Dispute Resolution Commission Meeting Minutes
Friday, March 6, 2026
In Person at the Judicial Building, Raleigh, NC

Commissioners present in person: Judge Lori Hamilton, Judge Chris Bragg, Judge William Southern, Judge Toni King, Judge Justin Davis, Judge Reuben Young, Clerk Angela Kidd, Paul Ekster, Frank Laney, Justina Tate, H. David Niblock, Lauren Quinn, Robin Stinson, D.A. Andrew Murray and Zachary Bolen.

Commissioners present online: Judge Stading and Ralph Meekins.

Ex Officio members present in person: Maureen Robinson, Rick Igou

With regrets: DeMaca Adams, Kevin Howell, Ketan Soni and Joy Easley.

The Honorable Judge Hamilton, Chair, called the meeting to Order.

1. Welcome and Announcements – Judge Hamilton.
    a. Judge Hamilton welcomed all to the Judicial Center and introduced the two new commissioners who were appointed since the last meeting.
        i. Judge Justin Davis is a Superior Court Judge in Gaston County, appointed by Chief Justice Newby. Judge Davis enjoyed being in mediations when practicing as an attorney, it is a great process.
        ii. Judge Reuben Young, retired as Civil Bureau Chief from the NC Department of Judge, sat on the Court of Appeals for two years and was a Special Superior Court Judge for several years. Judge Young is very honored to be here and looks forward to working together.
    b. Ms. Kozlowski read into the record each new member's SEI: The State Ethics Commission reviewed the Statement of Economic Interest for Judge Reuben Young for actual and potential conflicts of interest under the State Government Ethics Act. The State Ethics Commission did not find an actual conflict of interest or the likelihood of a conflict of interest. The State Ethics Commission reviewed the Statement of Economic Interest for Judge Justin Davis for actual and potential conflicts of interest under the State Government Ethics Act. The State Ethics Commission did not find an actual conflict of interest or the likelihood of a conflict of interest.
    c. The new DRC Staff Members present and introduced themselves: Jennifer Suchanec, Brenda Spence and Erica Chretien. Mr. Laney welcomed them and mentioned that Certified Training Centers have offered training to new staff members to audit the 40-hour courses.

d. Judge Hamilton made a Motion to work through lunch, Seconded by D.A. Murray. Vote all in favor, none opposed, motion carried, approved.

2. Request to Add Ex-Officio Member Presented by Ms. Kozlowski: Staff received a request for consideration from the President-elect of the Court Staff Managers Conference. Ms. Kozlowski was asked to consider ccreatingan Ex Officio Member seat that may be available to a court staff manager who is in the alternate court of the current Commission Member holding the seat for court management staff. i.e. Court Staff Commission Member, Justina Tate, is a court staff manager in Superior Court, where the ex officio would then be from district court. Under DRC Rule 1(c)(3), the Chair of the Commission may appoint ex-officio members to serve a two-year term. I declined to create the seat as Ms. Tate is representative of all court staff members and can relay information as necessary to superior court and district court management staff alike.
3. Approval of August 22, 2025 Meeting Minutes:
    a. All reviewed, page 5 of Packet. Discussion – misspelling of Judge Gorham's name, staff will make correction.
    b. Judge Hamilton made a motion to approve meeting minutes. Seconded by Ms. Stinson.
    c. Vote - all in favor. None opposed. Motion to approve minutes carried, approved.
4. Office Report – Ms. Kozlowski.
    a. Staffing
        i. Judge Hamilton approved 8% raises for DRC staff, and as of 1/1/26. The raises are merit based for each employee for their outstanding performance. I was provided with a 1.6% raise as well. The raises were possible due to the increase in mediator annual dues and application fees, allowing us to retain qualified staff. Two DRC Trainers who offer remote training have been kind enough to allow Ms. Suchanec, Ms. Chretien, and Ms. Spence to attend a 40-hour training course at no cost. Ms. Suchanec will be attending Ms. Ellen Gelbin's May MSC Training, Ms. Chretien attended Mr. Laney's February FFS Training, and Ms. Spence will be attending Mr. Laney's September MSC Training.
    b. Budget Report
        i. Annual revenues as of Dec 1, 2025 was $280,000. Staff salaries increased to $20,500.00 per month. Leaving us in the green – with our surplus of $457,365 from FY 24-25. As of Jan 31st, our account held $629,084.48 - add in the $12,021.47 that was mistakenly removed, subtract the $1991.31 for past expenses that were charged to other accounts, and subtract the balance of IOLTA funds that were returned of $23,095.04, leaving us with $616,219.60 in the bank. In total we will have an estimated balance of $513,719 at the end of the FY, which will be reduced by expenses for this meeting, and the next meeting.

