

THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION



ANNUAL REPORT FISCAL YEAR 2019-2020

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September 23, 2020

Ladies and Gentlemen:

I am pleased to present the N.C. Dispute Resolution Commission's Annual Report for Fiscal Year (FY) 2019 – 2020.

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 2020-2021. 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 "William 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 twenty-five years, 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, 2019, through June 30, 2020.

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, 2020, 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. Reappointed to the Commission by the Chief Justice on October 1, 2019, for a term expiring September 30, 2022.

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 Phyllis Gorham (Wilmington), superior court judge, appointed by the Chief Justice on October 1, 2019, for a term expiring on September 30, 2022.

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 on September 26, 2018, 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 member, 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.

Rebecca Knight (Asheville), certified family financial mediator member, appointed by the Chief Justice on September 26, 2018, for a term expiring September 30, 2021.

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

Barbara Morgenstern (Greensboro), practicing attorney not certified as a mediator, family law specialist, appointed by the NC State Bar President on July 29, 2019, for a term expiring September 30, 2022.

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.

David A. Wijewickrama (Waynesville), knowledgeable citizen, appointed by the Governor on October 11, 2019, for a term expiring September 30, 2022.

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, 2020, 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.

Barbara Weyher (Raleigh), Chair, NC Bar Association's Dispute Resolution Section.

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

Lori Cole (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 2019-2020, 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 2019-2020, the Commission's office operated with a staff of three: Executive Director **Tara L. Kozlowski**, Administrative Assistant, **Maureen McCarthy Robinson**, and Secretary **Mary E. Brooks**. 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 and publishes articles and news about the Commission on a regular 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 2019-2020 collections for certifications and renewals totaled \$203,035.00. 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: 1061 active Mediated Settlement Conference Program (MSC) certifications, 339 active Family Financial Settlement Conference Program (FFS) certifications, 123 active Clerk Mediation Program (Clerk) certifications (to conduct guardianship and estate mediations), and 38 active District Criminal Court (DCC) certifications.* In addition, there were 119 inactive MSC, 29 inactive FFS, and 15 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. However, they continue to receive information and updates from the Commission and may reactivate their certification(s) upon request.

VII. PROGRAM STATISTICS

The NCAOC FY 2019-2020 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 3220 cases were mediated, and of those, 1937 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 66.0%. The Commission considers this latter percentage, *i.e.*, 66.0%, 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, 904 cases were mediated, and 637 cases, or 70.1% 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, 75.1% of FFS cases were resolved. These settlement rates are very close to the percentages of mediated cases that settled in FY 2018-2019. 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 ran for two years to assist in determining the viability of this program in the future. For FY 2019-2020, the Clerk Mediation Program, statewide reports show 16 cases were mediated, and one case, or 6.25% of these cases were resolved in whole or in part at the mediated settlement conference with 10 cases pending as of June 30, 2020. The statewide reports for the 2018-2019 FY year showed the Clerk Mediation Program remained underutilized with only 25 cases being mediated. The Commission terminated the pilot Clerk Mediation Program in March of 2020, after completing the two-year program. The regular Clerk Mediation Program remains in effect in all 100 counties throughout North Carolina.

Statistics are not currently maintained for the District Criminal Court Program. However, feedback received from participating districts and community mediation centers indicated 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: Ms. Griffiths, 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 Ms. 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; 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. Cole, Chair. Although established by G.S. § 7A-38.3B in 2006, the Clerk Mediation Program did not take 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 guardianships, 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 could be an effective tool for the resolution of cases. Wake, Buncombe, Mecklenburg and Ashe counties were pilot sites, and the clerks of all four counties served on the committee. During the pilot and in the four pilot counties, mediators were 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 wished to continue the mediation beyond two hours, an hourly fee (subject to a cap) could be negotiated. The expectation was that, if successful, the pilot will lead to more cases being referred by clerks statewide, which would have eased the burden on clerks who may well see case filings dramatically increase for years to come. The pilot program showed a slight increase in clerk matters entering mediation, but the increase was not significant enough to warrant a modification of the Clerk Mediation Program Rules. Due to the pilot's lack of success, the pilot program terminated in March of 2020 leaving the Clerk Mediation Program available in all 100 NC counties.

