

# **MEDIATOR TRAINING STANDARDS AND PROCEDURES**

*Office of Dispute Resolution  
State Court Administrative Office  
Michigan Supreme Court*

Effective April 1, 2005

## **Introduction**

This document outlines the process for approving general civil and domestic relations mediator training programs through the State Court Administrative Office (SCAO) [MCR 2.411(F)(2)(a); MCR 3.216(G)(1)(b)] and provides criteria by which ADR clerks can specially approve persons to serve on court rosters who do not meet the court rule requirements for mediator training and experience [MCR 2.411(F)(3); MCR 3.216(G)(2)]. A synopsis of training requirements for mediators appears at the conclusion of this document.

### **Contents:**

- 1.0 Structural Requirements of a Mediator Training Program
- 2.0 Content and Instructional Requirements of a General Civil Mediator Training Program
- 3.0 Qualifications for Mediator Trainer, Coach, or Subject Matter Specialist
- 4.0 General Civil Mediator Training Program Approval Process
- 5.0 General Civil Mediator Qualifications for MCR 2.411 Mediation & Grandparenting
- 6.0 Content and Instructional Requirements of a Domestic Relations Mediator Training Program; Approval Process
- 7.0 Domestic Relations Mediator Qualifications for MCR 3.216 Mediation & Grandparenting
- 8.0 Domestic Violence Screening Training Program Contents and Trainer Qualifications
- 9.0 Advanced Mediator Training Program Voluntary Approval Process

Sections 1.0 through 5.0 and 9.0 apply to mediator training programs conducted to prepare persons to serve as general civil mediators under MCR 2.411.

Sections 1.0, 3.0, 6.0, 7.0, 8.0 and 9.0 apply to mediator training programs conducted to prepare persons to serve as domestic relations mediators under MCR 3.216.

## **Training Philosophy**

These Standards reflect a number of key principles which although addressed separately during the mediator training, are considerations which should be reflected in each element of the training design. They include the principles of:

1. Confidentiality in the mediation process.
2. The neutrality of the mediator.
3. Party self-determination in deciding if and when to settle.

Mediator trainers should consult the “Standards of Conduct for Mediators” adopted by the State Court Administrative Office in preparing and presenting mediator training programs.

# **Mediator Training Standards and Procedures**

## **1.0 Structural Requirements of a Mediator Training Program**

The mediator training program must conform to the following framework:

- 1.1 Length: The training program must be at least 40 classroom hours in length.
- 1.2 Training format: The training day cannot exceed 8 instructional hours, excluding meals. The trainers may assign required reading or written assignments to be completed by the participants at a time when they are not under the physical supervision of a trainer; such time does not count as part of an instructional day. No more than 2.5 hours of break time may be included in the calculation of 40 classroom hours. For any training day exceeding 6 hours, there must be a meal or break scheduled at approximately one-half way through that day.
  - 1.2.1 A training program must be conducted over a time period of not less than 5 consecutive days.
  - 1.2.2 A training program conducted in a non-consecutive time format must be completed within the following time frames:
    - a. No training session can be less than 3 hours per gathering, unless it is part of an approved university-based course of study.
    - b. A training program conducted in multiple sessions must be completed within a 30 calendar day period, or, in the case of an approved university-based course of study, no more than 120 calendar days.
- 1.3 Training agenda
  - 1.3.1 Trainers offering a mediator training program designed to fulfill the requirements of MCR 2.411 or 3.216 must have its proposed program, course materials, and designated trainers approved by the State Court Administrative Office (SCAO) in advance of the program offering, as described in Section 4.0 and Section 6.0.
  - 1.3.2 The applicant must submit her/his materials for review at least 60 days before the date on which the proposed program shall commence. SCAO will notify the applicant of its initial determination within fourteen (14) calendar days of the receipt of the materials or as soon thereafter as possible. If a determination is made that some components of the proposed program do not meet the standards set out in Section 2.0 below but could be satisfactorily adjusted, SCAO will work collaboratively with the applicant to develop a program that can be approved. Final approval must be secured no less than 21 calendar days before the announced commencement of the program.
- 1.4 Training materials. Trainers must provide training participants with a manual which serves as a collection of materials both for use in the training and as a reference guide upon completion of the training. The manual must contain the following:
  - 1.4.1 Required reading materials.