ii. Any non-recurring expense over $700 needs commission approval. We have a few requests:
    1. Purchase a color printer for Brenda's office – estimated cost is $1800.
    2. Locks for doors - $2400.
    3. Mini Fridge – dorm style.
iii. Motion by Ms. Stinson that any single item under $2,500 be automatically approved, Mr. Niblock Seconded. Vote – all in favor. None opposed. Motion to allow for DRC Staff to purchase single items under $2,500 without commission approval carried, approved.

c. Odyssey Update
    i. Renewal Process: As of 12/9/25 we have 1247 mediators certified. This includes 41 new applications received since 7/1/25. Nov 15th – Ms. Spence and Ms. Chretien started personally calling on the phone, and the "not yet renewed" list went from 182 down to 75. On 12.9.25 I sent email to 67 mediators who failed to renew or let us know they wanted to move to inactive. I also sent an email to 8 mediators who paid and had not sent in an application, giving them 24 hours to apply or I would issue a refund. As of 12.9.25, we had 78 people who opted to lapse, most of them due to retirement. By comparison: 33 mediators lapsed in FY 24-25, 58 in FY 23-24, 111 in FY 22-23, 70 in FY 21-22, and 77 in FY 20-21. The AOC BAPM team decided the renewal process was more complicated than they anticipated. They are moving our renewal process from Guide and File to File and Serve. This will allow mediators to fill out a pdf application and scan it into Enterprise Justice. Staff may have to manually send out certificates by email, but the new process will save us a considerable amount of time. After much discussion, Mr. Cale Barker, AOC BAPM team member, has finally been given the authority to manage the DRC's processes. Mr. Barker will provide weekly updates to EJ to ensure our Mediators' status and contact information is current. We have already had an issue with active mediators not being listed in EJ. Our BAPM tech guru spent 6.5 hours going line by line to ensure all active mediators are listed in EJ. As of 2/25/26, staff discovered that there were 420 mediators listed as active in EJ that were either lapsed or inactive. The configuration team, while removing lapsed mediators from EJ, also removed the arbitrators – unclear as to whether this is all arbitrators, or just those who are also lapsed mediators. Now we are getting reports that mediators are also not listed accurately. DRC has no access to EJ confirm this. We continue to work though the system to ensure it is working properly.

d. Dispute Resolution Conflict Day 2025
    i. We had 325 participants online for Conflict Resolution Day this year. A special thanks to Ellen Gelbin for her fabulous presentation.

e. Training Matters. All DRC Trainers allowed me the opportunity to present the rules or standards in their classes. This gives me facetime with all incoming mediators and is proving to be very effective. I received 356 ethics calls/emails on matters in 2025, 240 calls/emails in 2024, 156 in 2023, and 131 in 2022.
f. Committee Assignments:
    i. The committees have been re-set and will go into effect after this meeting.
g. WCAG Compliance (Web Content Accessibility Guidelines)
    i. Presented by Mrs. Chretien. The U.S. Department of Justice has a new Rule going into effect April 24, 2026, whereas all online content must be in an accessible format that is compliant with programs that accommodate persons with disabilities. From the original content online of over 200 documents that would need editing, we were able to ask the Office of General Counsel for exemptions on a large amount of them. Currently, over fifty documents need manual editing, and the website content may have to be 'made available upon request' while edits are made.

5. Committee Reports: Judge Hamilton.
    a. Executive Committee Nothing to report
    b. Criminal Sub Committee: Judge King
        i. Moment of Silence honoring Tina Estle, ex-officio member of the Commission and Executive Director of the Cumberland County Dispute Resolution Center (CCDRC).
        ii. Previous Matters – update on IOLTA Grant for DCC Pilot Program. The Commission has paused the DCC Pilot Program as IOLTA grant awards have not become available for 2026. Please see an email from Ms. Mary Irvine, Executive Director NC IOLTA in your packet for additional information on the status of IOLTA funds.
        iii. We are pleased to report the 2025 DCC Pilot Mediation Program provided for 1,309 mediations conducted through 8 community mediation centers across 17 counties totaling $78,540 in mediator fees. The program ended with an 89% settlement rate for matters that entered the mediation process. Should IOLTA funds become available in the future, staff will seek a new grant award to continue this pilot program.
        iv. The goal is to eventually obtain state funding for these mediations. However, before we pitch this idea to the General Assembly, we need additional data from the mediations and would prefer to wait until State funds are more readily available.
        v. Disucssion:
            1. I don't know if anyone has access to this program, but it has made a difference in our county. It is wonderful to tell our community that they do not have to pay for these mediations.
            2. Does anyone know what is happening with this?

