

Continuing Mediator Education Frequently Asked Questions

Defining the Requirement

Q. What is Continuing Mediator Education (CME)?

Continuing Mediator Education is a requirement for all mediators certified by the Supreme Court of Florida to participate in educational activities which enhance the participant's professional competence as a mediator. All certified mediators must complete a minimum of 16 hours of CME, which shall include a minimum of four hours of mediator ethics, in each two year renewal cycle. For family and dependency mediators, four hours of the required 16 hours must be in domestic violence training per renewal cycle. CME hours are based on a 50 minute hour.

Q. Where is this requirement defined?

Administrative Order AOSC06-9 established the requirements for CME. The requirements are based on the recommendations from the Supreme Court ADR Rules and Policy Committee.

Q. What qualifies as "Live" credit?

1. Attendance at a live lecture or seminar;
2. Attendance at an audio or video playback of a lecture or seminar with a group where the group discusses the materials presented; or
3. An interactive Internet presentation.

Q. If I am certified as a mediator and want to attend a basic mediation training program (again), will that count as CME?

Yes.

Q. Do college level courses qualify for CME? If yes, hour per hour?

Yes, if applicable to the practice of mediation. Each 50 minutes of attendance qualifies for one CME hour.

Q. Can victim offender mediation training qualify as CME for mediators?

Yes, if it has significant intellectual or practical content and constitutes an organized program of learning directly related to the practice mediation.

Q. Do mediators have to pay for CME?

Mediators will have to pay for CME activities that they would like to attend that charge a fee. There may be CME activities available through the local mediation programs and other trainings at no charge for volunteer mediators.

Q. My initial Mediation Certification Training Program was approved by the Florida Supreme Court. How do I know if the CME provider has been approved to be a trainer of CME?

While there are no specific requirements for trainers of CME programs, Administrative Order AOSC06-9 states that courses shall be conducted by an individual or group qualified by practical or academic experience. In order for a program to qualify for CME, the program must "have a significant, current intellectual or practical content and shall constitute an organized program of learning directly related to the practice of mediation." Look for this legend in CME program announcements: "This course is eligible for up to _____ CME hours. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more information on the CME requirement, visit www.flcourts.org, click on Judicial Administration then ADR."

Q. If I am a mediator with multiple areas of certification, do I need to attend 16 hours per certification in every two year renewal cycle?

Mediators who are certified in more than one area must complete 16 hours of CME applicable to each area of certification. Please note that CME courses may be applicable to more than one area of certification, and thus, can be counted for each area. For example, the four-hour ethics requirement included in each 16 hours may be completed once and counted for each area of certification (e.g. an ethics course titled "Ethics for County Mediators" counts not only for County Mediators, but also Circuit Civil Mediators, Family Mediators, and Dependency Mediators). Also, courses on general mediation skills and domestic violence will apply in all areas of certification. However, courses which are specific to one area of mediation (e.g., Mediation Skills for Family Mediators) may only be applicable in that area of mediation (e.g., family).

Q. Is there an inactive status for certified mediators so that the CME requirements can be waived?

No, there is no inactive status for certified mediators.

Q. Is there an inactive status for out-of- state mediators?

No, however CME can be completed outside the State of Florida.

Q. Are there any exceptions or extensions to the CME requirement and what is the 90 day rule?

1. Mediator certification renewal will not be granted until all the CME requirements are completed. A mediator may request an extension for an extraordinary hardship. If such a request is denied, an appeal may be taken to the ADR Rules and Policy Committee, which may appoint a subcommittee to review such matters, and which shall make a recommendation to the Chief Justice of the Florida Supreme Court. The decision of the Chief Justice will be final.
2. However, if you submit your mediator certification renewal form **before** your renewal date and something is incorrect or incomplete (e.g. you report less than 16 CME hours), the Dispute Resolution Center will write to you and give you 90 days of continued certification to cure the matter. The 90 days runs from the notice of non-compliance or the expiration of current certification whichever occurs first. The commencement date under the 90 day rule has been interpreted by the Dispute Resolution Center for administrative purposes as beginning with the date on the notice [letter] from the Dispute Resolution Center to you. During those 90 days, you must complete all remaining CME requirements in order to be eligible for renewal.

Q. Where can I obtain a list of upcoming CME courses?

The Resolution Report, which is published quarterly and mailed to you by the Dispute Resolution Center (as long as your address is current), is one source. A list of CME Activities is also available on the Dispute Resolution Center's website. In addition, other sources which list professional education programs may qualify.

Q. I have acquired 20 CME hours in my renewal cycle. Can I carry over to the next renewal cycle the 4 CME hours which exceed the required 16 CME hours?

No; the excess hours may not be carried forward to the next renewal cycle.

Reporting CME Hours

Q. Do I need to send in documentation with my CME Form when I submit my renewal information?

No, do not mail the Dispute Resolution Center documentation of your CME activities. The Dispute Resolution Center will monitor compliance through a random audit procedure. You will only need to supply evidence of your activities if you are audited. It is your responsibility to keep records for four years from the date of the CME activity.

Q. Should I send an attendance sheet after each CME program I attend?

No, do not mail in attendance sheets.

Q. Can the training provider (i.e., The Florida Bar) report my CME directly to the Center for me?

No, you must report your own hours on your renewal form and sign it.

Q. If I attend the Dispute Resolution Center's annual conference, is my attendance noted for CME purposes by the Center?

No, you will need to report your attendance at the time of renewal.

Q. As a volunteer county/Citizen Dispute Settlement (CDS) mediator, can my program director report CME for me?

No, the required CME Form must be completed, signed and submitted by each mediator.