- 1.4.2 Recommended supplemental readings. The trainer must secure, where appropriate, all copyright permissions for the use and dissemination of such materials.
  - 1.4.3 A bibliography of readings related to mediation and to the field of dispute resolution in general.
  - 1.4.4 A listing of relevant professional associations or organizations in the mediation field.
- 1.5 Class size: The class size shall not exceed 30 trainees in a mediator training program.
- 1.6 Training techniques: discretionary and required
- 1.6.1 A trainer must utilize a variety of training techniques that reflect a sensitivity to multiple learning styles, effective teaching strategies, and group-based dynamics. Techniques can include lecture, demonstration, case studies, video-tapes, and role plays.
  - 1.6.2 Trainers are encouraged to use participatory teaching techniques and to role play questions asked during the training.
  - 1.6.3 Role playing
    - a. A role play is defined as an exercise in which a training participant assumes the role of a mediator or a disputing party.
    - b. Minimally, each participant, during the course of the training program, must:
      - 1. participate as a mediator in two role plays, at least one of which is supervised by a trainer or coach and is at least one continuous hour in length; and
      - 2. participate as a party, insurance adjuster, or lawyer in one continuous role play of at least one hour in length.
    - c. The role play in which the participant is the mediator must have the participant begin a mediation conference and continue as far as possible towards a resolution within the allotted time frame. This role play should be observed by a trainer or coach from beginning to end. The trainer or coach must provide oral feedback to the participants. The use of videotaping in providing feedback to participants is permitted.
    - d. For supervised role playing, the student-to-trainer or coach ratio must not exceed 5 participants to 1 trainer or coach.
- 1.7 Training evaluation
- 1.7.1 At the close of each 40-hour training program, the trainers must have their participants complete a written evaluation form in which they have an opportunity to comment on and assess their training experience. The forms shall be developed by SCAO; the trainers must submit the original copies of the completed forms to SCAO within 14 calendar days of the completion of the training program.

1.7.2 Within 14 days of the completion of a training program, a trainer must provide each participant in a training program with a written assessment of that trainee's mediator performance during the program, indicating areas of performance in which the trainee demonstrated a clear command of the relevant concepts and strategies for executing the mediator's role as well as those performance areas which, in the trainer's judgment, need improvement. The trainer should provide a recommended strategy for a participant's improving in the area(s) which need improvement.

## 1.8 Attendance

1.8.1 The designated lead trainer or co-trainer for the program must be in attendance at all times.

1.8.2 A certificate of completion of training must certify that each participant was present for, and participated in, the required 40 hours of training.

1.8.3 A trainee can satisfy the requirements of the 40-hour training program only by completing the program for which s/he has originally registered unless excused by the lead trainer for an exceptional circumstance, the training segment is of 4 hours duration or less, and completing the missed segment in a subsequent training would not disrupt the training program. Admittance to a subsequent training program is at the discretion of the lead trainer.

1.8.4 Any member of SCAO or its designee may attend part or all of any court-approved mediator training program as an observer.

## 2.0 Content and Instructional Requirements of a General Civil Mediator Training Program

2.1 A mediator training program must address the following elements of mediation theory and practice:

- a. overview of training program
- b. ADR overview and mediation's place within the structure
- c. overview of the mediation process
- d. beginning a mediation
- e. mediator information gathering techniques
- f. crystallizing the negotiating agenda
- g. generating negotiation flexibility
- h. meeting separately with the parties/representatives
- i. closing the mediation session
- j. mediator's ethical responsibilities and challenges, including:
  1. impartiality and avoiding conflicts of interest
  2. self-determination, party capacity, and voluntary actions
  3. confidentiality

4. ensuring process integrity
5. codes of conduct

A detailed sample program design including recommended time components is available from SCAO.