3. I have been in touch with Peter Bolac, it seems to be political. Apparently, the GA did not like where some of the funds were going.

vi. New Matters – None.

c. Grievance and Disciplinary Committee: Judge Southern. Update on complaint activity.

i. Mediator H-25. Staff filed a complaint against mediator H-25 based on failure to disclose information related to the moral character on the application for dual certification. Mediator failed to report a past investigation and a voluntary relinquishment of their position to terminate the investigation. The Mediator applied for MSC certification and was approved, a week later submitted their application for FFS certification where the past conduct by the application was discovered. Under the Rules of the Dispute Resolution Commission, Rule 9(d)(2), the Committee found probable cause to believe that mediator's conduct was inconsistent with good moral character, and in violation of the NC Supreme Court Program Rules for the Superior Court Mediation Program and the Family Financial Mediation Program. Therefore, under DRC Rule 9(d)(3)(c), the Committee determined to decertify mediator from the Superior Court Mediation Program for a period of two years, and denied their Family Financial Mediation Program application for certification. Mediator was allowed to complete the 4 mediations where they were designated prior to this sanction being issued. Mediator did not appeal this decision. Under DRC Rule 9(e)(13)(b), decertification is a public sanction. However, the Committee found good cause under DRC Rule 9(e)(14)(b) to waive the requirement of publication, making the sanction private. The denial of the FFS application is a private sanction under DRC Rule 9(e)(13)(a). Therefore, these sanctions shall not be published by the Commission. This matter is closed, but remains under review until all pending mediations are complete.

ii. Mediator I-25. DRC staff received a complaint against mediator I-25 for holding a mediation against the complainant's wishes and for filing the Report of Mediator. Upon investigating this matter, it was determined the mediation was voluntary, therefore consent under Standard 4 could be withdrawn at any time and there was no attendance requirement. The Rules provide the mediator shall file a ROM in matters that are pending and have not been ordered into mediation. The complainant's prior attorney and opposing counsel agreed to voluntary mediation with mediator. After the complainant's attorney withdrew, mediator continued with the mediation process. The mediation was held although the complainant objected to the process the day before the scheduled mediation. The Committee found the mediator's actions were a

technical violation under the standard of consent. Additionally, the filed ROM listed the party failed to attend in violation of Standard 3(c). This process did not have a negative impact on the pending court case. The committee found probable cause of a technical nature in the violation of Standard 3 and 4. The committee voted to refer the matter and dismiss the complaint under DRC Rule 9(d)(3)(b)(1). Staff issued a letter to the respondent including an explanation about the technical violations. The letter is not considered a sanction under DRC Rule 9(d)(3), and the complaining party has no right to appeal. This matter is closed.

iii. Mediator J-25. DRC staff received a complaint against mediator J-25. The complainant alleged mediator threatened her with the outcome of the case if she did not settle the matter and that mediator provided legal advice. Staff reached out to complainant for further information and received no response. Mediator denied making the alleged statement. Mediator further explained that complaint was talking about filing complaints against the judge and opposing counsel in the matter. The Committee did not find probable cause and dismissed the complaint under DRC Rule 9(d)(3)(a). The complaining party has no right to appeal. This matter is closed.

iv. Mediator K-25. DRC staff received a complaint against mediator K-25. The complainant alleged mediator did not timely perform her required duties by filing the Report of Mediator after the 10-day period. Mediator filed the ROM 46 days late and called DRC Staff to self-report this matter when complainant requested a full refund of all mediator fees paid for services. The case was not delayed due to the late filing of the ROM, and a temporary child custody and child support hearing was held a month after the mediated settlement conference. The committee determined there is probable cause to find mediator in violation of FFS Rule 6(b)(4)(a), based on a technical violation of filing the ROM 46 days late. Due to the technical nature of the violation, and that there was no apparent harm to the complaining party, the committee determined to refer this matter under DRC Rule 9(d)(3)(b)(1) and dismiss the complaint. Staff issued a letter to the respondent including an explanation about the technical violations. The letter is not considered a sanction under DRC Rule 9(d)(3), and the complaining party has no right to appeal. This matter is closed.

v. Mediator L-25. Ms. Kozlowski to report on mediator L-25: Judge Southern and Ms. Stinson recused themselves. The committee maintained a quorum to move forward with this matter. DRC staff received a complaint against mediator L-25. The complainant alleged mediator left the mediation early and declared the matter settled on the ROM without verifying signatures on a final agreement in violation of MSC Rule 4(c) and N.C.G.S. 7A-38.1.

Mediator acknowledged they left early and did not see the final agreement between the parties. Mediator asked for confirmation that the final agreement was signed, but after receiving no response from the attorneys, mediator filed the ROM stating the matter settled in mediation based on a consent agreement that had been entered by the court. Additionally, the ROM was not filed timely under MSC Rule 6(b)(4). Complainant alleges her attorney did not have signing authority, and the consent order entered by the court is not proper. Under DRC Rule 9(d)(2), the Committee found probable cause to believe that the mediator's conduct was inconsistent with good moral character, and in violation of the NC Supreme Court Program Rules and the programs enabling legislation. After considering mitigating factors, and mediator's intent, the committee determined to issue a private sanction and require the mediator to file an amended ROM indicating the cases ended in impasse. Mediator may appeal this decision within 30 days of notice of the sanction. This matter remains pending.