Q. If audited, what proof do I need to furnish?

Proof of attendance at a course (i.e., copy of certificate, course syllabus, or registration material) or signed affidavit. The documentation that the Dispute Resolution Center advises mediators to retain, and the CME organization to provide, is a program agenda with time frames and topics reflected a certification of attendance/completion, a copy of their registration information, or any other similar documentation.

What Qualifies as CME?

Q. How do I know if a program is approved for CME?

The Dispute Resolution Center does not pre-approve courses for CME credit. If the course meets the definition for CME, then it will qualify.

Q. Do continuing education hours for other professions count towards fulfillment of the CME requirement?

Yes, if the subject matter attended is applicable to your area of mediator certification.

Q. How can I complete my CME hours?

CME may be completed by attending a program, listening to or viewing audio/video presentations, lecturing, authoring, mentoring and Internet presentations. At a minimum, 50 percent of the required hours must be satisfied by attendance at a live lecture or seminar. Co-mediating or supervising trainees as part of the mentorship program may be utilized for up

to four hours of CME credit. Mentoring activities cannot be applied toward the required ethics, diversity/cultural awareness or domestic violence CME components.

Q. What counts towards the ethics requirements in CME?

Presentations that relate to ethical considerations in the field of mediation and constitute the focus of the presentation will count (generally will contain 'ethics' in the title).

Q. What counts as domestic violence CME?

Domestic violence continuing mediator education includes presentations on the aspects of violence or abuse among individuals who have a child in common or have resided together as a family.

Q. If I am already a certified mediator and I complete a mediation certification training course in a different area of certification, can I use that program to count as the required 16 hours of CME?

Yes, if there are 16 hours of material applicable to that area of certification (and it includes a minimum of 4 hours of ethics).

Q. Do courses in arbitration qualify as CME?

Maybe, if it has significant intellectual or practical content and constitutes an organized program of learning directly related to the practice of mediation.

Q. Do CLE courses for lawyers count as CME?

Maybe.

1. For each CLE program you want to report as CME, ask yourself, did this activity enhance my skills/knowledge as a mediator or is it geared toward making me a better lawyer? For example, a course on Contract Law would be beneficial to a mediator; however, a course on Litigation Skills would make me a better lawyer. A seminar on Litigation Skills is not a program on "substantive law related to the practice of mediation" which is the definition for counting legal courses as CME.
2. DO NOT count any ethics hours reported for legal courses unless they have MEDIATION in the title. Mediators are required to earn mediators ethics and the assumption is that legal seminars discuss legal ethics not mediator ethics.
3. If you are certified in more than one area, CLE hours can be counted in more than one area of certification if they relate to more than one area. For example, a CLE course on the Child Support Guidelines could be counted in family mediation but not under circuit civil since child

support guidelines is only a part of the family process not circuit civil court. A CLE course on Negotiation Techniques would apply to both family and circuit civil mediation since negotiation skills applies to all types of mediation.

4. CLE and CME are both approved on a 50-minute basis so you can assume that the hours approved by The Florida Bar are the same that you would be reporting for CME.
5. For each CLE activity that meets the definition of CME in paragraph 1 above, list the item on your CME Reporting Form. Please do not send the Dispute Resolution Center a copy of your CLE Form in lieu of the CME Reporting Form.
6. If you submit your mediator certification renewal form before your renewal date and something is incorrect or incomplete (e.g. you report less than 16 CME hours), the Dispute Resolution Center will write to you and give you 90 days of continued certification to cure the matter. The 90 days runs from the notice of non-compliance or the expiration of current certification whichever occurs first. The commencement date under the 90 day rule has been interpreted by the Dispute Resolution Center for administrative purposes as beginning with the date on the notice [letter] from the Dispute Resolution Center to you. During those 90 days, you must complete all remaining CME requirements in order to be eligible for renewal.
7. You can obtain a record of your CLE hours for the preceding two years from The Florida Bar CLE Department, telephone number (850) 561-5842.
8. If you still need hours after you've completed this review, your renewal package contains a list of CME Contact Organizations as well as audiotape order forms from mediation conferences.

What If?

Q. What happens if I do not complete the required CME?

Your certification will not be renewed until all renewal requirements, including CME, are completed. Mediators whose certification has lapsed may renew certification up to 180 days from the lapse date upon payment of an additional late fee in an amount equal to the mediator's renewal fee. Mediators who apply for renewal within 365 days after the lapse date will be required to pay a late fee equal to five times the mediator's renewal fee, up to a maximum of \$500. Mediators who apply for certification after day 365 will be required to meet the initial requirements for certification, including satisfactory completion of a certified mediation training program and fulfillment of the

mentorship requirements. For purposes of this paragraph, the lapse date reverts back to the initial renewal date, notwithstanding any CME extensions.

Q. I am a certified mediator in multiple areas. If my CME in one area of certification is deficient, what happens to my certification?

If you are certified in more than one area and fail to timely complete CME in any one given area, your certification will still be renewed in those areas that you have timely completed your CME requirements.

Q. I am a certified mediator in multiple areas. If I let my certification lapse in an area which I was previously 'grandfathered- in,' what happens if I want to be certified again at a later point?

After 365 days of lapsed certification, you will be required to comply with the requirements for original certification including meeting all of the education and experience requirements.

Q. If I send my renewal in before my renewal date and something is incomplete or incorrect, how will I know what is wrong?

If you submit your mediator certification renewal form before your renewal date and something is incorrect or incomplete (e.g. you report less than 16 CME hours), the Dispute Resolution Center will write to you and give you 90 days of continued certification to cure the matter (e.g. complete all remaining CME requirements to be eligible for renewal). The commencement date under the 90 day rule has been interpreted by the Dispute Resolution Center for administrative purposes as beginning with the date on the notice [letter] from the Dispute Resolution Center to you. During those 90 days, you must complete all remaining CME requirements in order to be eligible for renewal.