- 2.2 At a minimum, in addition to 10 hours of role play, 10 hours of interactive exercises, such as small and large group discussion and brainstorming, fish bowl simulation and debriefing, etc., should be incorporated into the 30 hours which comprise the components of Section 2.1.
- 2.3 Role playing, as defined in Section 1.6.3, should constitute a minimum of 10 hours of the training program. Each participant, during the course of the training program, must participate as a mediator in two role plays, at least one of which must be at least one hour in length and supervised by a trainer or coach. The supervised role play must occur at that time during the program in which all components of the mediation process have been taught.

### **3.0 Qualifications for Mediator Trainer, Coach, and Subject Matter Specialist**

- 3.1 Trainer: The lead trainer is an individual who has:
  - 3.1.1 Qualified as a mediator under MCR 2.411 or MCR 3.216.
  - 3.1.2 Served as a mediator for at least two controversies during the 12 month period preceding the training program.
  - 3.1.3 Completed at least four (4) hours of advanced mediator training within the 12 months preceding the date of the training.
  - 3.1.4 Served as trainer/instructor in interactive group settings in which s/he has had primary responsibility for the following in areas related to mediation:
    - a. the development of the agenda or course structure;
    - b. the development or selection of the educational materials to be used in the programs;
    - c. delivery of program materials utilizing multiple instructional techniques;
    - d. designing written or oral assessment protocols for providing evaluation to individual group participants;
    - e. providing oral and written feedback and evaluation to individual participants;
    - f. training coaches or other leaders to conduct objective, constructive assessments on participant performance when those coaches/leaders had not been present for the entire training program.
- 3.2 Coach: A coach is an individual who has:
  - 3.2.1 Qualified as a mediator under MCR 2.411 (for general civil mediator training) or MCR 3.216 (for domestic relations mediator training).

- 3.2.2 Completed four (4) hours of advanced mediator training within the 12 months preceding his/her participation in the mediator training program.
- 3.2.3 Assisted or has been trained by a lead mediator to provide targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

### 3.3 Subject Matter Specialist

A subject matter specialist is an individual who devotes a substantial part of his or her professional practice to the area about which s/he is lecturing and has the ability to link the subject matter of her expertise to the mediation process and the challenges of mediating.

## 4.0 General Civil Mediator Training Program Approval Process

Individuals or organizations seeking approval of training programs for persons to serve as mediators under MCR 2.411 must submit the following documents to SCAO for review and approval:

- 4.1 A résumé for each of the proposed lead trainer(s), co-trainers, coaches and subject matter specialists who will conduct the program, and a description of those portions of the program for which each person has primary responsibility.
- 4.2 The proposed program agenda, with targeted dates and times that identify when the primary segments of the program shall be conducted. The application must provide a detailed outline of the proposed training sequence and time allocation for each sequence, including the number of training hours allocated to role plays.
- 4.3 A copy of all course materials that will be distributed to participants, including role plays, other hand-outs, and the manual. [See Section 1.4 for manual requirements.]
- 4.4 A copy of the evaluation the trainer will use to assess each trainee's performance, as required in Section 1.7.
- 4.5 Approval by SCAO for a proposed program and set of trainers shall be valid for a 2 year period. Thereafter, reapproval may be requested by submitting current copies of items listed in Sections 4.2, 4.3, and 4.4 together with a brief description of any proposed substantive changes to the originally approved program.
- 4.6 Application for approval of a training program may be made to:

Office of Dispute Resolution  
State Court Administrative Office  
Box 30048  
Lansing, MI 48909

## **5.0 General Civil Mediator Qualifications for MCR 2.411 Mediation & Grandparenting**

- 5.1 Persons meeting the criteria of MCR 2.411(F)(2) (completion of an SCAO-approved training, meeting the degree or hours of experience requirement, and observation and conducting of mediation) are approved to serve as mediators on a court roster.

Persons meeting the following criteria may be accepted for appointment to a court-approved list of mediators based upon prior training or experience. Two general categories of grandparenting provisions apply: persons who have completed Community Dispute Resolution Program training, and those who have completed a mediation training program outside Michigan.

