

Superior Court  
of the  
State of Delaware

Eric M. Davis  
President Judge

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**ADMINISTRATIVE DIRECTIVE  
OF THE PRESIDENT JUDGE OF THE SUPERIOR COURT  
OF THE STATE OF DELAWARE**

**NO. 2025-4**

**MEDIATION TRAINING AND ROSTER**

WHEREAS, Superior Court Civil Rule 16(b)(4) provides that Mediation is an approved form of Compulsory Alternative Dispute Resolution (“ADR”), and that it is the default format when the parties cannot agree on an ADR format;

WHEREAS, Mediation is a widely used method to resolve cases, including cases not subject to Superior Court Civil Rule 16(b)(4), such as cases assigned to the Complex Commercial Litigation Division;

WHEREAS, by Administrative Directive No. 2009-2, the Superior Court (the “Court”) established a Mediation Training Program (the “Training Program”) and created a list of Mediators who completed the Court’s program;

WHEREAS, Administrative Directive 2017-3 superseded Administrative Directive 2009-2, by amending and redefining the Court's Training Program and establishing a recertification process; and

WHEREAS, in order to continue to improve its Training Program, the Court recognizes that certain modifications to the program are warranted. Specifically, amending the criteria to become an Approved Mediator, clarifying the training and application process, and maintaining and periodically updating the Roster of Court Approved Mediators.

**NOW, THEREFORE, IT IS DIRECTED** that effective **September 8, 2025**, that Administrative Directive 2025-4 supersedes Administrative Directive 2017-3, which is hereby amended and restated in full, as follows:

**A. Superior Court Mediation Training Program**

1. The Court shall administer and maintain the Training Program.
2. The Court's Training Program shall include:
  - a. Eighteen (18) hours of live, in-person instruction, including one (1) hour of ethics;
  - b. Instruction in conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining, and models of conflict resolution;

c. Instruction in mediation skills and techniques, including information-gathering skills, communication skills, problem-solving skills, interaction skills, conflict management skills, negotiation techniques, and caucusing;

d. Instruction in mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, and standards of practice; and

e. Simulations and role-playing, monitored and critiqued by experienced mediators.

3. Upon successful completion of the Training Program, a participant shall receive a certificate of completion (a “Training Certificate”). The Training Certificate is valid until December 31<sup>st</sup> of the seventh (7<sup>th</sup>) year after completing the course (a “Training Certificate Term”).

4. For mediators who completed the Training Program, the Court shall maintain and administer a retraining program (the “Retraining Program”). The Retraining Program shall include six (6) hours of live, in-person instruction, including one (1) hour of ethics, on the topics identified in paragraph A.2. above. Upon successful completion of the Retraining Program, a participant shall receive a certificate of completion (a “Retraining Certificate”). The Retraining Certificate is valid for a Training Certificate Term.

**B. Court Approved Mediator Qualifications**

1. An applicant must be
  - a. a sitting or retired Delaware judicial officer of any Constitutional Court; or
  - b. a member of the Bar of the Supreme Court of Delaware in good standing, (i) admitted to the practice of law for at least five (5) years, (ii) with at least five (5) years of substantial experience in the subject area for which the mediator will be designated, and (iii) have completed the Training Program or Retraining Program, as applicable, or a program through another provider that is in-person with at least a substantially equivalent program in length and curriculum as the Training Program or Retraining Program.<sup>1</sup>
2. An applicant who satisfies Section B.1.b.(i) and (ii) and has mediated at least fifty (50) Delaware cases is exempt from the requirement of completing the Training Program or Retraining Program provided in Section B.1.b.(iii).
3. All Mediators must agree to abide by the Superior Court Approved Mediators Standards of Conduct, attached as Exhibit A.
4. The Court Committee overseeing the Training Program and Retraining Program may modify the Standards of Conduct (Exhibit A), the Application (Exhibit

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<sup>1</sup> Training through another provider that meets these criteria will be valid for a Training Certificate Term.

B), and the Mediators Annual Statement (Exhibit C), from time to time, as needed. The Court Committee, in its sole discretion, will determine whether training through another provider meets the criteria of this Administrative Directive.

**C. Roster of Court Approved Mediators**

1. The Court will maintain a roster of Court Approved Mediators, published on the Court's website (the "Mediators Roster").

2. To be eligible to be included on the Mediators Roster, an applicant must satisfy the minimum qualifications and training set forth in Section B above.

3. An applicant may request inclusion on the Mediators Roster by submitting a certification or recertification application, in the form attached as Exhibit B, to the Court *via* Superior.Mediation@delaware.gov.

4. A recertification application must be filed before the expiration of the Mediator's current Training Certificate Term.

5. All Mediators included on the Mediators Roster must file a Mediators Annual Statement, in the form attached as Exhibit C, by January 15<sup>th</sup> of each calendar year.

6. A Mediator who fails to file a Mediators Annual Statement or a timely recertification application may be removed from the Mediators Roster without notice.

