

# **THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION**



## **ANNUAL REPORT FISCAL YEAR 2018-2019**

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September 12, 2019

Ladies and Gentlemen:

I am pleased to present the N.C. Dispute Resolution Commission's Annual Report for Fiscal Year (FY) 2018 – 2019.

Commission members and staff are keenly aware of the important role with which we have been entrusted, and are committed to the faithful execution of the Commission's statutory charge to certify and regulate the conduct of mediators and mediator trainers who are serving North Carolina's court-ordered Mediated Settlement Conference, Family Financial Settlement Conference, Clerk Mediation and District Criminal Court Mediation Programs. This Report details the exemplary work of the Commission and its staff in the discharge of those statutory obligations during the last fiscal year.

The Commission undertakes its work in order to educate and raise awareness about North Carolina's court-ordered mediation programs, to ensure that our mediators are highly ethical people of good moral character, and to maintain the public trust and confidence in and integrity of our certified mediators and our state's court-ordered mediation programs.

The Report also discusses the Commission's goals for FY 2019-2020. Please feel free to contact me if there are questions or concerns you would like the Commission to address, or comments you would like to make. With best wishes,

Sincerely,

A handwritten signature in black ink, appearing to read "W. Webb". The signature is fluid and cursive.

William Webb, Chair  
NC Dispute Resolution Commission



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## **I. INTRODUCTION**

The North Carolina Dispute Resolution Commission (Commission) was established in 1995 by G.S. § 7A-38.2. The Commission is charged primarily with administering mediator and mediator training program certification and with regulating the conduct of mediators and mediator training program personnel. The Commission also helps to support mediated settlement conference programs operating in North Carolina's courts, including: the superior courts' Mediated Settlement Conference (MSC) Program, the district courts' Settlement Procedures in Equitable Distribution and Other Family Financial Cases (FFS) Program, the district courts' District Criminal Court Mediation (DCC) Program, the Clerk Mediation (CMP) Program, and the Pre-litigation Farm Nuisance Mediation (Farm) Program. In addition to certifying and regulating mediators and providing program support, the Commission also recommends policy, rules, and rule revisions relating to dispute resolution to the General Assembly and Supreme Court; seeks to promote mediator education and skills development; interfaces with and serves as a resource for other state agencies offering mediation services or seeking to provide such services; and serves as a clearinghouse for dispute resolution information.

Over the past two decades, mediation has become institutionalized in our courts. The programs the Commission helps to implement enjoy the support of judges, court staff, attorneys, and the public. The work of mediators results in many cases settling earlier than they would have otherwise and enables judges to better manage their caseloads. Moreover, the programs are cost-effective in that they do not rely on taxpayer dollars. Rather, the MSC, FFS, Clerk and Pre-litigation Programs operate on a "party-pay" model, in which the parties referred to mediation share the costs of mediation equally, or as otherwise agreed to by the parties during the mediation. Mediators waive fees for indigent parties. In turn, mediators fund the work of the Commission and its staff in the form of certification and certification renewal fees.

This Annual Report describes the activities and accomplishments of the Commission for the fiscal year period from July 1, 2018, through June 30, 2019.

## **II. MEMBERSHIP**

### **A. Commission Members**

The Commission is currently a seventeen-member body. In accordance with G.S. § 7A-38.2, its membership consists of: five judges, including two superior and two district court judges (the additional judge has often been a member of the North Carolina Court of Appeals); a clerk of superior court; five mediators, including two who are certified to conduct mediated settlement conferences in superior court, two who are certified to conduct family financial settlement conferences in district court, and one who is certified to conduct criminal district court mediations; a district attorney; two practicing attorneys not certified as mediators, one of whom shall be a family law specialist; and three citizens knowledgeable about mediation. Members who were serving as of June 30, 2019, and their appointing authorities are listed below.

**LeAnn Nease Brown** (Chapel Hill), certified MSC mediator, appointed by the Chief Justice on November 8, 2016, for a term expiring September 30, 2019.

**Thomas M. Clare** (Raleigh), knowledgeable citizen member, appointed by the President Pro Tem of the Senate on October 1, 2014, for a term expiring September 30, 2017. Reappointed to the Commission by the President Pro Tem of the Senate for a term expiring September 30, 2020.

**The Honorable Yvonne Mims Evans** (Charlotte), superior court judge, appointed by the Chief Justice for a term expiring September 30, 2016. Reappointed by the Chief Justice for a term expiring September 30, 2019.

**The Honorable William C. Farris** (Wilson), district court judge, appointed by the Chief Justice on September 21, 2017, for a term expiring on September 30, 2018. Reappointed by the Chief Justice for a term expiring September 30, 2021.

**The Honorable Richard S. Gottlieb** (Winston-Salem), superior court judge, appointed by the Chief Justice on September 26, 2018, for a term expiring on September 30, 2021.

**Debra A. Griffiths** (Raleigh), certified family financial mediator, appointed by the Chief Justice on September 26, 2018, for a term expiring on September 30, 2021.

**The Honorable Susan A. Hicks** (Carthage), Clerk of Moore County, appointed by the Chief Justice on February 24, 2012, for a term expiring September 30, 2014, reappointed by the Chief Justice for a term expiring September 30, 2017. Reappointed by the Chief Justice for a term expiring on September 30, 2020.

**The Honorable J. Calvin Hill** (Asheville), district court judge appointed by the Chief Justice on September 26, 2018, for a term expiring September 30, 2021.

**Laura Isley** (Raleigh), knowledgeable citizen member, appointed by the Speaker of the House on June 29, 2018, for a term expiring on September 30, 2021.

**Kevin Marcilliat** (Raleigh), knowledgeable citizen member, appointed by the Governor on November 29, 2016, for a term expiring September 30, 2019.

**Patrick Nadolski** (Graham), district attorney member, appointed by the Chief Justice on January 8, 2018, for a term expiring on September 30, 2020.