Experience as a case evaluator under MCR 2.403-2.404 does not satisfy the experience requirements of Sections 5.2 and 5.3.

- 5.2 Qualifying and Grandparenting by completion of Michigan Community Dispute Resolution Program (CDRP) training. An applicant must demonstrate:

5.2.1 Successful completion of the approved CDRP training.

5.2.2 Participation in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application if the training described in Section 5.2.1 was completed more than two years prior to an application to the court. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

5.2.3 Observation of two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator. If not an attorney or holding a graduate degree in conflict resolution, mediation or co-mediation, following training, of at least 40 hours or 18 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.

5.2.4 If not a lawyer licensed to practice in the State of Michigan, completion of a 6-hour program which addresses the basic laws, rules, and guidelines governing civil actions in the Michigan court system.

- 5.3 Qualifying and Grandparenting by completion of training outside Michigan

5.3.1 Evidence must be presented demonstrating completion of a minimum 40-hour program targeted to prepare persons to serve as mediators for general civil cases. Accumulating a total of 40 hours of mediator training from various trainers in different programs does not satisfy this requirement. The applicant must provide a certificate of completion of training, copy of the training agenda, name of trainer, and dates of attendance at the request of the ADR Clerk.

- 5.3.2 Persons completing a training program described in Section 5.3.1 more than two years prior to application to the court must demonstrate that they have participated in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.
- 5.3.3 Observation of two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator. If not an attorney or holding a graduate degree in conflict resolution, mediation or co-mediation, following training, of at least 40 hours or 18 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.
- 5.3.4 If not a lawyer licensed to practice in the State of Michigan, completion of a 6-hour program which addresses the basic laws, rules, and guidelines governing civil actions in the Michigan court system.

#### 5.4 Other Qualification

- 5.4.1 For persons already serving on a circuit court mediation (not case evaluation) roster as of December 31, 2000, evidence must be presented demonstrating completion of an initial 16-hour mediator training program and supplemental 8-hour program related to the training components of Section 2.1 completed before December 31, 2001. The applicant must provide a certificate of completion of training, copy of the training agenda, name of trainer, and dates of attendance at the request of the ADR Clerk.
- 5.4.2 For persons completing the Voluntary Facilitative Mediation Program training of the U.S. District Court, Western District, Michigan, evidence must be presented demonstrating completion of a minimum 16-hour program prior to January 1, 2003. The applicant must provide a certificate of completion of training, copy of the training agenda, name of trainer, and dates of attendance at the request of the ADR Clerk.
- 5.4.3 In addition to Section 5.4.1 or 5.4.2, observation of two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator. If not an attorney or holding a graduate degree in conflict resolution, mediation or co-mediation, following training, of at least 40 hours or 18 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.
- 5.4.4 Persons completing training programs described in Section 5.4.1 or 5.4.2 more than two years prior to application to the court must demonstrate that they have participated in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

## **6.0 Content and Instructional Requirements of a Domestic Relations Mediator Training Program; Approval Process**

Persons seeking approval to serve as mediator trainers in domestic relations actions pursuant to MCR 3.216 must meet the criteria of this section.

6.1 A mediator training program must address the following elements of mediation theory and practice:

- a. experience of divorce for adults and children;
- b. family law and family economics;
- c. mediation, negotiation, and conflict management theory and skills;
- d. information-gathering skills and knowledge;
- e. relationship skills and knowledge;
- f. communication skills and knowledge;
- g. problem-solving skills and knowledge; and
- h. ethics.

A sample program design is available from the Association for Conflict Resolution (ACR) and the State Court Administrative Office (SCAO).