vi. Update on conduct, fitness, and renewal application issues (character concerns raised by staff): None

vii. Update on conduct, fitness, update on applicant and pre-approval issues (character concerns raised by staff): Staff received an application for certification in the superior court program from Applicant A-26. After conducting a background check, staff allowed Applicant A-26 to modify their application to include items that should have been reported. After a review of the second application, staff brought this matter to committee level for review under DRC Rule 9(b)(2) and 9(c)(2). Staff also noted Applicant's failure to provide an address on both applications and offered Applicant an opportunity to address the items discovered from the background check. Applicant failed to list a second criminal conviction and two foreclosures within the past 10 years. Additionally, applicants are not required to disclose matters more than 10 years old, however, the number of filings against, and by, applicant was concerning. These matters included past tax liens, claims of lien, and money owed judgements. The committee found probable cause that Applicant A-26 was in violation of MSC Rule 8 by failing to disclose matters of moral conduct on the application. The committee denied certification under DRC Rule 9(d)(3)(c). This is a private matter, where Applicant-26 may reapply two years after the denial under DRC Rule 9(d)(17).

viii. DRC Grievance Procedure and the legal standards used in the DRC Rules: No Update.

d. Mediator Certification and Training Committee Update: Mr. Bolen.

i. New Training and CME offerings approved since August 2025. The Committee has approved several new training courses, see page 26 of packet.
ii. Applications for Certifications that came before the Committee: None
iii. Pending Matters: DRC Rules, Rule 10 to remain consistent with DRC Rule 9. Remains pending.
iv. DRC Training for Court Staff and Judges remains pending.
v. New Matters: Lapsed Status Policy and Dated Training Policy for dually certified mediators:
    1. Amend DRC Dated Training Policy and DRC Lapsed Status and Reinstatement Policy: This committee determined the procedure for certifying or recertifying an applicant for dual certification status with lapsed or dated training is inconsistent with initial certification requirements. Current MSC/FFS Rules, provide if a mediator is actively MSC or FFS certified, the mediator must take a 16-hour short course to become dually certified in both MSC and FFS. i.e. a 40-hour for one certification, and a 16-hour course for the second certification. Under the dated training and lapsed status policies, an applicant/mediator seeking to certify or recertify is required to take a 16-hour course after three years of completing the training or lapsing. However, they may complete the 16-hour course in the other program and then apply for dual certification. (MSC mediator lapses, takes the 16-hour FFS course, and applies for dual certification.) This is inconsistent and provides a short cut for those who have lapsed or who have dated training. This committee proposes to amend the DRC Dated Training Policy and the DRC Lapsed Status and Reinstatement Policy to remove this shortcut. Please see the Lapsed Status Policy and the Dated Training Policy in the meeting packet.
        a. Mr. Bolen made motion to approve, Mr. Laney Seconded.
        b. Any discussion or corrections, “it is long overdue.”
        c. Vote - all in favor. None opposed. Motion to update the DRC Dated Training Policy and the DRC Lapsed Status and Reinstatement Policy carried, approved.
    2. Request to modify training guidelines to increase the number of remote attendees. The committee had a request from DRC Trainer, Mr. Laney, to increase the number of attendees allowed to attend a remote training course certified by the DRC. The current FFS and MSC Training Guidelines allow for 40 attendees in-person, and 22 attendees for remote training. The limitations are in place to ensure participation

by all attendees. Since the last revision of the guidelines, remote technology has advanced to allow more participants to be on-screen during remote training. The committee proposes to amend the number of remote attendees to 30 in both the MSC and FFS training guidelines, maintaining the requirement to be on-screen and participate during the training. Please see the MSC Training Guidelines. The FFS Guidelines contain the same language under paragraph 3. Class Size and Accommodation, so they are not included. Amended Guidelines are not posted, if Commission adopts this will go live.

   a. Mr. Bolen made motion to approve update to guidelines, Ms. Stinson seconded.
   b. Discussion or corrections: Is this for FFS and MSC? Yes, they would be consistent. Zoom formerly only allowed 25 people on a page (screen), the reason limited to 22. Now the page allows 40 people on one screen.
   c. Vote - all in favor, Mr. Laney recused. Motion to amend FFS and MSC Training Guidelines carried, approved.

3. Request to amend DRC Trainer Guidelines: Trainer's Fee under NCGS 7A-38.2(d) Our enabling statute, N.C.G.S. 7A-38.2(d) provides the Commission may assess an annual renewal fee of $200 per mediation training program certified by the Commission. Historically, the commission charged trainers a $200 annual fee for training as a DRC Certified Trainer. This fee was switched in 2018 to a $10 per student fee, please see the last paragraph on page 35 of the 2018 Meeting Minutes of February 2, 2018. This committee recommends we switch the fee back to $200 per year, per trainer. Charging $10/student/class may exceed the maximum fee allowed under the statue if the class size is large. The Commission is financially sound, and we recognize the 40-hour training is not always profitable for the trainers. Therefore, this committee recommends reducing the trainer's fee obligation from a per course, per student, fee to an annual flat fee of $200 per trainer. The MSC/FFS Rules, Rule 9(d) states the training program shall pay all admin fees required by the NCAOC upon the recommendation of the Commission. However, past the Rules and Statute, we do not have any policies or guidelines in place regarding this fee. Staff notify trainers of the fees when they are certified via letter, this is the only document where this fee is mentioned. This committee recommends

we include a new paragraph in the MSC and FFS Trainer Guidelines to address this fee. Staff sent the committee's proposed language to all trainers and received recommended changes. Amended Guidelines are not posted, if Commission adopts this will go live.