**Robert Ponton** (Raleigh), practicing attorney not certified as a mediator, family law specialist, appointed by the NC State Bar President on July 25, 2013, for a term expiring September 30, 2016. Reappointed by the NC State Bar President on July 29, 2016, for a term expiring September 30, 2019.

**Diann Seigle** (Raleigh), district criminal court mediator, appointed by the Chief Justice on May 16, 2013, for a term expiring on September 30, 2014, reappointed on October 1, 2014, by the Chief Justice for a term expiring September 30, 2017. Reappointed by the Chief Justice on September 21, 2017, for a term expiring on September 30, 2020.

**The Honorable John M. Tyson** (Raleigh), NC court of appeals judge, appointed by the Chief Justice on September 21, 2017, for a term expiring on September 30, 2020.

**The Honorable William A. Webb** (Raleigh), superior court mediator, appointed by the Chief Justice on November 24, 2014, for a term expiring September 30, 2017. Appointed the Commission's Chair by the Chief Justice on November 8, 2016, for a term expiring on September 30, 2018. Reappointed by the Chief Justice on September 21, 2017, for a term expiring on September 30, 2020. Reappointed chair by the Chief Justice on September 27, 2018, for a term expiring September 30, 2020.

**Charlot F. Wood** (Winston-Salem), practicing attorney not certified as a mediator, appointed by the NC State Bar President on January 27, 2017, for a term expiring September 30, 2017. Reappointed by the NC State Bar President on September 8, 2017, for a term expiring September 30, 2020.

## **B. Ex-Officio Members**

A number of *ex-officio* members also attend Commission meetings. Although *ex-officio* members do not vote on matters before the full Commission and its committees, they actively participate in committee and Commission meetings. Serving as *ex-officio* members as of June 30, 2019, were:

**Kinsley Craig** (Shelby), Trial Court Coordinator, District 27B, representing the Judicial Support Staff Conference.

**Tina Estle** (Fayetteville), Director, Cumberland County Dispute Resolution Center, representing the Mediation Network of North Carolina.

**Amanda Leazer** (Statesville), Trial Court Administrator, District 18, representing the Judicial Support Staff Conference.

**The Honorable Nancy Norelli** (Durham), Chair, NC Bar Association's Dispute Resolution Section.

**Frank Laney** (Cary), Mediator, Fourth Circuit Court of Appeals.

**Stephanie Nesbitt** (Raleigh), Court Management Specialist, NCAOC Court Programs and Management Services Division.

**John Schafer** (Cary), Deputy Commissioner, NC Industrial Commission.

**STATE ETHICS COMMISSION REVIEW.** The Dispute Resolution Commission is a covered agency under the North Carolina State Government Ethics Act. During FY 2018-2019, Commission members and its staff liaison complied with all State Ethics Commission (SEC) requirements pertaining to training and the filing of Statements of Economic Interest (SEI) with the SEC. Following review of each SEI filed, the SEC found no conflicts of interest on the part of any member of the Commission that would prohibit his/her service.

### **III. COMMISSION'S OFFICE**

During FY 2018-2019, the Commission's office operated with three staff: Executive Director **Tara L. Kozlowski**, Administrative Assistant, **Maureen McCarthy Robinson**, and Secretary **Mary E. Brooks**. In February of 2019, the secretary position was created, and the Commission's office has since operated with three staff members. Office staff supports the work of the Commission and its committees; processes applications and application renewals for mediator certification and certification of mediator training programs; reviews complaints; and supports court staff, judges, mediators, and attorneys in implementing North Carolina's mandatory mediated settlement conference programs. Staff maintains the Commission's website, which can be accessed at [www.ncdrc.gov](http://www.ncdrc.gov) and publishes Articles and News about the Commission on a quarterly basis. The Commission's office is in the North Carolina Judicial Center located at 901 Corporate Center Drive in Raleigh, NC.

### **IV. INTERFACE WITH OTHER AGENCIES AND PROGRAMS**

In addition to North Carolina's state courts, dispute resolution programs and services are also operating in many other venues within the state. Though the Commission was established under the Judicial Department and is largely a creature of the courts, it has not hesitated to respond to requests for assistance from agencies and offices housed and working outside the courts. The NC

Industrial Commission (mediation of workers' compensation claims); the NC Office of Administrative Hearings; the Federal Eastern, Middle, and Western Districts of North Carolina; the NC Office of State Personnel; the NC Department of Insurance (disaster mediation); the United States Department of Agriculture's Mediation Program (targeting farmers and lending institutions); and a number of smaller state and federal agencies all operate established mediation programs with assistance, in part, from mediators and trainers certified by the Commission.

## **V. BUDGET**

Commission revenues are deposited in N.C. Administrative Office of the Court's (NCAOC) Fund 1715. Fees collected from mediators and mediation training programs for certifications and certification renewals constitute the Commission's sole source of revenue. FY 2018-2019 collections for certifications and renewals totaled \$204,299.00. This fiscal year, as in all past fiscal years, the Commission fulfilled its charge to fund its operations **without authorization or expenditure of any tax dollars.**

## **VI. CERTIFICATIONS ISSUED**

The total number of outstanding certifications by program as of June 30, 2019, were as follows: 1146 active Mediated Settlement Conference Program certifications, 348 active Family Financial Settlement Conference Program certifications, 140 active Clerk Mediation Program certifications (to conduct guardianship and estate mediations), and 53 active District Criminal Court certifications.\* In addition, there were 83 inactive MSC, 20 inactive FFS, and 9 inactive CMP certifications.\*\*

- \* These numbers reflect total certifications outstanding and not the total number of mediators. The number of mediators is less than the total number of certifications in that a number of mediators hold dual certifications, *i.e.*, both MSC and FFS certification or multiple certifications.
- \*\* Inactive mediators may not conduct mediated settlement conferences and their names do not appear in the Commission's mediator database accessible at [www.ncdrc.gov](http://www.ncdrc.gov). However, they continue to receive information and updates from the Commission and may reactivate their certifications on request.