6.1.1 Role playing should constitute a minimum of 6 hours of the training program.

6.2 Individuals or organizations seeking approval of training programs for persons to serve as mediators under MCR 3.216 must submit the following documents to SCAO for review and approval:

- 6.2.1 A résumé for each of the proposed lead trainer(s) and co-trainers, coaches or subject matter specialists who will conduct the program, and a description of those portion(s) of the program for which each person has primary responsibility.
- 6.2.2 The proposed program agenda, with targeted dates and times that identify when the primary segments of the program shall be conducted. The application must provide a detailed outline of the proposed training sequence and time allocation for each sequence including the number of training hours allocated to role plays.
- 6.2.3 A copy of all course materials that will be distributed to participants, including lecture outlines, role plays, and the manual. See Section 1.4 for manual requirements.
- 6.2.4 A copy of the evaluation the trainer will use to assess each trainee's performance as required in Section 1.7.
- 6.2.5 Trainers and coaches must demonstrate that they have completed a 4 hour program on domestic violence which includes the ability to screen for domestic violence and appropriate responses when domestic violence or its potential have been identified.

6.3 Approval by SCAO for a proposed program and set of trainers shall be valid for a 2 year period from the date of approval. Thereafter, reapproval may be requested by submitting current copies of items listed in Section 6.2 together with a brief description of any proposed substantive changes to the originally approved program.

6.4 Application for approval of a training program may be made to:

Office of Dispute Resolution  
State Court Administrative Office  
Box 30048  
Lansing, MI 48909

## **7.0 Domestic Relations Mediator Qualifications for MCR 3.216 Mediation & Grandparenting**

Persons meeting the criteria of MCR 3.216(G)(1) (completion of an SCAO-approved training, meeting the degree or experience requirement, and observation and conducting of mediation) and who have completed a 4-hour program on domestic violence approved by SCAO are approved to serve as mediators on a court roster.

The following sections govern how to treat those individuals who were trained prior to the 2000 amendments to MCR 3.216, or who might receive their mediator training from training providers outside the State of Michigan and apply for appointment to the mediator roster. There are two general categories of mediators who may be qualified by grandparenting: persons who have completed an ACR-approved training, and persons who have completed a training program comparable to an ACR-approved training.

Under either category, persons requesting grandparenting must demonstrate completion of a 4-hour program outlining domestic violence considerations in domestic relations matters.

Experience as an arbitrator of domestic relations matters, mediator of general civil matters, or as a case evaluator does not satisfy the experience requirements of Sections 7.1 and 7.2.

7.1 Grandparenting by completion of ACR-approved training. An applicant must demonstrate:

7.1.1 Successful completion of an ACR-approved training.

7.1.2 Observation of two domestic relations mediation proceedings conducted by an approved mediator, and conduct one domestic relations mediation to conclusion under the supervision and observation of an approved mediator. Web-based and telephonic mediation may not be counted toward this requirement.

7.1.3 Persons completing a training program as described in Section 7.1.1 more than two years prior to application to the court must demonstrate that she/he has participated in advanced mediator training programs in an amount equivalent to at least 48 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

7.1.4 Completion of a 4-hour program on domestic violence approved by SCAO.

- 7.1.5 If ACR-approved training was obtained outside of Michigan, and if not a Michigan licensed lawyer, completion of a 6-hour program addressing the basic laws, rules, and guidelines governing domestic relations actions in the Michigan court system.
  - 7.1.6 The degree requirements of MCR 3.216(G)(1)(a) may be waived upon demonstration of completion of 80 hours or 20 cases in domestic relations mediation.
- 7.2 Grandparenting by completion of training targeted to prepare persons to serve as mediators for domestic relations cases. An applicant must demonstrate:
- 7.2.1 Successful completion of a comprehensive mediator training program approved by a court or agency targeted to prepare persons to serve as mediators for domestic relations cases.
    - a. The training must have included the core elements of mediation theory and practice outlined in Section 6.1.
    - b. The training program must have been at least 24 hours in duration and conducted by one trainer or training organization prior to December 31, 2000. Accumulating a total of 24 hours of mediator training from various trainers in different programs does not satisfy this requirement. The applicant must provide a certificate of completion of training, copy of the training agenda, name of trainer, and dates of attendance at the request of the ADR Clerk.
    - c. The training must have included at least 25% role-play and participation in mediation.
    - d. Persons completing a training program described in Section 7.2.1 more than two years prior to application to the court must demonstrate that she/he has participated in advanced mediator training programs in an amount equivalent to at least 48 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.
  - 7.2.2 Completion of a 4-hour program on domestic violence approved by SCAO.
  - 7.2.3 If the training was obtained outside of Michigan or the training within Michigan did not include a 6-hour segment on Michigan domestic relations law, and if not a Michigan licensed lawyer, completion of a 6-hour program addressing the basic laws, rules, and guidelines governing domestic relations actions in the Michigan court system.
  - 7.2.4 Mediation or co-mediation of at least 40 hours or 10 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.
  - 7.2.5 The degree requirements of MCR 3.216(G)(1)(a) may be waived upon demonstration of completion of 80 hours or 20 cases in domestic relations mediation.