   a. Mr. Bolen made motion to approve, Judge Young seconded.
   b. Discussion or corrections: Is there a pro-rated fee for trainers who come in? No, we are keeping it simple to just one fee per year.
   c. Vote - all in favor, Mr. Laney recused. Motion to amend both MSC and FFS Trainer Guidelines carried, approved.

4. Request to reduce the number of in-person observations for non-attorney applicants: The issue of in-person observations has been through this committee on three occasions since May of 2023 when the Commission reinstated in-person observations post-COVID. Currently, attorney applicants are required to complete 2 observations (1 in-person), and non-attorney applicants must complete 5 observations (3 in-person). This request is to reduce the number of in-person observations for non-attorney applicants to 1 or 2, with the remainder being done through remote technology. Our committee proposes reducing the in-person requirement to 2, with 3 of the 5 observations being allowed through remote technology. Our committee was not unanimous in this decision. For certain folks, who are non-attorneys as a practical matter, it is difficult to get these in person observations. Additionally, at staff's request, the committee proposes to amend the observer guidelines to ensure all observers adhere to the Standards of Conduct. Amended Guidelines are not posted, if Commission adopts this will go live.

   a. Mr. Bolen made a motion to reduce the number of in-person requirements, Mr. Laney seconded.
   b. Discussion or comments: The "adopted by commission" date needs to be added to top by Staff. Additional amendment paragraph 2, where 3 is switched to 2, the 3 for remote technology.
   c. Further discussion was held on remote versus in-person and how different mediators have different styles. Non-attorneys are anti-zoom, but this is the main platform for attorneys.
   d. Question as to how to use and participate in remote mediations versus in-person to observe. Mr. Laney –

explained that this is how they (i.e. new mediators) learn in their training – they cannot get attorneys to let mediators come to office to mediate, even when waiving travel fees. Zoom is the platform moving forward and has had observers in both online and in-person. Similar set-up (i.e. virtual break-out rooms and in-person rooms).

e. Ms. Kozlowski – provided the history on observations being virtual, in-person etc., and how it widely differs between practice areas and locations.
f. A balance of different mediators is a good thing. Do we want to amend the motion to require two in-person but also include they must be different mediators? Question – what about hybrid mediation?
g. Judge Hamilton – redirect to motion on the floor for reducing the amount of in-person observations from 3-2.
    i. Vote. In favor – Mr. Bolen, Judge Hamilton, Judge Bragg, Judge Davis, Judge Young, Clerk Kidd, Mr. Laney, Ms. Tate, Mr. Niblock, Ms. Quinn, Ms. Stinson, Mr. Meekins, Judge Stading. Opposed – Mr. Ekster, Judge Southern, Judge King, D.A. Murray.
    ii. Discussion and Comments: Let trainers know so they can address in training, create best practices/new guideline. Send back to committee in part.
    iii. Motion to reduce the amount of in-person observations for non-attorneys carried, approved.
h. Inactive Status Policy regarding CME. To remain consistent with other DRC policies, this committee recommends updating the Inactive Policy to require 2 hours of CME within one year of the date the mediator seeks to move back to active status. Also, we recommend dropping the fee to reactivate. If approved by Commission – requires to be posted for comment for 30 days.
    i. Mr. Bolen made a motion to approve, Mr. Niblock seconded.
    ii. Discussion or Corrections: None
    iii. Vote – all in favor. None opposed. Motion to amend the DRC Inactive Policy carried, approved.

e. Civil Sub Committee – Robin Stinson.
    i. Previous Matters
    ii. Pending Matters:
        1. AOC Forms. Please see the request staff made to update all forms that have been pending during the implementation of Enterprise Justice. Mr. Paul Lachance, AOC systems analyst who manages our forms, confirmed receipt of our requests. Mr. Lachance said he will "start work in due course" as he has a number of non-legislation related form changes he is working on, including everything for WCAG purposes.
        2. Public Records Mediation program: The matter of the public records mediation program is still pending before this committee.
        3. Proposed amendments to the Farm Nuisance Rules. The matter of the public records mediation program is still pending before this committee.
    iii. Update on the Clerk Program. Judge Hamilton has approved the creation of the Ad Hoc Clerk 2026 Committee. The new Committee will take the lead on this matter.
    iv. Request to rename AOC-DRC-19. The request has been made, see pending forms email request.
    v. New Matters
        1. Request received to move all court appointments to remote attendance. The commission was asked to consider a remote or "Zoom only" option for accepting court appointed mediation. The request was based on the belief that the mediator would be able to sign up for court appointed mediations in more counties without travel being an issue. This committee considered the impact this may have on court staff, and the litigants. We determined removing the ability for court appointed mediations to be held in person would be restrictive to the mediation process. It would invite every mediator to mediate in every district. The court appointed list allows a mediator to network in a community. This could create attendance issues; litigants may devalue the mediation process if we go in that direction by default. We declined to take up this matter.
        2. Request to increase court appointed fee. This committee recommends the hourly fee be increased to $200 per hour. Additionally, staff makes the recommendation to move the admin fee and hourly fee to $200 across all 4 programs – MSC, FFS, Clerk, and Farm Nuisance. The committee felt the increase in fees is appropriate at this time, considering inflation and the history of the court appointed fees. If

