



Unified Court System Office of Court Administration
Division of Professional and Court Services
Office of ADR Programs (UCS ADR Office)

Guidelines for Apprenticeship /Mentorship Plans under Part 146 of the Rules of the Chief Administrative Judge

I. Overview

[**Part 146 of the Rules of the Chief Administrative Judge**](#) establishes statewide qualifications and training requirements for mediators serving on trial court rosters to ensure high-quality mediation services for the public. After completing 40 hours of an approved mediation training, prospective mediators who seek to join trial court rosters must have [recent experience](#) mediating actual cases in the subject area of the types of cases referred to them. Programs offered by a Part 146 Approved Apprenticeship/ Mentorship Provider (“Provider”) offer a structured way for trained mediators to get that mediation experience, deepen their skills, receive feedback, and better position themselves to join trial court rosters.

II. Apprenticeships and Mentorships

An **apprenticeship** is an organized program where trained mediators are given the opportunity to gain practical mediation experience serving as apprentices under the supervision of at least one **mentor**. The term apprenticeship, for purposes of these guidelines, includes **mentorships**, which may be less structured than a more formal apprenticeship. Similarly, the term apprentice, for purposes of these guidelines, is synonymous with the term “mentee.” A mentor is an experienced mediator who supervises, instructs, debriefs or evaluates an apprentice as part of an apprenticeship.

Under Part 146, an approved **apprenticeship or mentorship provider** is an entity or mediator approved by the Unified Court System’s Alternative Dispute Resolution (ADR) Office to offer an apprenticeship or mentorship. They may be offered by dispute resolution organizations, community dispute resolution centers, educational institutions, professional associations, or individual practitioners. To be approved as an apprenticeship or mentorship provider, applicants must submit to the Statewide ADR Office a completed application which includes an **apprenticeship/mentorship plan (Plan)**.

III. The Apprenticeship/ Mentorship Plan

The Plan should outline how apprentices will gain experience mediating a specific case type, and shall include the following:

- A. **Observation of actual mediations:** Apprentices shall observe all stages of the mediation process in cases involving actual parties in a type of case they are likely to encounter as mediators on the trial court's roster.

Note: This may occur during the course of one mediation, or it may be necessary to observe several different mediations in order to experience all stages. Not every mediation goes through each stage due to various considerations including timing, the nature of conflict, the completion of pre-mediation steps, etc ...

- B. **Opportunity to mediate or co-mediate actual cases:** Apprentices shall co-mediate or mediate at least two of the types of cases they are likely to encounter as mediators on a trial court's roster.¹ The NYS UCS ADR Office recommends that apprentices gain at a minimum four (4) hours of live mediation experience that may occur over the course of the two required mediations. The cases shall involve actual controversies between actual parties and shall be mediated under the supervision of a mentor. If using a co-mediation model, apprentices may co-mediate with another apprentice or a mentor. Each mediation should be followed by a debrief session with a mentor.

- C. **Evaluation:** A mentor shall observe each apprentice mediate (or co-mediate) the final actual case of their apprenticeship, which may be the second of the minimum of two mediations mentioned in B. above. The mentor shall give a written assessment to the apprentice and debrief session for the final mediation or co-mediation. If the provider determines the apprentice is not prepared to mediate, then additional observations, co-mediations and evaluations may be scheduled as needed.

- D. **Coordination of live components:** The provider shall coordinate all components involving apprentices participating either as observers, mediators, or co-mediators. This may include communicating with the local court and all participants to allow apprentices access to a live mediation and to ensure participants' consent and consent of the local court, if applicable.

- E. **Time to completion:** The provider shall have an apprentice complete all the above within a six-month time period from the first scheduled observation to maximize the apprentice's learning process. The provider may consult with the local ADR Coordinator if an extension of time is needed.

- F. **Optional role plays:** To the extent the provider considers it helpful to supplement the apprentice's learning process, the provider shall specify whether the apprenticeship includes role plays.



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¹ Apprentices may also benefit from being involved in case preparation and other case management. Providers may want to include these aspects of mediation preparation as part of the learning process.