7. The Court reserves the right, in its sole discretion, to deny an application for inclusion on the Mediators Roster or to remove a Mediator from the Mediators Roster, without notice, if the Court finds that the Mediator violated the Court Mediation Rules, engaged in conduct unbecoming a Court Approved Mediator, violated the Superior Court Mediators Standards of Conduct, or at the Court's discretion for other good reason.

*/s/ Eric M. Davis*  
\_\_\_\_\_  
Eric M. Davis, President Judge

oc: Prothonotaries  
cc: Superior Court Judges  
Superior Court Commissioners  
Court Administrator  
Chief Staff Attorney  
Law Libraries  
Director of Operations  
File

## **SUPERIOR COURT APPROVED MEDIATORS STANDARDS OF CONDUCT**

The primary role of the mediator is to facilitate a voluntary resolution of a dispute. In performing mediation services, a Superior Court Approved Mediator must abide by high ethical standards, including but not limited to:

1. A mediator shall not knowingly misrepresent any fact or circumstance in the course of a mediation or related to a mediation or in applying for certification or recertification.
2. A mediator may not coerce a party into an agreement, and shall not make decisions for any party to the mediation process.
3. A mediator shall conduct a mediation in an impartial manner. Impartiality means free from favoritism or bias in word, action, or appearance. If the mediator cannot conduct the mediation in an impartial manner, the mediator shall not agree to serve.
4. A mediator should avoid the appearance of partiality, as viewed by the parties, at all times in providing mediation services. A mediator shall promptly disclose any facts, including any actual or potential conflicts of interest, that are known to the mediator and could reasonably be seen by the parties as creating an appearance of partiality. This is an ongoing duty.
5. If at the time of the referral, a mediator determines that he or she lacks sufficient mediator skills or subject-matter knowledge to effectively mediate the dispute, the mediator shall notify the parties and shall decline to mediate the dispute, unless the parties agree otherwise.
6. A mediator should agree to mediate only when the mediator is prepared to commit the time and attention essential to an effective mediation.
7. A mediator shall conduct a mediation in a manner that promotes diligence, timeliness, safety, procedural fairness, and mutual respect among all the participants.

8. Mediators shall conduct themselves in a manner that will instill confidence in the mediation process and in the integrity and competence of mediators.

9. A mediator shall not use Artificial Intelligence<sup>1</sup> in connection with a mediation unless disclosed to, and approved by, the parties in writing.

10. A mediator shall fully disclose compensation, fees, and charges to the parties.

11. A mediator shall not enter into a fee agreement contingent on the result of the mediation or the amount of settlement because such a practice creates an appearance of partiality.

12. A mediator shall not give or receive any commission or other monetary or nonmonetary form of consideration in return for referral of parties for mediation services.

13. These Standards are not intended to be exclusive and do not in any way limit the responsibilities the mediator may have under codes of ethics or professional conduct promulgated by any other profession to which the mediator belongs or any other code of ethics or professional conduct to which the mediator subscribes, such as those promulgated by the American Bar Association, the Association for Conflict Resolution or the American Arbitration Association. However, where these Standards and another mediator's code of ethics or professional conduct conflict, these Standards take precedence.

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<sup>1</sup> The use of machines or other technology to anticipate and solve problems, adapt to new circumstances, achieve outcomes, and perform other human-like functions.



**SUPERIOR COURT OF THE STATE OF DELAWARE  
MEDIATORS ROSTER APPLICATION**

**Please submit this application, with supporting documents, after completing initial or recertification training, to Superior.Mediation@delaware.gov.**

**I. Applicant Information**

Delaware Bar ID \_\_\_\_\_

Full Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Address (work) \_\_\_\_\_

Firm web address or attorney profile page link (optional) \_\_\_\_\_

Email \_\_\_\_\_

Telephone \_\_\_\_\_

Please indicate the county or counties in which you will serve as a Mediator:

- New Castle                       Kent                       Sussex

**II. Areas of Expertise**

Please identify your areas of expertise to help the court to determine what kinds of cases should be referred to you.

(Check all that apply.)

<input type="checkbox"/> Business/Corporate/Commercial (CCLD)	<input type="checkbox"/> Insurance Coverage
<input type="checkbox"/> Construction	<input type="checkbox"/> Insurance – Other (PIP/UM/UIM)
<input type="checkbox"/> Contracts – General	<input type="checkbox"/> Medical Negligence - Healthcare
<input type="checkbox"/> Contracts - Real Estate	<input type="checkbox"/> Personal Injury- Auto
<input type="checkbox"/> Employment/Workplace	<input type="checkbox"/> Personal Injury- Other
	<input type="checkbox"/> Workers Comp

	<input type="checkbox"/> Other:
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### III. QUALIFICATIONS

#### A. Mediation Training (for initial certification)

- I have completed an eighteen (18) hour mediation training program that meets the requirements of Superior Court Administrative Order 2025-4, {eighteen (18) hours of live, in-person instruction, including one (1) hour of ethics; conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining, and models of conflict resolution; mediation skills and techniques, including information-gathering skills; communication skills; problem-solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, and standards of practice; and simulations and role-playing, monitored and critiqued by experienced mediators.}
- I am exempt from Mediation Training pursuant to Superior Court Administrative Order 2025-4, Section B.1.a.
- I am exempt from Mediation Training pursuant to Superior Court Administrative Order 2025-4, Section B.2.

