate based upon the claim.

There is no fee for the mediation orientation or mediation services. Using a third party neutral, mediator, parties can be empowered to resolve their dispute(s) constructively and creatively. The mediation process allows ample time for all parties to disclose what led to the dispute, underlying history, and emotions involved in preparation for a resolution that meets the needs of the litigants.

If resolution isn't obtained, the judge will determine the outcome of the case on the designated court date.

To contact Peaceful Alternatives directly, please call 434-929-8227. If no one answers, please leave a message that you are inquiring to receive more information about the mediation process for General District issues. A return call will be made within two business days.

ODR # _____

31ST JUDICIAL DISTRICT
OFFICE OF DISPUTE RESOLUTION
Serving Prince William County, Manassas, and Manassas Park

GENERAL DISTRICT CIVIL OR SMALL CLAIMS MEDIATION REPORT

Judge (circle one): Jarvis Coleman
 Covington Rollins
 Rogers

Trial / Court Date: _____

Court File Number: _____

Plaintiff(s): _____

Defendant(s): _____

Case Type: ☐ GENERAL DISTRICT CIVIL ☐ SMALL CLAIMS

Please check the statement that most accurately describes the outcome of this mediation case:

- ☐ The orientation could not be completed, so mediation did not take place.
- ☐ One or more parties chose not to mediate.
- ☐ Mediation was not recommended.
- ☐ Mediation did not result in an agreement.

MEDIATOR

DATE

Office of Dispute Resolution *administered by* Piedmont Peace Center
Serving Northern Virginia from Caroline and Madison to Loudoun and Fauquier counties
9309 Center Street, Suite 301, Manassas, VA 20110-5599
Phone: (703) 792-4753 Fax: (703) 792-4566

CHESAPEAKE GENERAL DISTRICT COURT

MEMORANDUM OF AGREEMENT

CASE # GV24

Judge:

Plaintiff:

Address:

Telephone:

Date:

Defendant:

Address:

Telephone:

We the undersigned parties, having resolved our dispute in the above case number, hereby agree that our mutual decision, outlined in the "Terms and Conditions" below is an accurate reflection of our resolution. We agree to abide by all terms and conditions.

We agree that the terms and conditions set forth here are the result of substantial full disclosure of all relevant property and financial information.

We understand that prior to signing this Memorandum of Agreement we have had an opportunity to have this document reviewed by independent legal counsel and have either done so or have chosen to waive our right to do so as evidenced by our signatures below.

Terms and Conditions

- The original Claim for this suit is as follows.:

a)	\$
b)	\$
c)	
d)	\$ 00.00

- The parties agree to settle this claim for \$ 0000.00

- The breakdown of the settlement is as follows:

a)	\$ 000.00
b)	\$ 000.00

- The parties settlement payout will occur in the following manner:

a)
b)
c)

- The parties request that _____, be set by the court as a continuance of this issue and they understand that they **will return** to court on this compliance date if the terms and conditions of this agreement have not been met.
- The parties understand and agree that should a noncompliance issue arise before the continuance date the plaintiff may request that the court advance this case by **notice of hearing** and they agree to accept notice/service of the advance court date **by mail**. The plaintiff understands that he/she **must** file the advancement of court date in person at the civil counter of the Chesapeake General

Initials _____

CHESAPEAKE GENERAL DISTRICT COURT

MEMORANDUM OF AGREEMENT

District Court.

- The parties understand that noncompliance of any of the terms and conditions set forth in this agreement may result in a judgment being entered against the defendant on either the advanced hearing or compliance date.
- **Compliance of the terms and conditions of this agreement will result in a dismissal of this case.**
- The parties understand and agree that they shall notify the court, as well as the other party, in writing prior to any change in address or telephone number, for the duration of this agreement.

_____, _____, _____ Parties acknowledge here by initial.

Plaintiff,

Defendant,

Mediator

Initials _____

CHESAPEAKE GENERAL DISTRICT COURT

MEMORANDUM OF AGREEMENT

Court Case GV24

Judge:

Plaintiff:

Address:

Telephone:

Date:

Respondent:

Address:

Telephone:

We the undersigned parties, having resolved our dispute in the above case number, hereby agree that our mutual decision, outlined in the "Terms and Conditions" below is an accurate reflection of our resolution. We agree to abide by all terms and conditions.