## **8.0 Domestic Violence Screening Training Program Contents and Trainer Qualifications**

Individuals and organizations seeking approval to serve as presenters of the 4-hour domestic violence screening training program for domestic relations mediators must meet the criteria of this section.

### **8.1 Qualifications of the training team**

- 8.1.1 The training team should consist of a domestic relations mediator and domestic violence expert.
- 8.1.2 The mediator trainer must demonstrate all of the following:
  - a. completion of an approved 40-hour domestic relations mediation program;
  - b. direct domestic relations mediation experience totaling 40 hours or 10 cases;
  - c. current use of the SCAO approved domestic violence screening protocol in mediation practice; and
  - d. completion of 8 hours of prior domestic violence training.
- 8.1.3 The domestic violence trainer must demonstrate all of the following:
  - a. current or prior direct work with domestic violence survivors or batterers (prior work experience would ideally be within the past five years);
  - b. three years (consecutive or equivalent) direct service to survivors of domestic violence in a program the primary purpose of which is to serve survivors of domestic violence (direct service experience would ideally be the past five years);
  - c. completion of 40 hours of training on issues related to domestic; and
  - d. if the trainer is a batterer interventionist/counselor, the applicant must demonstrate a masters level education and continued education in the field of batterer intervention and domestic violence. This may be through such means as professional memberships in organizations addressing domestic violence, attendance of advanced mediator training programs related to domestic violence, or active involvement in the local domestic violence coordinated community as evidenced by a letter of recommendation from a local survivor service organization.
- 8.1.4 The mediator and domestic violence trainers have shared responsibility for designing and presenting the entire training program. The training program must be designed to prepare mediators to effectively screen cases for domestic violence and to take appropriate action should domestic violence be detected at any point during mediation. Both trainers must demonstrate prior training experience and capacity to perform adult education, citing any of the following factors:
  - a. the development of a training program agenda or course structure;
  - b. the development or selection of the educational materials to be used in the programs;
  - c. delivery of program materials utilizing multiple instructional techniques;

- d. designing written or oral assessment protocols for providing evaluation to individual group participants;
- e. providing oral and written feedback and evaluation to individual participants; and
- f. training coaches or other leaders to conduct objective, constructive assessments on participant performance when those coaches/leaders had not been present for the entire training program.

8.1.5 A person who meets the requirements of both Sections 8.1.2 and 8.1.3 is not required to provide a co-trainer.

## 8.2 Training program content

8.2.1 The training program must be at least 4 hours in duration.

8.2.2 The training program must be structured around developing familiarity with and practical use of the document: "Domestic Violence and Child Abuse/Neglect screening for Domestic Relations Mediation." This document's strong presumption against mediation in cases of domestic violence must be underscored throughout the training.

8.2.3 The training must include one hour on the nature and dynamics of domestic violence. The approved manual contains an example of content and sequencing of this segment in the form of a PowerPoint presentation.

8.2.4 Domestic violence issues should be integrated throughout the presentation screening practices, particularly in identifying for training participants why particular screening measures are required. The training must also include at least 3 hours incorporating:

- a. a demonstration and practice of the domestic violence screening interview;
- b. the decision to mediate;
- c. safety planning;
- d. procedures for on-going screening throughout mediation sessions;
- e. strategies for safe termination of mediation;
- f. specialized processes for mediating where there is a history of domestic violence and the case is nevertheless assessed as appropriate for mediation; and
- g. identifying for training participants why particular screening measures are required.