approved by Commission, it requires to be posted for comment for 30 days.

a. Ms. Stinson made a motion to approve, Mr. Ekster seconded.
    i. Discussion or Corrections: None.
    ii. Vote – all in favor, Judge Bragg recused. None opposed. Motion to increase court appointment and administrative fees for all four programs carried, approved.

3. Request to amend FFS Rule 8 to match statute. This committee recommends the Commission modify the FFS Rules, Rule 8(a)(2)(b)(6) to align with the current statutory language set out in N.C.G.S. § 90-329 to -345. History - The FFS Rules were amended on December 12, 2008 introducing the various professions now eligible for FFS certification. The amended language included, "(f) as a Licensed Professional Counselor pursuant to NCGS 90-329 et seq., for at least five years." At the time the NC Supreme Court adopted the FFS Rule set, N.C.G.S. § 90-330 (adopted in 1999) provided for the singular definition of a "licensed professional counselor". In 2009, the General Assembly extended the statutory language that defined a licensed professional counselor by amending Chapter 90-330. The statute was modified to provide for "a licensed professional counselor," "a licensed professional counselor associate" and "a licensed professional counselor supervisor." In 2019, the General Assembly made further amendments to Chapter 90-330, by redefining "a licensed professional counselor" as "a licensed clinical mental health counselor" and "a licensed professional counselor associate" as "a licensed clinical mental health counselor associate", etc. This committee recommends we amend the FFS Rule 8(a)(2)(b)(6) to change "a" to "any" and the word "professional" to "clinical mental health", in line with the current statutory language. [~~a~~ any licensed ~~professional~~ clinical mental health counselor under N.C.G.S. §§ 90-329 to -345, with at least five years of experience in the field after the date of licensure]. If approved by Commission it requires to be posted for comment for 30 days.

a. Ms. Stinson made a motion to approve, Mr. Niblock Seconded.
b. Discussion or Corrections: None.
c. Vote – all in favor. Motion to approve amend FFS Rule 8 carried, approved.

(Mr. Meekins left meeting)

4. Request to amend the Rules regarding timing of Mediator Withdrawal. Staff received a request from court staff to amend our rules regarding the mediator's ability to give the court notice of withdrawal. The request is based on experience where a mediator is designated or appointed to mediate a case and four months later, two weeks prior to the deadline, the mediator files a notice of withdrawal, leaving court staff to clean up the mess. MSC/FFS Rule 2(d), *a mediator may withdraw if they wish* or if they are disqualified by filing form AOC-DRC-20. Staff encourage court staff to grant these requests; under the assumption the mediator will file it asap when an issue that prevents them from mediating is discovered. The committee does not feel this issue is happening enough to justify modifying the rules and declined to take up this matter at this time. This is just one of the challenges that comes with mediation. While reassigning cases to new mediators is not ideal, it would be difficult to limit the mediator's ability to withdraw. The Committee is tabling the matter to see if additional comments/complaints come into staff over the next year.
5. Staff's request to amend DRC Rules 9 & 10 to align with pre-certification language. This committee recommends we update the DRC Rules with the 'pre-certification' language in place of the 'provisional pre-training' language. The Commission updated the 'pre-certification' language in the DRC policy in 2025. If approved by Commission it requires to be posted for comment for 30 days.
    a. Ms. Stinson made a motion to approve, Judge Southern seconded.
    b. Discussion or Corrections: None.
    c. Vote – all in favor. None Opposed.
    d. Motion to approve amending DRC Rules 9 and 10 carried, approved.

f. New Media Committee – Ms. Kozlowski and Ms. Suchanec
    i. Updates to website and Social Media Presence Vignettes of the Rules – hand puppets.
g. Standards and Advisory Opinions Committee Report – Mr. Laney
    i. Previous Matters: AI Again. Please see Commission approved, revised AO 43. To address the concern that some AI programs are automatically defaulting to record and summarize meetings, the committee has updated AO 43. The Committee decided to issue notice to mediators to correct their settings for all remote tech used in a mediation, and to reinforce that AI may not record the session.