We agree that the terms and conditions set forth here are the result of substantial full disclosure of all relevant property and financial information.

We understand that prior to signing this Memorandum of Agreement we have had an opportunity to have this document reviewed by independent legal counsel and have either done so or have chosen to waive our right to do so as evidenced by our signatures below.

Terms and Conditions

- The original Claim for this suit is as follows
 - e) \$
 - f) \$
 - g)
 - h) \$ 00.00
 - Total:** \$ 0000.00
- The parties agree to settle this claim for \$ 0000.00
- The breakdown of the settlement is as follows:
 - c) \$ 000.00
 - d) \$ 000.00
- The parties settlement payout will occur in the following manner:
 - d)
 - e)
 - f)
- The parties request that _____, remain as a control of this issue and they understand that they **will return** to court on this control date if the terms and conditions of this agreement have not been met.
- The parties understand that **noncompliance** of any of the terms and conditions set forth in this agreement **may result** in a judgment being entered against the defendant on the control date.

Initials _____

CHESAPEAKE GENERAL DISTRICT COURT

MEMORANDUM OF AGREEMENT

- Compliance of the terms and conditions of this agreement will result in a dismissal of this case.
 - The parties understand and agree that they shall notify the court, as well as the other party, in writing prior to any change in address or telephone number, for the duration of this agreement.
- _____, _____, _____ Parties acknowledge here by initial.

Plaintiff,

Defendant,

Mediator

Initials _____

Party: _____

Orientation Date _____

Party: _____

MEDIATION ORIENTATION CONSENT FORM

We, the undersigned, understand and consent to the following:

1. Confidentiality: All memoranda, work product and other materials contained in the case files of a neutral or dispute resolution program are confidential. Any communication made in or in connection with the dispute resolution proceeding which relates to the controversy, including screening, intake, and scheduling a dispute resolution proceeding, is confidential. A mediated agreement signed by the parties is not confidential unless the parties otherwise agree in writing. Allegations of child abuse are not confidential. Mediators are mandatory reporters of child abuse. In reporting the outcome of the mediation to the referring court, the neutral indicates (i) whether or not an agreement was reached, (ii) the terms of the agreement if authorized by the parties, or (iii) the fact that the orientation session or mediation did not occur. The neutral will not disclose information exchanged or observations regarding the conduct and demeanor of the parties during the mediation unless the parties otherwise agree.

Confidential materials and communications are not subject to disclosure in discovery or in any judicial or administrative proceeding **except:** (i) where all parties to the mediation agree, in writing, to waive the confidentiality, (ii) in a subsequent action between the mediator or mediation program and a party to the mediation for damages arising out of the mediation, (iii) statements, memoranda, materials and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in and actually used in the mediation, (iv) where a threat to inflict bodily injury is made, (v) where communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime, (vi) where an ethics complaint is made against the mediator by a party to the mediation to the extent necessary for the complainant to prove misconduct and the mediator to defend against such complaint, (vii) where communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against a party's legal representative based on conduct occurring during a mediation, (viii) where communications are sought or offered to prove or disprove any of the grounds listed in § [8.01-581.26](#) in a proceeding to vacate a mediated agreement, or (ix) as provided by law or rule.

2. Complaints Against Mediators: If someone who is not a party to the mediation files an ethics complaint against the mediator, confidentiality will be waived to the extent necessary for the complainant to prove misconduct and the mediator to defend against the complaint.

3. Mediators do not give legal advice. Parties are encouraged to seek the advice of independent legal counsel. Each party has the opportunity to have legal counsel present during mediation or to consult with independent legal counsel at any time during the mediation.