Ad Hoc eCourts/Statistics Committee: Ms. Craig, Chair. This Committee is charged with providing guidance to the NCAOC, as they proceed to implement a state-wide Integrated Court Management System over the coming years. The Committee is responsible for creating accurate workflows 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: Ms. 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: Ms. Nease Brown, Co-Chair, and Ms. Weyher, Co-Chair. The Committee considered the feasibility of modifying the Family Financial Rules to require all mediators who mediate in the FFS program be certified by the Commission. Also, the Committee examined the impact the potential rule change would have on court staff, certified and non-certified mediators, and the public. The Committee focused on educating, and to seek input and guidance from, all of those who would be affected by the proposed rule change. The Supreme Court adopted amended rules on June 3, 2020 that went into effect June 10, 2020, requiring the use of certified mediators for all family financial matters.

Ad Hoc Video Observation Committee: Ms. Seigle, Chair. This Committee was established to create guidelines and make recommendations to the full Commission regarding the use of observation videos for application purposes. Each applicant must observe two mediations if applying as an attorney and observe five mediations if applying as a non-attorney.

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 2019-2020

The full Commission met in-person two times this fiscal year: August 9 and 10, 2019, and November 8, 2019. The full Commission met via remote technology two times this fiscal year with limited agendas on March 20, 2020, and May 28, 2020. Notice of meeting dates and locations were 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.

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 470 passed the house and senate and was signed into effect by Governor Cooper. The amended legislation now includes the following language:

1. **G.S. §7A-38.2**, the Commission may 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. Mediator Education Provided Statewide.

The Commission, working through the Mediator Certification and Training Committee, reviewed and approved a number of continuing mediation education courses. The courses were taught all over the state, by a number of different sponsors. Commission staff also provided several courses for mediators to attend and meet their annual educational requirement. The Commission has approved educational courses to be offered live, via webinar, and by podcasts. COVID-19 has delayed the production of podcasts; however, they will be produced and available when it is safe to do so.

C. 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. In FY 2018-19, the NCAOC technology team created a new application that provides each mediator a list of CME courses available for credit. The mediator may now self-report their completed course online anytime throughout the year and renew their certification(s) without delay.

D. Clerk Mediation Pilot Program.

The Clerk Mediation Pilot Program went into effect in March of 2018, for a two-year pilot program in four (4) counties; Ashe, Buncombe, Mecklenburg, and Wake. The pilot program increased the number of clerk matters entering mediation, but only by a small margin. The number of clerk matters entering mediation, state-wide, for FY 2019-20 totaled 16 cases. Prior years showed around 20-25 cases entering mediation through the clerk mediation program. The pilot program was terminated on March 1, 2020, leaving the standard clerk mediation program available to parties in all 100 NC counties.

E. 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. One (1) Advisory Opinion was issued this fiscal year.

1. **Advisory Opinion 40.** Under Standard 7(c), Conflicts of Interest, a mediator may not serve as a mediator to a family matter and subsequently serve as the parties Parenting Coordinator. A mediator is prohibited from engaging in a professional relationship with one or more of the parties to a mediation, after a mediation has concluded, if the new professional relationship involves the same dispute, is an action closely related to the dispute, or is an outgrowth of the dispute. The relationship is considered professional when the person providing services obtains confidential or private information from the party requesting services. The Commission continues to uphold the premise that mediators should not be in a position where they could benefit or profit from knowledge they learned in mediation.

F. Program Rules, Policies, and Guidelines of the Commission Continuously 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. On January 23, 2019, the Supreme Court adopted amendments to all seven of the Commission's rule sets. The amended rules went into effect on March 1, 2020.