## **VII. PROGRAM STATISTICS**

The NCAOC FY 2018-2019 Statistical and Operations Reports provide data as to the implementation and efficacy of the MSC and FFS Programs. In the MSC Program, it was reported that 3646 cases were mediated, and of those, 2195 cases, or 60.2% were resolved at a mediated settlement conference. If one includes cases that were reported as settled prior to mediation or during a recess in that computation, the percentage of resolved cases rises to 66.6%. The

Commission considers this latter percentage, i.e., 66.6%, to be more representative of the true impact of the MSC Program, believing that the order to mediate serves as a catalyst for these early settlements. In addition, research conducted in 2012 suggests that settlement rates are likely higher in that many cases which impasse at the table go on to settle in the days and weeks ahead as attorneys and parties continue to discuss offers made at mediation.

In the FFS program, 1158 cases were mediated, and 831 cases, or 71.8% were resolved in whole or in part at the mediated settlement conference. If one also considers, as above, cases resolved after referral but prior to a conference or during recess, 73.7% of FFS cases were resolved. These settlement rates are very close to the percentages of mediated cases that settled in FY 2017-2018. The Reports track data by individual judicial district as well as provide statewide totals, and are attached as Appendices to this Annual Report.

Caseload statistics for the Clerk Mediation Program have been disappointing to date. In an effort to invigorate this Program, the Commission launched a pilot program in four counties, in March of 2018. The pilot program is slated to run for two years to assist in determining the viability of this program in the future. For the 2018-2019, the Clerk Mediation Program, state wide reports show 21 cases were mediated, and of those 16 cases, or 76.2% of these cases were resolved in whole or in part at the mediated settlement conference. In contrast, for the 2017-2018 year, the Clerk Mediation Program, state wide reports show 25 cases were mediated, and of those 11 cases, or 44% of these cases were resolved in whole or in part at the mediated settlement conference.

Statistics are not currently maintained for the District Criminal Court Program. However, feedback received from participating districts and community mediation centers indicate a high settlement rate among the minor misdemeanor matters.

## **VIII. COMMISSION STRUCTURE**

In this fiscal year, the Commission operated with seven standing committees. The committees undertake the work of the Commission and make recommendations to the full body. Committees meet as needed, generally at least once per quarter, usually by conference call or by Webinar which offers the ability to review and edit documents during the call.

### **A. Standing Committees**

**Executive/Operations Committee:** Judge Webb, Chair. This Committee is charged with considering matters relating to legislation, budget, and personnel.

**Standards and Advisory Opinions Committee:** Ms. Seigle, Chair. This Committee is responsible for reviewing matters relating to the Standards of Professional Conduct for Mediators, including suggesting amendments to the Standards; assisting staff in responding to inquiries regarding ethics; and drafting Advisory Opinions for consideration by the Commission.

**Grievance and Disciplinary Committee:** Judge Evans, Chair. This Committee reviews character, conduct, and fitness matters, including matters self-reported by mediators at any time during the year and matters disclosed by applicants or otherwise discovered by Commission staff in the context of mediator certification and certification renewal applications. This Committee also investigates and reviews complaints filed by court staff, litigants, attorneys, and others related to mediator moral character, conduct, or fitness to practice.

**Mediator Certification and Training Committee:** Judge Tyson, Chair. This Committee considers issues that arise in connection with mediator training programs and mediator certification or certification renewal applications which relate to an applicant's education, training, and/or professional experience. This Committee also makes recommendations on rule changes regarding certification requirements for mediator and mediator training programs. This Committee is also responsible for overseeing the Commission's continuing mediator education reporting requirement and with making recommendations on certification fees.

**Civil Subcommittee:** Judge Farris, Chair. This Committee is charged with helping to ensure that all of North Carolina's mediation programs operate effectively and efficiently through the civil courts. The committee considers recommendations and amendments to program enabling statutes and rules to achieve that end.

**Criminal Subcommittee:** Judge Farris, Co-Chair, and Tina Estle, Co-Chair. This Committee is charged with helping to ensure that all of North Carolina's mediation programs operate effectively and efficiently through the criminal courts. The committee considers recommendations and amendments to program enabling statutes and rules to achieve that end.

**New Media Committee:** Mr. Clare, Chair. This Committee is charged with overseeing Commission outreach to judges and court staff, lawyers, mediators, and the general public. Specifically, this Committee is tasked with maintaining the Commission's website at [www.ncdrc.gov](http://www.ncdrc.gov); maintaining the Commission's page on Juno, the NCAOC's internal website; and with implementing and maintaining the Commission's new social media platforms on Twitter and LinkedIn.

## **B. Ad Hoc Committees**

The Commission also establishes ad hoc committees to address specific matters or issues that arise and are more temporary in nature. This fiscal year the Commission operated with six Ad Hoc Committees:

**Ad Hoc Clerk Mediation Pilot Program Committee:** Ms. Nesbitt, Chair. Although established by G.S. § 7A-38.3B in 2006, the Clerk Mediation Program has not taken root as an alternative to litigation in matters before the clerks of North Carolina. Unlike the MSC and FFS Programs, the Clerk Program was established without the benefit of an extensive pilot. As NC's population continues to age, the number of guardianship, incompetency, estate, and other matters heard by clerks is likely to significantly increase. In light of these shifting demographics, Commission Chair

Webb established an ad hoc committee of the Commission to consult with clerks and develop a pilot program to determine whether or not mediation of matters before the clerks can be an effective tool for the resolution of cases. Wake, Buncombe, Mecklenburg and Ashe counties are pilot sites, and the clerks of all four counties serve on the committee. During the pilot and in the four pilot counties, mediators have been asked to forego payment of the administrative fee, travel costs, and the first two hours of mediation services, and to complete a survey at the end of the mediation. If the parties and the mediator wish to continue the mediation beyond two hours, an hourly fee (subject to a cap) can be negotiated. The expectation is that, if successful, the pilot will lead to more cases being referred by clerks statewide, which will ease the burden on clerks who may well see case filings dramatically increase for years to come.