Plaintiff/Petitioner

Date

Plaintiff/Petitioner Attorney

Date

Respondent

Date

Respondent Attorney

Date

Mediator

Mediator

**Piedmont Dispute Resolution Center
General District Civil Case Screening Form**

For Mediator Use Only

DATE _____

CASE# _____

Circle one:

PETITIONER

RESPONDENT

Directions: Please check your answer and explain any "Yes" responses on the lines provided. Check "N/A" if "Not applicable" is the most appropriate response.

1.) Have you and the other party(ies) ever had an argument that led to physical violence of any kind? (Pushing, shoving, slapping, kicking, etc.) Yes ___ No ___

2.) If you answered "Yes" to question #1, has any party required medical treatment by a doctor as a result of a physical incident between the parties? Yes ___ No ___ N/A___

3.) If you answered "Yes" to question #1, approximately how long ago did the last incident of physical violence take place? Date or number of months ago _____ N/A___

4.) Has either/any party ever used or displayed a weapon (such as a gun or knife) towards the other(s)? Yes ___ No ___

5.) Are you intimidated or afraid of the other party(ies) for any reason (legally, emotionally, physically)? Yes ___ No ___

6.) As far as you know, do any of the parties involved in this case abuse alcohol or use illegal drugs? Yes ___ No ___

7.) Is there any reason that you would not be able to openly discuss the issues of the case with the other party(ies)? Yes ___ No ___

8.) Please check your annual household income category: ___less than \$10,000 ___ \$10-19,999
___ \$20-29,999 ___ \$30-39,999 ___ \$40-49,999 ___ \$50-59,999 ___ more than \$60,000

9.) How many people are living in your household? _____

31ST JUDICIAL DISTRICT
OFFICE OF DISPUTE RESOLUTION
 Serving Prince William County, Manassas, and Manassas Park

GENERAL DISTRICT COURT ORIENTATION AND SCREENING FORM

Date: _____

☐ Plaintiff ☐ Defendant

Your Name: _____

Other Party: _____

We, the undersigned, **understand and consent** to the following:

- Everything said or done in a mediation orientation session and **any and all communication** made in or in connection with the mediation orientation session will be kept **confidential**.
- In accord with Virginia law, **all memoranda, work products, and other materials in the case file** are **confidential**.
- **Screening forms** remain in this office and are not shared with anyone outside of this office. They will be destroyed by the Office of Dispute Resolution.
- Audio or visual recording of mediation or orientation sessions is prohibited without the express permission of all parties involved, including but not limited to the parties in the case, the mediator(s), and any third party observers or participants.

Exceptions to confidentiality are detailed in Virginia Code § 8.01-581.22 and are listed in the Agreement to Mediate to be signed before mediation begins.

The following **exceptions** to confidentiality will be reported to the appropriate authority:

- **Physical threats** to self or others
- Allegations of unreported **child abuse** or **neglect**

Parties understand that mediators or staff members may **NOT** give legal advice.

SIGNATURE OF PARTY

DATE

After signing that you understand and agree to the above, **please answer the questions on the back** of this page related to your case.

What kind of dispute is this?

- ☐ Tenant / Landlord
- ☐ Customer / Merchant
- ☐ Employee / Employer
- ☐ Former housemates or partners (please circle whichever applies)
- ☐ Other _____

The following questions pertain to you and any other parties named in your court case:

Please check “yes” or “no” for questions #1–#8.	<u>YES</u>	<u>NO</u>
1. Has there ever been any physical altercation between you and the other party/parties named in the lawsuit?	☐	☐
2. Have there been any threats of harm between the parties?	☐	☐
3. Has there been any display or use of weapons between the parties?	☐	☐
4. Do you feel physically endangered in <u>any</u> way in the presence of the other party/parties?	☐	☐
5. Do you feel that the other party has been verbally or emotionally abusive to you?	☐	☐
6. Are you intimidated by the other party/parties?	☐	☐
7. Do you feel there is a lack of balance of power or that one party has a great advantage over the other party in this case?	☐	☐
8. Is there any reason that you would <u>not</u> be able to openly discuss the issues of this lawsuit with the other party/parties involved?	☐	☐

Please explain any “yes” answers that you checked.