The Commission submitted several rule revisions adopted by the Commission in FY 2018/19 and FY 2019/20. On June 3, 2020, the Supreme Court adopted amendments to the Standards of Mediator Conduct (Standards), the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions (MSC), the Rules for Settlement Procedures in District Court Family Financial Cases (FFS), the Rules for Mediation for Matters Before the Clerk of Superior Court (Clerk), and the Rules of Mediation for Matters in District Criminal Court (DCC). The adopted amendments include the following:

1. The Standards of Conduct for Mediators, Standard 3. Confidentiality provides for staff's ability to handle confidential communication.
2. MSC and FFS program rules, Rule 7 provides for an increase of the court-appointed administrative fee to \$175.
3. FFS program rules, Rule 2 eliminates the ability to party-select a non-certified mediator to mediate the case. All mediators who conduct family financial mediations under the FFS program rules, must be certified by the Commission.
4. Due to COVID-19, the Chief Justice requested the Commission to provide the court alternate language for the Commission's mediation programs (MSC, FFS, Clerk, and DCC) flipping the in-person attendance requirement to attendance by remote technology. The Commission complied and submitted amended language to the Supreme Court for review.

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 many of the Commission's current policies and guidelines. All policy revisions were posted for comment to the Commission's website.

F. Regulatory Role Fulfilled.

During this fiscal year the Commission addressed a few regulatory concerns, including denying certification to individuals whose certification applications raised ethical concerns and investigating complaints. The Commission continues to take 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.

H. 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. The Commission utilizes new media platforms including Twitter and LinkedIn on a regular basis and will be providing podcasts as soon as practicable. In addition, staff published a newsletter after each Commission meeting.

H. Celebrated Conflict Resolution Week, October 13-19, 2019.

The Commission in collaboration with the NCAOC's Custody Mediation Program and the Dispute Resolution Section of the North Carolina Bar Association (NCBA) received a proclamation from Chief Justice Beasley, declaring October 13-19, 2019, as Conflict Resolution Week in North Carolina. The Section, Custody Mediation and the Commission co-sponsored a reception on Thursday, October 17, 2019, featuring a full day of education and events, including a special visit from Supreme Court Justice Morgan who personally thanked all the individuals who work and practice ADR within the state of NC. 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 2020-2021

In FY 2020-2021, 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 2020/21.

B. Celebrate Conflict Resolution Day, October 15, 2020. The Commission is honored to co-sponsor a celebration of Conflict Resolution Week on October 15, 2020. The Commission has teamed up with the Dispute Resolution Section of the NCBA to provide two hours of training and education. The training courses will include two hours of CLE/CME, a brief message from the Chief Justice of the Supreme Court of North Carolina, Cheri Beasley, along with comments from other honored guests. The program will be provided via WebEx as a live webinar and will be recorded and posted for future views.

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.

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 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 eleven (11) 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 Mandatory CME Policy.

H. 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 Supreme Court of NC during the 2020-2021 fiscal year.

I. 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.

J. Continue regulatory oversight. The Commission shall continue to ensure 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.