8.2.5 Role plays. Trainers must use scripted role plays provided by SCAO.

## 8.3 Training participant manual

8.3.1 Each training participant must be provided with a copy of the current Domestic Violence Screening Manual approved by SCAO and instructed as to its contents.

8.3.2 Materials which have not been approved by SCAO may be made to the training participants, but trainers must clearly identify them as not being part of the approved materials. Materials which may be inconsistent with the approved manual's contents may be made available during the training only by mutual agreement of both co-trainers.

#### 8.4 Applying for approval of a domestic violence screening training program

The following documents must be submitted to SCAO for review and approval at least 60 days prior to commencement of the program:

- 8.4.1 A résumé of the proposed trainer(s) who will conduct the program and a description of those portions of the program for which each person has primary responsibility.
- 8.4.2 A copy of the proposed program agenda and a detailed outline of the proposed training sequence and time allocation for each sequence.

#### 8.5 Training evaluation

At the close of each training program, the trainers must have their participants complete a written evaluation form in which they have an opportunity to comment on and assess their training experience. The forms shall be developed by SCAO; the trainers must submit the original copies of the completed forms to SCAO within 14 calendar days of the completion of the training program.

#### 8.6 Approval period

Approval by SCAO for a proposed program and set of trainers shall be valid for a 2 year period from the date of approval. Thereafter, reapproval may be requested by submitting a brief description of any proposed substantive changes to the originally approved program.

#### 8.7 Application for approval of a training program may be made to:

Office of Dispute Resolution  
State Court Administrative Office  
Box 30048  
Lansing, MI 48909

### **9.0 Advanced Mediator Training Program Voluntary Approval Process**

MCR 2.411(F)(4) and MCR 3.216(G)(3) require that mediators approved to serve on court rosters of mediators obtain 8 hours of advanced mediator training during each 2 year period. Examples of advanced mediator training include programs offered in identifying new developments in the field of ADR, ethics considerations, ADR process skill-building, the application of ADR techniques to specific types of conflict, etc. Mediators must present documentation of having completed advanced training in the manner identified by a court and may participate in either general civil or domestic relations advanced training programs to fulfill the requirement. SCAO-approval of advanced training programs is voluntary. A training program need not be approved by SCAO to serve as an “advanced training program” for purposes of MCR 2.411(F)(4).

#### 9.1 Individuals or organizations voluntarily seeking SCAO approval of advanced mediator training programs offered in Michigan must submit the following documents to SCAO for review and approval:

- 9.1.1 A résumé for each of the proposed trainers who will conduct the program.

- 9.1.2 A brief explanation outlining the credentials of the trainer(s) to present the particular program.
- 9.1.3 The proposed program agenda and objectives.
- 9.1.4 A brief description of how the agenda directly relates to the practice of mediation or one or more of the core training elements identified in Section 2.1 (general civil) or Section 6.1 (domestic relations) and identification of which training techniques will be used. [See Section 1.6 for additional information on training techniques.] Applications for approval of programs which are exclusively lecture in format will not be approved.
- 9.1.5 A summary of materials intended to be provided to program participants.
- 9.1.6 A copy of the program evaluation the trainer will use.
- 9.2 Approval by SCAO for a proposed program which will be repeated essentially as proposed shall be valid for a 2 year period.
- 9.3 Application for approval of an advanced mediator training program may be made to:

Office of Dispute Resolution  
State Court Administrative Office  
Box 30048  
Lansing, MI 48909

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#### 2005 Staff Comment

These standards and procedures were originally adopted January 4, 2001 as “Interim Mediation Training Standards and Procedures” effective until December 31, 2002. In early 2002, the State Court Administrative Office convened the Mediation Training Work Group to provide recommendations for improving mediation training practice for persons intending to serve as mediators on court rosters. The most notable revisions to the document include: elimination of times for grandparenting of mediators on court rosters (Sections 5.0 and 6.0), and the adoption criteria for approving domestic violence screening programs (Section 8.0) and advanced mediator training programs (Section 9.0).