**Ad Hoc eCourts/Statistics Committee:** Ms. Craig, Chair. This Committee is charged with providing guidance to the Administrative Office of the Courts, as they proceed to implement a state-wide Integrated Court Management System over the coming years. The Committee is responsible for creating accurate work-flows for all Commission programs to provide the ICMS vendor a basic understanding of the Commission programs. The Committee also makes recommendations to the NCAOC's system analyst of what data the Commission would like to receive on mediation once the ICMS is in place.

**Ad Hoc Long Range Planning Committee:** LeAnn Nease Brown, Chair. This Committee makes recommendations to the full commission on matters regarding future planning, and growth for the Commission.

**Ad Hoc FFS Certification Committee:** Robert Ponton, Co-Chair, and Judge Nancy Norelli, Co-Chair. The Committee considers the feasibility of modifying the Family Financial Rules to require all mediators who mediate in the FFS program by certified by the Commission. Also, the committee examines the impact the potential rule change would have on court staff, certified and non-certified mediators, and the public. The committee focuses on educating, and to seek input and guidance from, all of those who would be affected by the proposed rule change.

**Ad Hoc Award Committee:** LeAnn Nease Brown, Chair. This committee examined the question of whether the Commission should present an award. The committee determined it would not be a best practice for the Commission, as a regulatory body, to present an award to a certified mediator. Thus, the Committee disbanded.

**Ad Hoc Legal Advice Committee:** Judge Knight, Chair. This committee is charged with investigating the need, if any, for the Commission to define, or help to guide mediators, legal advice versus providing legal information to parties. The committee makes recommendation to the full commission on all findings.

## **IX. COMMISSION BUSINESS in FY 2018-2019**

The full Commission met face-to-face four times this fiscal year: September 21, 2018, November 16 and 17, 2018, March 1, 2019, and May 17, 2019. Notice of meeting dates and locations are posted on the Commission's website in advance of meetings. Minutes from the meetings are also archived on the Commission's website, [www.ncdrc.gov](http://www.ncdrc.gov).

During this fiscal year, the Commission and its Committees undertook a number of projects designed to improve operations of the Mediated Settlement Conference (MSC), Family Financial Settlement (FFS), Clerk (Clerk), Farm Nuisance (Farm), and District Criminal Court (DCC) Mediation Programs and to facilitate the work of our State's courts and mediators. Goals met during this fiscal year and other projects undertaken by the Commission are highlighted below.

### **A. Commission Sponsored Amendments to Statutes.**

During this fiscal year, NCAOC's Governmental Affairs Office assisted the Commission in advancing its legislative priorities. An NCAOC Omnibus bill introduced during the long legislative session in 2019 included Commission-recommended amendments to **G.S. §7A-38.2**, the statute that created the Commission, and amendments to program enabling legislation. House Bill 226 passed the house and has moved to the senate committees of the legislature. The proposed amendment includes:

1. **G.S. §7A-38.2**, if adopted, will allow the Commission to seek reimbursement for actual expenses of an appeal hearing if the party who requested the hearing fails to appear without good cause. The reimbursement fees, if sought by the Commission, are capped at \$2,500.00.

### **B. Renewal Application and Self-Reporting Continuing Mediator Education (CME).**

The Commission adopted a mandatory Continuing Mediator Education Policy during fiscal year 2015-2016, which became effective during the FY 2017-2018 renewal period. The policy requires each active, certified mediator to annually complete two hours of approved CME which relates either to program enabling legislation, the N.C. Supreme Court's program rules, Standards of Professional Conduct for Mediators, grievance procedures of the Commission, and/or updates in case law involving mediation. The Commission, working closely with the NCAOC's technology team, has updated the Mediator's Renewal Application to allow each mediator to self-report their CME course during the renewal process. The NCAOC technology team created a new application that provides each mediator a list of CME courses available for credit. The mediator may now report their completed course online and renew their certification(s) without delay.

### **C. Clerk Mediation Program Pilot Program.**

The Pilot Clerk Mediation Program went into effect in March of 2018, for a two-year pilot program in four (4) counties; Ashe, Buncombe, Mecklenburg, and Wake.

### **D. Advisory Opinions Adopted.**

The Commission adopts Advisory Opinions in response to mediator requests for assistance in resolving ethical dilemmas and rule interpretation questions or upon request of a Commission member. Advisory Opinions may also be issued in situations where discipline has been imposed and the Commission wishes to alert other mediators to the circumstances involved. Four (4) Advisory Opinions were issued this fiscal year.

1. **Advisory Opinion 36.** Under Standard VII. H, a mediator may sponsor a CME or CLE program or speaker and have her contribution acknowledged on a sign or on registration and/or program materials. A mediator may also sponsor a dinner or open bar at a CME or CLE event and have their contribution acknowledged on a sign or on registration and/or program materials, so long as the sponsorship directly relates to an educational benefit that is available to the public. However, a dinner or open bar event with a limited or restricted guest list, or by personal invitation only, is akin to a gift and would violate the bright line gift rule.

2. **Advisory Opinion 37.** Pursuant to MSC Rule 2.A, the plaintiff's attorney, or any party may file the designation of mediator form with the court. A mediator, or someone acting on their behalf, may not complete, sign, or file Designation forms with the court. This rule protects the court and mediators from potential allegations made by a party that the party was not consulted prior to the designation of the mediator. Although this AO specifically addresses a question raised by superior court staff and the actions of a superior court mediator, it also applies to the Family Financial Settlement program and the Clerk Mediation Program.

3. **Advisory Opinion 38.** Pursuant to N.C.G.S. § 7A-38.4A, Settlement procedures in district court actions, evidence of statements made and conduct occurring in a mediated settlement conference shall not be admissible in the action or other civil actions on the same claim, subject to a few narrow exceptions. A claim for attorney fees does not fit within a named exception. Therefore, the mediator cannot be compelled to testify or produce evidence or be required to disclose their notes from the mediation on a claim of attorney's fees.

