

New York State Unified Court System
ADR Office Part 146 Online Mediation Training Guidelines

I. Part 146 Online Mediation Training Guidelines

A. Currently Approved Courses and Courses Pending Approval

1. Temporary Approval: The NYS UCS ADR Office is extending through December 31, 2020, or until further notice, temporary approval of mediation trainings offered online to all 24-Hour Initial and 16-Hour Additional Part 146 approved mediation courses, and to courses that as of May 1, 2020, received a “pending approval” email.

2. Trainers offering approved courses, and trainers whose courses are pending approval, do not have to resubmit their agenda for an online mediation training program approval. Instead, the ADR Office asks all trainers offering their course online to:

a) Review the [Guidelines for New Part 146 Applicants](#) (section B.4.) below and incorporate them when designing an online course;

b) Provide ADR Office Staff access to observe their online course, in accordance with current practice for live training courses;

c) Include questions eliciting the effectiveness of the online format in their program evaluations;

d) Provide a summary of the evaluation responses to the ADR Office after the training

e) Announce to all registrants and include in their marketing materials that:

(1) Pursuant to Part 146, court-based mediation rosters require both a combination of mediation training and experience mediating;

(2) Acceptance on court rosters depends on a court’s need for mediators at any given time and may include a court’s need for mediators with specific case-type training or experience and mediation experience;

(3) Final placement on any court roster is in the discretion of the local Administrative Judge.

3. Trial Period Expiration and Evaluation: When this period expires at the end of December 31, 2020, or until further notice, the ADR Office will evaluate the online training courses, with a focus on the trainee experience, based on ADR Office staff observations, summaries of responses from evaluations, and any other lessons learned during the trial period.

B. Guidelines for New Part 146 Applicants

1. The ADR Office will accept new applications for initial and additional mediation trainings offered online.

2. New applicants must provide a [detailed training agenda](#);
3. The detailed training agenda shall adhere to the [Part 146 Mediation Curriculum Guidelines](#) for substantive content; and,
4. Incorporate these additional pedagogical considerations for online mediation training programs:
 - a) *Format and Introduction of Technology*
 - (1) Address the overall format of the training, including the platform chosen, the allocation of pre-recorded content to online synchronous training. *Synchronous training is preferred for the majority of the course for quality control and to maintain group dynamics. Any pre-recorded content, reading, and assignments should be accompanied by live content, recorded demonstrations, or opportunities to practice simulations;*
 - (2) Utilize full training hours for group learning: reading and reviewing materials should not be included in calculating training time;
 - (3) Introduce the program to trainees: include an overview of the technology, description of the course process, and a statement of expectations.
 - b) *Timing and Breaks*
 - (1) Anticipate participant fatigue in using an online learning environment; consider 3-6 hours per day maximum;
 - (2) Offer breaks throughout and consider a duration appropriate for the length of the preceding and subsequent training segments.
 - c) *Trainee, Trainer, Coach, Class Size*
 - (1) Limit the number of trainees to allow for small groups to engage in discussions and interactive activities, and even smaller groups for role plays;
 - (2) Ensure role plays have a coach present at all time, and/or be recorded and reviewed;
 - (3) Consider coach-to-trainee ratio;

- (4) Offer opportunities for one-on-one instruction with the trainer if needed;
- (5) Ensure there is an attendance verification procedure in place;
- (6) Assign trainee roles and coaches ahead of time to the greatest extent possible to use time efficiently.

d) *Trainee Engagement and Assessment of Trainee Learning*

- (1) Use a variety of methods to assess participant learning for attitude-based learning objectives. For example, self-reflection written assignments, self-assessment tools, group discussion, and questionnaires.
- (2) Use a variety of learning methods and describe how they will be conducted, including the use of video clips, chat rooms, exercises, simulations, etc.
- (3) Describe how role plays will be conducted;
- (4) Describe method of providing demonstrations;
- (5) Disseminate role play materials and feedback sheets for coaches ahead of time.

e) *How to Mediate Online*

- (1) Address ways to prepare as a mediator for online mediation. This should include: revising forms as necessary to address virtual participation (consent to mediate, informed consent, how to gather necessary signatures or e-signatures, and post-session participant satisfaction survey questions to include feedback on technological aspects of the session); how to build trust in a virtual setting; use of online tools to enhance the process (e.g., whiteboard, document sharing, breakout\rooms)
- (2) Address ways to prepare the parties and other third-party participants for online mediation. This should include: conducting pre-mediation discussions regarding technology access, party safety, privacy (other people in the room, taping the session), confidentiality, secure WiFi, sharing and storing documents, and protocols in case of technology failure or need to privately communicate with the mediator.