



THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

POLICY

ADVERTISING POLICY

(Adopted by the Commission on May 16, 2003; amended on September 10, 2011; September 15, 2017; and December 2, 2020.)

1. REPRESENTATION OF MEDIATOR CERTIFICATION(S)

When advertising that s/he is certified by this Commission, a mediator shall specify certification by the NC Dispute Resolution Commission, Dispute Resolution Commission, NCDRC or DRC. A mediator should not identify him/herself as certified by the Administrative Office of the Courts or the Courts. Because of the number of mediation programs now operating in the North Carolina courts, it could be misleading to the public and the bar for a mediator simply to offer him/herself as “certified” without specifying the program or the type of mediation to which the certification pertains. Thus, a mediator shall also identify that s/he is certified to conduct superior court mediations, family financial mediations, district criminal court mediations and/or mediations of estate and guardianship cases. A family financial mediator certified by the Dispute Resolution Commission shall not hold him or herself out as certified to mediate custody or visitation matters.

Although both the Superior Court and Family Financial Settlement Program Rules provide a menu of dispute resolution processes, certification pertains only to the mediated settlement conference option. Because the DRC does not certify neutral evaluators, arbitrators, or presiding officers, a mediator shall not hold him/herself out as certified by the Commission to serve in these capacities.

If a mediator allows his/her certification to lapse, *i.e.*, the mediator does not renew prior to September 30th, of any given fiscal year, the mediator shall immediately remove any certification designation from his/her letterhead, business cards, website and/or other advertising. If a mediator voluntarily relinquishes his/her certification and notifies this Commission or if this Commission revokes a mediator’s certification, the mediator shall immediately remove the certification designation from his/her letterhead, stationery and/or other advertising.

Approved Examples

NCDRC Certified Mediator – Superior Court & Family Financial, Clerk of Court, Special Proceedings, Estates & Guardianship, District Criminal Court

NCDRC Certified Superior Court Mediator, Clerk of Court, Special Proceedings, Estates & Guardianship, District Criminal Court

DRC Certified Mediator – Superior Court, Clerk of Court, Special Proceedings, Estates & Guardianship, District Criminal Court

DRC – Certified Family Financial Mediator, Clerk of Court, Special Proceedings, Estates & Guardianship, District Criminal Court

2. REPRESENTATION OF OTHER QUALIFICATIONS, INCLUDING DEGREES HELD ON THE COMMISSION’S WEBSITE

When advertising or marketing his/her mediation practice to the public, a mediator shall avoid making any false or potentially misleading representations regarding his/her education, work experience, training, or other qualifications to serve as a mediator.

The Commission requires that professional degrees submitted by applicants for purposes of certification, be awarded by institutions of higher learning that were recognized by the appropriate licensing authorities operating in North Carolina during the time the applicant attended and graduated.

The Commission approves the use of terms that accurately reflect your past career(s) and experience(s). For example, a Judge who is no longer active may use the terms “District Court Judge – Retired” or “Retired District Court Judge” on letterhead, business cards and the like. Use of the term “Judge” without a qualifier may be perceived as using the prestige of your past position to advance your personal business interests and is not allowed.

The Commission affords mediators an opportunity to post biographical information on the Commission’s website at www.ncdrc.gov as a way to market their practices and to acquaint attorneys and the public with their qualifications and experience. Mediators shall not identify themselves in their postings as holding degrees from or as completing course work at institutions that were not recognized by North Carolina licensing authorities during the time the applicant attended and/or graduated.

The Commission encourages mediators and mediation trainers working in Commission certified programs to refrain from coupling notice of DRC mediator or training program certification with representations in documents, including but not limited to, letterhead, business cards, brochures, or other advertising materials, that the mediator/trainer holds certain, specified degrees when those degrees were awarded by institutions not recognized by North Carolina licensing authorities during the time the mediator or mediation trainer attended and/or graduated.

If a mediator has questions about whether an institution s/he attended is recognized by North Carolina licensing authorities, s/he may contact the Commission’s office.