4. **Advisory Opinion 39.** The Dispute Resolution Commission's Program Rules and Standards of Conduct place an obligation on mediators to actively and effectively manage their cases. As part of this duty, the mediator is required to report on the outcome of each case assigned to him/her by timely filing a Report of Mediator. In addition, the mediator shall conduct their conferences prior to the deadline for completion set out in the court's order and shall not knowingly contract for mediation services that cannot be timely delivered.

#### **E. Program Rules, Policies, and Guidelines of the Commission Extensively Reviewed.**

The Commission completed an extensive review of rules for the Mediated Settlement Conference Program, Family Financial Settlement Conference Program, and the District Criminal Court Mediation Program and undertook a number of revisions. The rules revisions adopted by the Commission this fiscal year were submitted to the Supreme Court of North Carolina for approval in FY 2018/19. This extensive review initially commenced in FY 2015/16.

The Commission regularly reviews its policies, procedures, and guidelines for consistency with each other and with statutory and rule amendments, and revises them as needed. Extensive substantive, procedural, and formatting changes were made this year to all of the Commission's current policies and guidelines. All revisions were posted for comment to the Commission's website.

#### **F. Regulatory Role Fulfilled.**

During this fiscal year the Commission addressed a number of regulatory concerns, including denying certification to individuals whose certification applications raised ethical concerns and investigating complaints. The Commission continues to take very seriously its charge to regulate mediator and mediator trainer conduct thereby protecting the public, encouraging ethical conduct on the part of its certified mediators, and ensuring that program rules are being followed, while balancing the due process rights of its certified mediators against whom complaints may be filed.

#### **G. Communications and Outreach Improved.**

This fiscal year the Commission, working through its New Media Committee, continued to make significant strides in improving communications and outreach. The committee and Commission staff work regularly with an NCAOC consultant to overhaul and enhance the Commission's website at [www.ncdrc.gov](http://www.ncdrc.gov). The Commission utilizes new media platforms including Twitter and LinkedIn on a regular basis. In addition, staff published the Commission's *Articles and News* quarterly.

#### **H. Celebrated Conflict Resolution Week, October 14-20, 2018.**

The Commission and the Dispute Resolution Section of the NCBA received a proclamation from Chief Justice Martin, declaring October 14-20, 2018, as Conflict Resolution Week in North Carolina. The Section and the Commission co-sponsored a reception on Thursday, October 18, 2018, featuring Chief Justice Martin who personally thanked all the individuals who work and practice ADR within the state of NC. The Commission staff presented the *Up and Coming Mediator of the Year* award to Ketan Soni, for his achievements in mediation, education, and community as a newly certified mediator. The Commission is proud to engage in educational outreach about alternatives to litigation for resolving conflicts, including mediation, arbitration, collaborative law, etc.

## **X. PLANS & GOALS FOR FISCAL YEAR 2019-2020**

In FY 2019-2020, the Commission will focus on the following projects, among others:

**A. Engage in Long Range Planning.** In an effort to maintain the Commission's place in promoting ADR across the State, the Commission intends to continue its focus on long range planning in FY 2019/20.

**B. Celebrate Conflict Resolution Day, October 17, 2019.** The Commission is honored to co-sponsor a celebration of Conflict Resolution Week on October 15<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> of 2019. The Commission has teamed up with the NCAOC's Custody Mediation Program, the Dispute Resolution Section of the NCBA, the Mecklenburg Bar and other ADR groups to provide three days of training and education. The training courses will include four hours of CLE/CME, an hour of CLE covering the topic of technology, an Active Shooter Training presented by a US Marshall and other courses. The Chief Justice of the Supreme Court of North Carolina Cheryl Beasley will join the celebration on October 17, 2019, for a meet and greet over lunch at the North Carolina Judicial Center beginning at 11:00 am.

**C. Continue Website Overhaul.** The Commission and its staff will continue to work with NCAOC website designers and consultants to fully overhaul, update the appearance, streamline content, and enhance the functionality of the Commission's website, [www.ncdrc.gov](http://www.ncdrc.gov).

**D. Expand outreach through social media and other channels.** The Commission will embrace and expand its outreach to Commission stakeholders and the public through the Commission's Twitter and LinkedIn accounts. The Commission hopes to record and disseminate videos and public service announcements about NC's mediation programs, the Commission, and mediation as an effective conflict resolution process.

**E. Continue efforts to introduce legislation of importance to the Commission.** The Civil and Criminal District Court Subcommittees of the Program Committee will continue to work with NCAOC to address concerns and introduce rule modifications and new legislation as necessary to move the Commission forward.

**F. Encourage certification of all mediators working in the District Criminal Court Program.** The Commission will continue to work with the Mediation Network of North Carolina (MNNC), local community mediation centers, local district attorneys, and chief district court judges to encourage local community mediation centers to adopt the NC Supreme Court Rules for the District Criminal Court Mediation Program and seek mediator certification of mediators affiliated with the centers from the Commission to conduct mediations in cases in the District Criminal Court Program. Currently ten (10) community mediation centers require their mediators to be certified by the Commission. By encouraging certification, certified mediators serving the district criminal courts will be bound by the enabling legislation, DCC program rules

and the N.C. Supreme Court's Standards of Professional Conduct for Mediators, thereby insuring uniformity among programs, and accountability of center mediators.

**G. Ensure informative, accessible, and affordable CME opportunities.** The Commission and its staff will continue to work in partnership with the NCBA, the NCAOC, the NC State Bar, and other organizations and individuals to ensure that a wide variety of CME approved programs are available which are accessible and affordable to certified mediators who must comply with the Commission's new Mandatory CME Policy.

**H. Continue to advance the Clerk Mediation Pilot Program.** The Commission will continue to work with the Clerk Mediation Program during the two-year pilot program to provide every opportunity for this program's success. Statistics will be collected during the pilot in order to assess the success of the pilot program and the future viability and value of mediation in matters before the clerks.

**I. Submit approved amendments to the Commission Rules, program rules and the Standards of Professional Conduct for Mediators to the NC Supreme Court for review and adoption.** The Commission hopes to adopt, post for comment, review comments, and finalize all such amendments for submission to the NC Supreme Court during the 2019-2020 fiscal year.

