



THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

POLICY

Inactive Status Policy

(Adopted by the Commission on February 17, 2006; amended February 27, 2015;
May 12, 2017, June 10, 2020, and August 14, 2026.)

The Dispute Resolution Commission (Commission) recognizes that mediators may sometimes be temporarily unable to mediate actively within the courts; however, they do not wish to relinquish their certification(s). For that reason, the Commission has established an **inactive** certification category. In adopting this *Policy on Inactive Status*, the Commission wishes to encourage mediators to elect inactive status rather than allowing their certifications to simply lapse. During the period that a mediator is inactive, they will remain in the Commission's database, but their contact and biographical information will not be visible to the public. The inactive mediator will continue to receive notifications of policy and rule changes as well as copies of newly adopted advisory opinions, newsletters, and other important information relating to mediation and mediated settlement conference programs. **It is the Commission's expectation that inactive mediators will take their responsibility to review these materials seriously and will seek to remain current in their understanding of the mediation process and our mediated settlement conference programs.**

Mediators may apply for inactive status at any time during the year and may seek inactive status for purposes of one or all the certifications that they hold.

A mediator who holds inactive status for purposes of the Mediated Settlement Conference (MSC) Program shall not mediate any matter referred to mediation within the context of the MSC Program (N.C.G.S. 7A-38.1), Clerk Mediation Program (N.C.G.S. 7A-38.3B), or Pre-litigation Farm Nuisance Mediation Program (N.C.G.S. 7A-38.3), whether upon court appointment or party selection. Note: An inactive MSC mediator who holds active Family Financial Settlement (FFS) mediator certification may be eligible to mediate Clerk referrals.

A mediator who holds inactive status for purposes of the FFS Program shall not mediate any matter referred to mediation within the context of the FFS Program (N.C.G.S. 7A-38.4A) or any Clerk Mediation Program referrals (N.C.G.S. 7A-38.3B). Note: An inactive FFS mediator who holds active MSC certification may be eligible to mediate Clerk referrals.

A mediator seeking inactive status shall:

1. Notify the Commission in writing specifying the certification(s) for which the mediator seeks to be inactive;
2. Agree to not mediate matters which the mediator is no longer eligible to mediate as set forth above;

3. No longer present themselves as active to the public. Any promotional material the mediator continues to use, which references their certification, must specify the mediator is inactive, e.g., “DRC Certified Superior Court Mediator (inactive),” including on websites, resumes, letterhead, business cards, brochures, or related materials (See the Commission’s Advertising [Policy](#) for Mediators);
4. Complete an annual renewal application each year inactive status continues;
5. Pay a reduced inactive certification fee each year inactive status continues; and
6. Comply with other requirements adopted by the Commission regarding inactive status.

If a newly inactive mediator is appointed by a judge or Clerk or is selected by the parties to do a mediation, the mediator shall immediately notify the judge or Clerk and any attorneys or *pro se* parties involved in the case that they have become inactive and are no longer eligible to serve as a mediator in the matter. The inactive mediator may use form AOC-CV-837 to withdraw. An inactive mediator risks disciplinary action if they mediate cases they are prohibited from mediating due to their inactive status.

The Commission encourages but does not require a mediator holding inactive status to comply with the Commission’s CME Policy by completing two (2.0) hours of approved CME on an annual basis, which addresses G.S. §7A-38.1, G.S. §7A-38.4A, Rules of the NC Supreme Court for the MSC and FFS Programs, Rules of the NC Industrial Commission, Standards of Professional Conduct for Mediators, Grievance and disciplinary procedures of the Commission, advisory opinions adopted to date by the DRC, or case law updates involving mediation. **A mediator may return to active status at any time with completion of the following steps:**

- (a) Notify the Commission in writing of their intention to return to active status;
- (b) Complete 2.0 hours of DRC approved CME within one year of the date they request to return to active status;