Please see Revised AO 43. The AO was posted for comment for more than 30 days, and we received one comment found on Page 63 of the packet. The committee adopted new language based on the comment received, and recommends the Commission adopt AO 43 on page 65 of the packet. Please see highlighted language for revisions based on comment received. Since the AO was previously posted, if the Commission adopts the proposed language, it will go live.

ii. Comments: We agreed to address remote features in an AO. I am surprised to find that my AI records randomly. The committee looked at this, made revisions to AO 43, we drafted a version – we posted, and received a good comment. We do not have the power to police others, but we do have the ability to use reasonable efforts to make sure it does not happen. We need to be using our own platform. The committee made clarification changes, we do not need to post again.
    1. Mr. Laney made a motion to adopt AO 43, amended AO. Judge Bragg seconded.
    2. Discussion or Corrections: None.
    3. Vote – all in favor. None opposed.
    4. Motion to adopt AO 43 as amended carried, approved.

iii. Request to loosen Standard 3(c) to allow communication with court staff. Please see Commission approved, revised AO 39. Staff received another request to reconsider Standard 3(c) which prohibits a mediator from sharing information with court staff. While the committee declined to modify the Standards, we revised AO 39 to provide additional best practices for mediators. Specifically, the updated language addresses the ability to recess and reconvene and communicate certain procedural matters with court staff. The AO was posted for comment for more than 30 days, and we received no comments. The committee recommends the Commission adopt AO 39 on page 68 of the packet. The AO was previously posted, if Commission adopts this, it will go live.
    1. Mr. Laney made a motion to adopt AO 39 as amended, Judge Bragg seconded.
    2. Discussion or Corrections: None
    3. Vote – all in favor. Motion to adopt AO 39 as amended carried, approved

iv. New Matters
    1. Request to consider if a rule violation by a party is confidentiality to other party. The committee considered a request to require disclosure when there is a clear rule violation during a mediation. The committee determined the Rules should provide an exception to confidentiality when there is a known rule violation by the mediator. We realize

if this is something the Commission moves forward with, we will have to amend several Advisory Opinions. The committee will work on drafting language and will update the Commission with any progress. This is just for information purposes only. The question arises when a party has been recording the mediation for 2 hours, when this is discovered, how do we handle this. The rule violation affects the rights of the party in the other room.

2. Request to extend Confidentiality exception to include all lawyers in participating lawyer's firm. We received a request to allow all attorneys in a firm to be given the same privileges as the attorney who took their client through mediation, that they be allowed into the cone of confidentiality. The committee determined the attorney is one firm, so all attorneys in the firm can be incorporated. The committee will work on drafting language and will update the Commission with any progress. This is just for information purposes only. This would require amendment to standards under subsection d. We may need to look at amending several AO's and the Standards.
3. Comments:
    a. Mr. Laney's feeling is if a party is violating the rules, they should not be allowed to keep that info confidential.
    b. Ms. Kozlowski – it complicates the process and brings up the duty of confidentiality.
    c. How to handle if you can hear in the other room. Discussion on 'lawyer' versus 'firm' representation. Can draft AO request if becomes an issue.
4. Request to consider AO regarding mediating with incomplete discovery. Remains pending.

6. Ad Hoc Committee Reports
    i. eCourt Committee – Ms. De Maca Adams not present. Judge Hamilton with Odyssey update, they were one of the last districts to go live, the role-out was super smooth. Constant updates.
    ii. Video Observation Committee – Ms. Kozlowski. Nothing to report
    iii. Cherokee Nation Mediation Program – Ms. Kozlowski. Request to Dissolve. So Dissolved.
    iv. DRC Funds Committee – Mr. Niblock. Nothing to report.
    v. Ad Hoc AO Review Committee – Ms. Stinson. Indexing AOs. The Commission voted to index the AOs for each search capabilities. Mr. Soni has sent the staff the first attempt to index the AOs using AI, but staff has not had the opportunity to schedule a meeting yet to review the material.
    vi. Green Book – Mr. Laney. Update on progress. Lots of changes, we are still working on the book. Ms. Katie Riddle is no longer taking on this project,

Ms. Katherine Dubois is a published author and is now working with us. She is our task master. We are making progress, maybe this summer and by the end of the year. It will update the book. Mr. Laney gave history of the book.

vii. Clerk 2026 Committee – Mr. Laney. Judge Hamilton created the Ad Hoc Clerk 026 Committee at our August 2025 meeting. The committee has been tasked with evaluating and updating the Clerk Program statute, rules, and forms. The following individuals have agreed to serve on the committee. I have been named the Chair of the committee, DRC Member Angela Kidd, Ex-Officio Member De Maca Adams, with Clerk of Superior Court Mark J. Kleinschmidt, Judge Jay Bryan, Frank Johns, Colleen Byers, Holly Cutler, and Paul Flick. We held our first meeting on February 23rd. Came into existence – some changes through the years. The program is being used more and more, mediators are giving feedback that there need to be some changes. At Judge Hamilton's request we are going to go through all rules to see what works and what doesn't.