**J. The Commission will continue to interface and work with:** 1) other agencies and organizations with mediation programs, 2) the NC State Bar, 3) the Dispute Resolution Section of the NCBA, and others as necessary to promote dispute resolution in North Carolina and the programs that the Commission helps to support.

**K. Continue regulatory oversight.** The Commission shall continue to insure that only qualified individuals of good moral character become certified as mediators, and to investigate and promptly address complaints regarding mediator conduct, character, and fitness to practice.

**L. Continue Commission operations.** The Commission and its staff shall continue to operate the Commission's office efficiently and cost-effectively while serving the needs of mediators, court personnel, attorneys, and the public, as those needs relate to North Carolina's mandatory court mediation programs.

**M. Communicate regularly with mediators.** The Commission and its staff shall continue to inform the Commission's certified mediators about amendments to enabling legislation, program rules, Standards, newly adopted advisory opinions, case law involving mediation, and other matters relevant to their service as mediators to our courts, through its newsletter, email announcements, website postings, potential social media channels, and the like.

## **XI. CONCLUSION**

As it has done every year since its creation in 1995, Commission members and staff worked diligently this fiscal year to ensure that the Mediated Settlement Conference, Family Financial Settlement, Clerk, Farm, and District Criminal Court Mediation Programs operated effectively and efficiently. The Commission strives to meet its charge of ensuring effective and ethical mediator performance through its consistent application of the rules regarding certification and by insisting on high ethical standards through its regulatory authority. In the coming fiscal year, the Commission pledges to continue its work to make the mediation process responsive to the changing needs of our State's court system and its citizens through innovation and thoughtful re-evaluation of the mediation process and the role and work of mediators.

