

NORTH CAROLINA  
ROBESON COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

In Re: JUDICIAL DISTRICT }  
16B LOCAL RULES FOR }  
FOR SUPERIOR COURT }  
MEDIATED SETTLEMENT }  
CONFERENCES }  
\_\_\_\_\_ }

**ORDER**

Under the authority of Rule 10 of the Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions (hereinafter “Supreme Court Rules”) adopted by the North Carolina State Supreme Court, the undersigned, as Senior Resident Superior Court Judge of Judicial District 16B (hereinafter “Senior Resident Judge”), hereby ADOPTS, ORDAINS AND PUBLISHES the following local rules for mediation.

**Rule 1. Name.**

These rules shall be officially known as the “Local Rules for Implementing Mediated Settlement Conferences in Superior Court Actions in Judicial District 16B.” When clear from the context the rules may be referred to as the “Local Rules of Mediation” or the “Local Rules.”

**Rule 2. Construction.**

These rules shall be construed so as to render them not inconsistent with the Supreme Court Rules and G.S. 7A-38.1. See Rule 10, Supreme Court Rules.

**Rule 3. Mediation Required.**

Except as otherwise exempted by the Supreme Court Rules or applicable law, all cases filed or pending in this district shall be ordered to mediated settlement conference. See Rule 1B.(1), Supreme Court Rules.

**Rule 4. Exemptions from Mediation.**

Within ten (10) days after the time for the filing of answers has expired any party claiming that the action is not subject to mediation shall present a letter stating the reasons for the claim to the Judicial Assistant with copies to all parties. Any party claiming otherwise shall immediately

notify the Judicial Assistant in writing of the reasons for their objection with copies to all parties. See Rule 1B.(1), Supreme Court Rules.

**Rule 5. Orders for Mediated Settlement Conferences.**

Within ten (10) days after the time for the filing of answers has expired each plaintiff, unless claiming an exemption under Local Rule 4, shall present to the Judicial Assistant a proposed order, upon a form prepared and distributed by the Administrative Office of the Courts, requiring a mediated settlement conference in the action and containing the information required by Rule 1B.(3) of the Supreme Court Rules. See Rules 1B.(1) & (2), Supreme Court Rules.

**Rule 6. Appointment of Mediator by the Court.**

Except as otherwise limited by the Supreme Court Rules or applicable law, the Senior Resident Judge, in his or her discretion, shall appoint the mediator deemed most appropriate from the pool of mediators eligible or qualified for such an appointment. See Rule 2C., Supreme Court Rules.

**Rule 7. Judicial Assistant to Senior Resident Judge.**

The Judicial Assistant is hereby appointed as the designee of the Senior Resident Judge. The Judicial Assistant shall have full authority to act on behalf of the Senior Resident Judge. See Rule 11A., State Supreme Court Rules.

**Rule 8. Communications with the Court.**

All communications with the court concerning the mediation process in Judicial District 16B shall be routed through the Judicial Assistant. All such communications should be addressed to:

Gwen Chavis  
 Judicial Assistant  
 Box 18  
 Robeson County Courthouse  
 Lumberton, North Carolina 28358  
 Telephone: (910)671-3320  
 Fax: (910)671-3113

**Rule 9. Sanctions.**

a) For violations of the Supreme Court Rules, the Local Rules or G.S. 7A-38.1, upon motion of any party or upon the motion of the Senior Resident Judge, after notice and a hearing ,

the Senior Resident Judge may impose upon the guilty party, person or attorney any lawful sanction, including any sanction authorized by Rule 37(b) of the North Carolina Rules of Civil Procedure.

b) The mediator shall report to the Judicial Assistant any such violations, including the failure of a party, attorney or other person to attend a mediated settlement conference without good cause. See Rule 5, Supreme Court Rules.

**Rule 10. Prior Local Rules .**

Local Rules of Mediation were originally adopted on 12 June 1997. The first revision was adopted on 11 August 1997. The second revision was adopted on 8 October 1997. See File No. 97 R 182, Office of the Clerk of Superior Court.

**Rule 11. Effective Date.**

These rules shall apply to all pending actions and shall be effective immediately.

ENTERED on this the \_\_\_\_ day of March 1999.

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THE HONORABLE DEXTER BROOKS  
Senior Resident Superior Court Judge