Revised April 1, 2005

## **Overview of Qualifications for Service on a Court's General Civil Mediation Roster**

### **General Civil Court Rule Training (MCR 2.411(F)(2))**

- Completion of a mediator training program approved by the State Court Administrative Office.
- Have a juris doctor degree or graduate degree in conflict resolution or 40 hours of mediation experience over two years.
- Observe two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision of an approved mediator.

### **Michigan Community Dispute Resolution Program Training**

*Completion of:*

- CDRP 40-hour training.
- Observation of two general civil mediations, conducting one mediation under the supervision of an approved mediator. If not an attorney, 40 hours or 18 cases of mediation experience in the two years prior to application to serve on a roster.
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster.
- If not a Michigan licensed lawyer, a 6-hour program addressing basic laws, rules and guidelines governing Michigan civil actions.

### **Mediation Training Outside of Michigan**

*Completion of:*

- 40-hour mediator training program approved by a court or agency targeted to prepare persons to serve as mediators for general civil cases.
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster.
- Observation of two general civil mediations, conducting one mediation under the supervision of an approved mediator. If not an attorney, 40 hours or 18 cases of mediation experience in the two years prior to application to serve on a roster.
- If not a Michigan licensed lawyer, a 6-hour program addressing basic laws, rules, and guidelines governing Michigan civil actions.

### **Other Qualifications**

*Completion of:*

- For persons already serving on a circuit court mediation court roster as of December 31, 2000, an initial 16-hour mediator training program and supplemental 8-hour program completed before December 31, 2001.
- For persons completing the Voluntary Facilitative Mediation Program training of the U.S. District Court, Western District, Michigan, completion of a 16-hour mediation training program prior to January 1, 2003.
- Observation of two general civil mediations, conducting one mediation under the supervision of an approved mediator. If not an attorney, 40 hours or 18 cases of mediation experience in the two years prior to application to serve on a roster (applies to both 1 and 2 above).
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster (applies to both 1 and 2 above).

## **Overview of Qualifications for Service on a Court's Domestic Relations Mediation Roster**

An applicant must (a) be a licensed attorney, a licensed or limited licensed psychologist, a licensed professional counselor, or a licensed marriage and family therapist; or (b) have a masters degree in counseling, social work, or marriage and family therapy; or (c) have a graduate degree in a behavioral science<sup>1</sup>; or (d) have 5 years experience in family counseling, and one of the following:

### **Domestic Relations Court Rule Training (MCR 3.216)**

*Completion Of:*

- A domestic relations mediator training program approved by the State Court Administrative Office.
- Observation of two domestic relations mediations and conducting one mediation under the supervision of an approved mediator.
- 4-hour domestic violence screening training program.
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster.

### **Association for Conflict Resolution (ACR) Training**

*Completion Of:*

- An approved ACR 40-hour training program.
- Observation of two domestic relations mediations and conducting one mediation under the supervision of an approved mediator.
- 4-hour domestic violence screening training program.
- If not a Michigan licensed lawyer, a 6-hour program addressing basic laws, rules, and guidelines governing Michigan domestic relations actions.
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster.

### **Other Qualifications**

*Completion Of:*

- A 24-hour domestic relations training program, conducted prior to December 31, 2000, approved by a court or agency targeted to prepare persons to serve domestic relations mediators, at least 25% of which involved roleplay and participation in mediation.
- 40 hours or 10 domestic relations cases in the two years prior to application.
- 4-hour domestic violence screening training program.
- If not a Michigan licensed lawyer, a 6-hour program addressing basic laws, rules, and guidelines governing Michigan domestic relations actions.
- If training was more than two years prior to the application, eight hours of advanced mediator training in the two years prior to application to serve on a roster.

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<sup>1</sup>The degree requirements of MCR 3.216(G)(1)(a) may be waived upon demonstration of completion of 80 hours or 20 cases in domestic relations mediation.