| MEDIATION SETTLEMENT CONFERENCE ACTIVITY: FINAL EOY 01JUL2018 -- 30JUN2019 (COMPILED 26JUL2019) |               |         |  |   |   |                          |                                  |  |   |   |                                     |             |
|---|---------------|---------|--|---|---|--------------------------|----------------------------------|--|---|---|-------------------------------------|-------------|
| (NO EVENTS DATES PRIOR TO 01JUL2018 ARE CONSIDERED)   |               |         |  |   |   |                          |                                  |  |   |   |                                     |             |
| DISTRICT  | BEGIN PENDING | ENTRIES | ORDERED OR SENT TO MEDIATED SETTLEMENT CONFERENCE (OMSC) | VOLUNTARILY SUBMITTED TO MEDIATION SETTLEMENT CONFERENCE (VMSC) | ORDERED OR SUBMITTED TO OTHER SETTLEMENT PROCEDURE (MEDO) | CASES COMPLETING PROCESS | ORDERED EXEMPTED FROM ADR (MEDE) | REPORTED ALL ISSUES RESOLVED AT ADR (MEDA) | REPORTED IMPASSE (NOT RESOLVED) AT ADR (MEDI) | REPORTED SETTLED PRIOR TO OR DURING ADR RECESS (MEDS) | DISPOSED WITHOUT ADR SESSION (MEDB) | END PENDING |
| 01  | 32            | 0       | 0  | 0   | 0   | 32                       | 0                                | 19   | 13  | 0   | 0                                   | 0           |
| 02  | 17            | 57      | 57   | 0   | 0   | 35                       | 0                                | 13   | 12  | 0   | 10                                  | 39          |
| 03A   | 74            | 104     | 98   | 5   | 1   | 121                      | 0                                | 42   | 37  | 28  | 14                                  | 57          |
| 03B   | 44            | 84      | 84   | 0   | 0   | 61                       | 0                                | 42   | 17  | 0   | 2                                   | 67          |
| 04  | 23            | 48      | 48   | 0   | 0   | 18                       | 0                                | 12   | 5   | 0   | 1                                   | 53          |
| 05  | 142           | 297     | 291  | 6   | 0   | 235                      | 2                                | 62   | 29  | 9   | 133                                 | 204         |
| 06A   | 6             | 27      | 24   | 0   | 3   | 11                       | 0                                | 9  | 1   | 0   | 1                                   | 22          |
| 06B   | 6             | 15      | 15   | 0   | 0   | 5                        | 0                                | 3  | 2   | 0   | 0                                   | 16          |
| 07A   | 24            | 54      | 51   | 3   | 0   | 34                       | 2                                | 3  | 13  | 13  | 3                                   | 44          |
| 07BC  | 124           | 202     | 195  | 0   | 7   | 183                      | 1                                | 70   | 40  | 22  | 50                                  | 143         |
| 08A   | 34            | 53      | 53   | 0   | 0   | 56                       | 1                                | 26   | 11  | 5   | 13                                  | 31          |
| 08B   | 69            | 156     | 155  | 0   | 1   | 123                      | 1                                | 24   | 12  | 6   | 80                                  | 102         |
| 09  | 44            | 107     | 107  | 0   | 0   | 97                       | 0                                | 48   | 18  | 0   | 31                                  | 54          |
| 10  | 383           | 3       | 0  | 3   | 0   | 384                      | 0                                | 198  | 101   | 78  | 7                                   | 2           |
| 11A   | 42            | 91      | 77   | 13  | 1   | 82                       | 1                                | 34   | 21  | 9   | 17                                  | 51          |
| 11B   | 139           | 226     | 225  | 0   | 1   | 168                      | 52                               | 42   | 33  | 0   | 41                                  | 197         |
| 12  | 117           | 342     | 342  | 0   | 0   | 253                      | 38                               | 78   | 58  | 79  | 0                                   | 206         |
| 13A   | 42            | 59      | 59   | 0   | 0   | 72                       | 0                                | 36   | 14  | 2   | 20                                  | 29          |
| 13B   | 75            | 82      | 82   | 0   | 0   | 84                       | 0                                | 20   | 15  | 7   | 42                                  | 73          |
| 14  | 123           | 242     | 241  | 1   | 0   | 216                      | 2                                | 77   | 45  | 41  | 51                                  | 149         |
| 15A   | 40            | 92      | 88   | 3   | 1   | 85                       | 1                                | 34   | 18  | 7   | 25                                  | 47          |
| 15B   | 32            | 136     | 135  | 1   | 0   | 84                       | 0                                | 38   | 10  | 9   | 27                                  | 84          |
| 16A   | 20            | 49      | 40   | 7   | 2   | 48                       | 3                                | 18   | 12  | 10  | 5                                   | 21          |
| 16B   | 30            | 7       | 7  | 0   | 0   | 33                       | 0                                | 20   | 9   | 3   | 1                                   | 4           |
| 17A   | 16            | 41      | 38   | 2   | 1   | 22                       | 0                                | 15   | 7   | 0   | 0                                   | 35          |
| 17B   | 21            | 55      | 55   | 0   | 0   | 41                       | 0                                | 19   | 7   | 0   | 15                                  | 35          |
| 18  | 144           | 439     | 439  | 0   | 0   | 334                      | 1                                | 157  | 69  | 0   | 107                                 | 249         |
| 19A   | 38            | 131     | 126  | 5   | 0   | 78                       | 0                                | 42   | 30  | 1   | 5                                   | 91          |
| 19B   | 40            | 26      | 25   | 1   | 0   | 58                       | 3                                | 25   | 13  | 8   | 9                                   | 8           |
| 19C   | 68            | 134     | 133  | 1   | 0   | 127                      | 1                                | 44   | 36  | 31  | 15                                  | 75          |
| 19D   | 23            | 64      | 62   | 0   | 2   | 41                       | 0                                | 18   | 14  | 1   | 8                                   | 46          |
| 20A   | 8             | 43      | 37   | 6   | 0   | 35                       | 0                                | 15   | 11  | 5   | 4                                   | 16          |
| 20B   | 84            | 164     | 156  | 8   | 0   | 178                      | 6                                | 61   | 53  | 0   | 58                                  | 70          |
| 21  | 82            | 464     | 462  | 0   | 2   | 153                      | 0                                | 63   | 55  | 0   | 35                                  | 393         |
| 22A   | 78            | 191     | 191  | 0   | 0   | 159                      | 1                                | 51   | 46  | 20  | 41                                  | 110         |
| 22B   | 21            | 54      | 47   | 7   | 0   | 43                       | 0                                | 25   | 13  | 5   | 0                                   | 32          |
| 23  | 30            | 53      | 47   | 6   | 0   | 61                       | 0                                | 22   | 12  | 7   | 20                                  | 22          |
| 24  | 74            | 68      | 53   | 15  | 0   | 98                       | 0                                | 40   | 34  | 0   | 24                                  | 44          |
| 25A   | 18            | 54      | 54   | 0   | 0   | 22                       | 0                                | 11   | 10  | 0   | 1                                   | 50          |
| 25B   | 54            | 140     | 138  | 2   | 0   | 96                       | 0                                | 32   | 24  | 16  | 24                                  | 98          |
| 26  | 389           | 1099    | 1028   | 61  | 10  | 973                      | 0                                | 358  | 296   | 262   | 57                                  | 515         |
| 27A   | 52            | 127     | 116  | 11  | 0   | 120                      | 0                                | 44   | 51  | 0   | 25                                  | 59          |
| 27B   | 27            | 102     | 91   | 11  | 0   | 62                       | 0                                | 34   | 20  | 0   | 8                                   | 67          |
| 28  | 88            | 195     | 183  | 12  | 0   | 125                      | 0                                | 69   | 46  | 5   | 5                                   | 158         |
| 29A   | 3             | 43      | 41   | 2   | 0   | 6                        | 0                                | 3  | 2   | 0   | 1                                   | 40          |
| 29B   | 64            | 103     | 101  | 1   | 1   | 104                      | 0                                | 37   | 29  | 7   | 31                                  | 63          |
| 30A   | 32            | 72      | 69   | 2   | 1   | 59                       | 2                                | 17   | 18  | 0   | 22                                  | 45          |
| 30B   | 19            | 82      | 82   | 0   | 0   | 36                       | 0                                | 25   | 9   | 0   | 2                                   | 65          |
| Statewide   | 3155          | 6477    | 6248   | 195   | 34  | 5551                     | 118                              | 2195                                       | 1451  | 696   | 1091                                | 4081        |