Course Hours	Trainer/Organization	Dates
_____	_____	_____

(Attach certificate of completion.)

#### B. Recertification (if applicable)

- I have completed a six (6) hour mediation training program that meets the requirements of Superior Court Administrative Order 2025-4, {six (6) hours of live, in-person instruction, including 1 hour of ethics; conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining, and models of conflict resolution; mediation skills and techniques, including

information-gathering skills; communication skills; problem-solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, and standards of practice; and simulations and role-playing, monitored and critiqued by experienced mediators. }

Course Hours	Trainer/Organization	Dates
_____	_____	_____

(Attach certificate of completion.)

### **C. Ethics, Procedures, and Other Requirements**

I am a:

- sitting or retired judicial officer of a Constitutional Court in Delaware; or
- member of the Bar of the Supreme Court of the State of Delaware in good standing.
- I have not been disciplined by any court, administrative agency, bar association, or other disciplinary agency for professional misconduct or for the violation of any code of ethics. Nor have I been permitted to voluntarily withdraw my appearance in any case in lieu of disciplinary referral.
- There are no complaints or charges currently pending against me in any court, administrative agency, Bar Association, or other disciplinary agency for professional misconduct or for the violation of any code of ethics.
- I agreed to promptly self-report to the Superior Court if my status as a member of the Bar in good standing changes or a criminal charge or disciplinary complaint is filed against me.
- I have been admitted to the practice of law for at least five (5) years and have at least five (5) years of substantial experience in the subject area for which I seek to be designated.
- I am familiar with the rules, statutes, and practices governing mediation in the Superior Court of the State of Delaware.

Exhibit B

- I agree to abide by the Superior Court Approved Mediators Standards of Conduct.
- I agree to be responsible for finding an appropriate ADA accessible location for mediation sessions that is convenient for the parties, if applicable.
- I will provide the Court with any change in address or contact information within thirty (30) days.
- I hereby represent that all information provided by me in this application is true and correct.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

**SUPERIOR COURT OF THE STATE OF DELAWARE  
MEDIATORS ANNUAL STATEMENT**

**I. Mediator**

Delaware Bar ID \_\_\_\_\_

Full Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Address (work) \_\_\_\_\_

Email \_\_\_\_\_

Telephone \_\_\_\_\_

Please indicate the county or counties in which you will serve as a Mediator:

- New Castle                       Kent                       Sussex

**II. Areas of Expertise**

Please identify your areas of expertise to help the court to determine what kinds of cases should be referred to you.

(Check all that apply.)

<input type="checkbox"/> Business/Corporate/Commercial (CCLD) <input type="checkbox"/> Construction <input type="checkbox"/> Contracts – General <input type="checkbox"/> Contracts - Real Estate <input type="checkbox"/> Employment/Workplace <input type="checkbox"/> Insurance Coverage	<input type="checkbox"/> Insurance – Other (PIP/UM/UIM) <input type="checkbox"/> Medical Negligence - Healthcare <input type="checkbox"/> Personal Injury- Auto <input type="checkbox"/> Personal Injury- Other <input type="checkbox"/> Workers Comp  <input type="checkbox"/> Other: _____
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### III. Ethics, Procedures, and Other Requirements

I am a:

- sitting or retired judicial officer of a Constitutional Court in Delaware; or
- member of the Bar of the Supreme Court of the State of Delaware in good standing.
- I have not been disciplined by any court, administrative agency, bar association, or other disciplinary agency for professional misconduct or for the violation of any code of ethics.
- There are no complaints or charges currently pending against me in any court, administrative agency, bar association, or other disciplinary agency for professional misconduct or for the violation of any code of ethics.
- I agreed to promptly self-report to the Superior Court if my status as a member of the Bar in good standing changes or a criminal charge or disciplinary complaint is filed against me.
- I have been admitted to the practice of law for at least five (5) years and have at least five (5) years of substantial experience in the subject area for which I seek to be designated.
- I am familiar with the rules, statutes, and practices governing mediation in the Superior Court of the State of Delaware.
- I agree to abide by the Superior Court Approved Mediators Standards of Conduct.
- I agree to be responsible for finding an appropriate ADA accessible location for mediation sessions that is convenient for the parties, if applicable.
- I will provide the Court with any change in address or contact information within thirty (30) days.

Exhibit C

I hereby represent that all information provided by me in this application is true and correct:

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_