viii. Long Range Planning Committee – Mr. Bolen. Nothing to report.

ix. Ex Officio and Other Organization Reports:

1. Duke Law Class Presentation – Professor Casey Thomson. The Commission granted approval for this new program. Professor Thomson created a research tutorial course for the spring semester at Duke. Participating students of inaugural class introduced: Valerie He – 3L, Diego Eros - 3L, Raquel Demitri – 3L, Evan Oritz – 3L.
2. Mr. Eros – our group has been working on a program to supplement ADR in civil matters. We are also working on criminal, but today's pitch is for civil. Purpose is to give parties one more chance to have opportunity to settle. This is not meant to replace but supplement. Volunteer basis – duke law would be third party coordinator. Would love to expand to other schools as well.
3. Ms. Dimitri – we have thought through the benefits for this program, law students would become mediators, improve access to justice – gain experience – newly certified mediators could gain experience. It would be a free system – free conversation could lead to more durable and sustainable outcomes.
4. Mr. Ortiz – review of current system – this is a supplement plan. Courts can order conditionally binding arbitration. 31 districts rely on this practice. Court assigned arbitrator, last one hour, arbitrator assigns an award. Parties are still given a right to trial – 482 arbitration awards were appealed.
5. Ms. He – looking to start a pilot program to test the program design to make sure going forward the design is applicable for different districts. Pre-trial voluntary mediation program, after arbitration but before the trial.

a. File the trial de novo request – the clerk will send the parties the voluntary mediation. If they do not opt-out, the parties will go to the program coordinator – this is Duke law school. Notice to the clerk to opt-out will trigger scheduling the trial. The program coordinator will keep list of voluntary mediators, scheduling, and communicating with parties. Mediator will file the ROM, if settles no trial is set, if no settlement then trial. This will all be done by two mediators. One certified mediator, one student. Remote platform, in-person is possible if all parties agree and location is available. For certified under MSC and FFS and comparable
b. Ms. Thomson – key things: 1. In the 482 cases, appeal must be filed. This must be opt-out. Co-mediation – newly minted mediators and law students. Statewide – this would need to default to zoom, all can agree to in-person. Duke Law has agreed to host as program coordinator. Cases would come into Duke, and farm out cases to roster of mediators and law students. Question as to which districts to use for a pilot program, finding a friendly clerk we can talk to about the extra burden. Training – comparable training, law students equally certified.
a. Mr. Ortiz – we gathered information on 31 districts. There is no uniform scheduling, 120 days is shortest amount of time between receiving the appeal and trial date.
b. Question - Does this require legislation? This may require legislation – the accompanying rule set is being drafted. We are looking to implement this program without legislation, if we can find buy-in from a few districts who will run this as a pilot program.
c. Suggestion – You should meet with the Chief Justice to see if this is a program he would be interested in seeing in the courts.
d. Committee Members: Rick Igou, Judge Bragg, Frank Laney, Justina Tate, Judge King, De Maca Adams, Angela Kidd, Casey Thomson. Duke has agreed to continue the course as long as needed.

7. Court Staff, and Other Reports:
    a. Court Staff Report – Ms. Kozlowski on behalf of Ms. Adams DRC Report re FY25:26 Statistics (July 1, 2025 – December 31, 2025). For the second quarter reporting – The FFS is at 68.13% settlement rate for the quarter. The settlement rate increases to 70% if cases that settled prior to or during mediation are included. For MSC: MSC is at 61% settlement rate for the quarter. The settlement rate increases to 64% if cases that settle prior to or during mediation are included. Both programs show a decrease in settlement rates. This may be attributed to workflows in Enterprise Justice.

The NCAOC has begun offering training to court management staff on entry of case events in Enterprise Justice for cases that enter and exit mediation for more accurate reporting. Additionally, we are currently working to clean data since all counties have implemented eCourts. Although it will take some time to determine the accuracy of reporting by court staff in Enterprise Justice, we are hopeful to have a handle on data entry and reporting in the coming weeks.

b. NC Court Managers Conference – Ms. Tate.
    i. Nothing to report.
c. NCBA Dispute Resolution Section – Mr. Igou.
    i. CLE discussion. Highlight of CLE/CME – Frank Laney presented. Course on neurodivergence. State Bar update - June/July – Asa Bell is taking over as incoming section Chair, there will be some new council members. Awards – George Doyle received peace award. Mr. Igou received an award.
d. Industrial Commission –Mr. Howell.
    i. Nothing to report.
e. Court of Appeals – Judge Stading.
    i. Nothing to report.
f. Legislation – Mr. Laney.
    i. Nothing to report.
g. Update on next meeting – Mrs. Spence. We are looking for the next commission retreat – Aug 14th, 2026. Looking in and around the mountains for a venue. Considering possibly a winery. Big foot watching. Hang gliding.

8. Adjournment – Judge Hamilton.