| FAMILY FINANCIAL ACTIVITY: FINAL EOY 01JUL2018 -- 30JUN2019 (COMPILED 26JUL2019) |               |         |  |   |   |   |                          |  |                                  |   |   |   |                                     |             |
|--|---------------|---------|--|---|---|---|--------------------------|--|----------------------------------|---|---|---|-------------------------------------|-------------|
| (NO EVENTS DATES PRIOR TO 01JUL2018 ARE CONSIDERED)                              |               |         |  |   |   |   |                          |  |                                  |   |   |   |                                     |             |
| DISTRICT*  | BEGIN PENDING | ENTRIES | ORDERED TO MEDIATION SETTLEMENT CONFERENCE (MSC) | SUBMITTED TO OTHER SETTLEMENT PROCEDURE (OSP) | VOLUNTARILY SUBMITTED TO MEDIATION SETTLEMENT CONFERENCE (VMSC) | ORDERED TO JUDICIAL SETTLEMENT CONFERENCE (JSC) | CASES COMPLETING PROCESS | REPORTED ALL ISSUES RESOLVED AT ADR (ADRS) | ORDERED EXEMPTED FROM ADR (ADRE) | REPORTED SETTLED PRIOR TO OR DURING ADR RECESS (ADRT) | REPORTED PARTIALLY RESOLVED AT ADR (ADRP) | REPORTED IMPASSE (NOT RESOLVED) AT ADR (ADRI) | DISPOSED WITHOUT ADR SESSION (ADRW) | END PENDING |
| 01   | 0             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 0           |
| 02   | 4             | 18      | 18   | 0   | 0   | 0   | 8                        | 1  | 4                                | 1   | 0   | 2   | 0                                   | 14          |
| 03A  | 29            | 16      | 16   | 0   | 0   | 0   | 37                       | 18   | 0                                | 0   | 0   | 12  | 7                                   | 8           |
| 03B  | 48            | 174     | 174  | 0   | 0   | 0   | 118                      | 21   | 1                                | 15  | 3   | 9   | 69                                  | 104         |
| 04   | 61            | 90      | 0  | 0   | 90  | 0   | 57                       | 19   | 9                                | 7   | 4   | 10  | 8                                   | 94          |
| 05   | 162           | 241     | 241  | 0   | 0   | 0   | 220                      | 81   | 1                                | 0   | 0   | 5   | 133                                 | 183         |
| 06   | 6             | 12      | 6  | 0   | 5   | 1   | 10                       | 6  | 0                                | 0   | 0   | 4   | 0                                   | 8           |
| 07   | 0             | 9       | 1  | 0   | 8   | 0   | 9                        | 7  | 0                                | 0   | 1   | 1   | 0                                   | 0           |
| 08   | 10            | 14      | 14   | 0   | 0   | 0   | 17                       | 12   | 0                                | 0   | 0   | 3   | 2                                   | 7           |
| 09   | 0             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 0           |
| 10   | 93            | 217     | 212  | 0   | 1   | 4   | 228                      | 105  | 0                                | 0   | 11  | 41  | 71                                  | 82          |
| 11   | 70            | 214     | 214  | 0   | 0   | 0   | 101                      | 21   | 6                                | 0   | 4   | 7   | 63                                  | 183         |
| 12   | 170           | 346     | 346  | 0   | 0   | 0   | 299                      | 58   | 39                               | 0   | 11  | 23  | 168                                 | 217         |
| 13   | 0             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 0           |
| 14   | 7             | 58      | 45   | 0   | 2   | 11  | 44                       | 10   | 0                                | 0   | 2   | 11  | 21                                  | 21          |
| 15A  | 0             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 0           |
| 15B  | 0             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 0           |
| 16A  | 0             | 19      | 19   | 0   | 0   | 0   | 9                        | 7  | 0                                | 0   | 0   | 0   | 2                                   | 10          |
| 16B  | 8             | 18      | 18   | 0   | 0   | 0   | 8                        | 0  | 0                                | 0   | 6   | 2   | 0                                   | 18          |
| 17A  | 15            | 18      | 16   | 0   | 2   | 0   | 22                       | 8  | 1                                | 0   | 2   | 9   | 2                                   | 11          |
| 17B  | 20            | 67      | 65   | 1   | 1   | 0   | 43                       | 5  | 0                                | 2   | 1   | 4   | 31                                  | 44          |
| 18   | 126           | 173     | 170  | 1   | 2   | 0   | 168                      | 69   | 3                                | 0   | 4   | 10  | 82                                  | 131         |
| 19A  | 6             | 74      | 68   | 0   | 6   | 0   | 27                       | 9  | 0                                | 0   | 2   | 13  | 3                                   | 53          |
| 19B  | 21            | 45      | 36   | 0   | 0   | 9   | 45                       | 16   | 1                                | 15  | 0   | 11  | 2                                   | 21          |
| 19C  | 16            | 31      | 29   | 0   | 2   | 0   | 35                       | 19   | 0                                | 6   | 0   | 10  | 0                                   | 12          |
| 19D  | 45            | 73      | 64   | 0   | 7   | 2   | 84                       | 29   | 2                                | 27  | 2   | 23  | 1                                   | 34          |
| 20A  | 5             | 19      | 19   | 0   | 0   | 0   | 15                       | 6  | 0                                | 1   | 0   | 3   | 5                                   | 9           |
| 20B  | 23            | 20      | 20   | 0   | 0   | 0   | 27                       | 19   | 0                                | 0   | 2   | 2   | 4                                   | 16          |
| 21   | 31            | 130     | 113  | 0   | 17  | 0   | 78                       | 39   | 5                                | 0   | 2   | 12  | 20                                  | 83          |
| 22A  | 32            | 57      | 1  | 0   | 56  | 0   | 88                       | 38   | 0                                | 0   | 12  | 38  | 0                                   | 1           |
| 22B  | 7             | 0       | 0  | 0   | 0   | 0   | 7                        | 1  | 0                                | 0   | 2   | 4   | 0                                   | 0           |
| 23   | 20            | 44      | 41   | 0   | 3   | 0   | 43                       | 9  | 3                                | 5   | 1   | 7   | 18                                  | 21          |
| 24   | 23            | 51      | 51   | 0   | 0   | 0   | 52                       | 17   | 3                                | 0   | 0   | 10  | 22                                  | 22          |
| 25   | 68            | 168     | 165  | 0   | 3   | 0   | 152                      | 25   | 11                               | 3   | 6   | 7   | 100                                 | 84          |
| 26   | 1             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 1           |
| 27A  | 1             | 0       | 0  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 1           |
| 27B  | 40            | 66      | 62   | 0   | 0   | 4   | 59                       | 9  | 3                                | 0   | 0   | 0   | 47                                  | 47          |
| 28   | 51            | 97      | 97   | 0   | 0   | 0   | 97                       | 33   | 0                                | 0   | 4   | 13  | 47                                  | 51          |
| 29A  | 0             | 1       | 1  | 0   | 0   | 0   | 0                        | 0  | 0                                | 0   | 0   | 0   | 0                                   | 1           |
| 29B  | 13            | 65      | 28   | 0   | 4   | 33  | 29                       | 2  | 0                                | 0   | 0   | 14  | 13                                  | 49          |
| 30   | 15            | 51      | 50   | 0   | 1   | 0   | 44                       | 27   | 0                                | 3   | 3   | 7   | 4                                   | 22          |
| Statewide  | 1247          | 2696    | 2420   | 2   | 210   | 64  | 2280                     | 746  | 92                               | 85  | 85  | 327   | 945                                 | 1663        |

\* All district data reflects case activity recorded in CaseWise using the standard codes