K. 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.

L. 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 FY 01JUL2019 -- 30JUN2020 (COMPILED 28JUL2020)

(NO EVENTS DATES PRIOR TO 01JUL2017 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	47	0	0	0	0	32	0	14	18	0	0	15
02	67	46	46	0	0	33	0	11	13	0	9	80
03A	68	134	127	7	0	89	1	29	31	22	6	113
03B	120	70	70	0	0	59	0	40	11	0	8	131
04	173	99	99	0	0	40	0	31	9	0	0	232
05	270	317	313	4	0	233	0	51	21	5	156	354
06A	33	46	46	0	0	4	0	3	1	0	0	75
06B	24	3	3	0	0	5	0	5	0	0	0	22
07A	82	53	52	1	0	48	0	11	10	18	9	87
07BC	171	155	155	0	0	150	6	82	41	10	11	176
08A	32	30	30	0	0	45	1	16	7	4	17	17
08B	113	137	137	0	0	121	1	33	7	11	69	129
09	78	99	86	13	0	90	0	42	19	0	29	87
10	222	1	0	0	1	212	1	106	63	17	25	11
11A	70	100	90	10	0	94	0	38	23	11	22	76
11B	344	294	294	0	0	127	24	63	25	0	15	511
12	319	281	281	0	0	241	32	71	71	67	0	359
13A	42	57	57	0	0	49	0	19	9	1	20	50
13B	388	301	301	0	0	198	0	22	12	5	159	491
14	194	214	214	0	0	168	0	75	39	21	33	240
15A	93	98	97	1	0	64	1	26	17	0	20	127
15B	73	76	69	7	0	96	0	27	20	9	40	53
16A	28	46	38	8	0	44	2	18	14	4	6	30
16B	35	6	6	0	0	28	0	22	5	1	0	13
17A	56	21	21	0	0	25	1	13	8	2	1	52
17B	44	24	24	0	0	25	0	16	5	3	1	43
18	390	306	306	0	0	255	0	123	52	0	80	441
19A	135	33	33	0	0	61	0	26	27	0	8	107
19B	30	0	0	0	0	19	0	13	6	0	0	11
19C	84	114	112	2	0	119	0	38	33	43	5	79
19D	81	62	61	0	1	41	0	15	15	3	8	102
20A	19	47	42	5	0	34	0	10	11	5	8	32

MEDIATION SETTLEMENT CONFERENCE ACTIVITY: FINAL FY 01JUL2019 -- 30JUN2020 (COMPILED 28JUL2020)

(NO EVENTS DATES PRIOR TO 01JUL2017 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
20B	85	165	153	12	0	145	0	47	48	0	50	105
21	616	347	347	0	0	137	0	71	43	0	23	826
22A	128	136	136	0	0	147	0	58	37	18	34	117
22B	62	53	42	11	0	44	1	27	13	2	1	71
23	59	47	39	8	0	64	2	18	6	32	6	42
24	63	80	54	26	0	70	1	27	19	0	23	73
25A	90	76	76	0	0	20	0	11	8	0	1	146
25B	134	74	70	4	0	97	0	44	26	6	21	111
26	632	1056	1015	37	4	889	8	318	290	228	45	799
27A	68	127	120	7	0	102	0	42	34	0	26	93
27B	101	61	55	5	1	40	0	17	18	0	5	122
28	242	158	142	16	0	111	1	61	33	1	15	289
29A	81	63	63	0	0	27	1	16	8	2	0	117
29B	79	97	92	5	0	92	0	38	29	8	17	84
30A	56	74	67	4	3	36	1	14	14	0	7	94
30B	111	73	73	0	0	36	0	19	14	0	3	148
Statewide	6532	5957	5754	193	10	4906	85	1937	1283	559	1042	7583

FAMILY FINANCIAL ACTIVITY: FINAL FY 01JUL2019 -- 30JUN2020 (COMPILED 28JUL2020)

(NO EVENTS DATES PRIOR TO 01JUL2017 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	1	0	0	0	0	0	1	1	0	0	0	0	0	0
02	20	4	4	0	0	0	6	5	0	0	0	0	1	18
03A	31	14	14	0	0	0	27	10	0	0	0	14	3	18
03B	383	138	138	0	0	0	377	22	3	80	10	7	255	144
04	153	8	0	0	8	0	60	15	4	3	5	3	30	101
05	259	238	238	0	0	0	253	69	0	0	0	5	179	244
06	15	11	7	0	2	2	13	2	0	4	0	4	3	13
07	0	10	0	0	10	0	10	6	0	0	0	4	0	0
08	17	6	6	0	0	0	17	3	0	1	0	6	7	6
09	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10	210	214	207	0	5	2	126	61	0	0	11	21	33	298
11	193	116	116	0	0	0	157	20	4	0	1	9	123	152
12	271	255	255	0	0	0	254	50	32	25	13	36	98	272
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14	47	35	23	0	1	11	31	15	3	0	1	7	5	51
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	14	27	27	0	0	0	14	5	1	2	1	5	0	27
16B	59	33	33	0	0	0	0	0	0	0	0	0	0	92
17A	12	6	6	0	0	0	4	4	0	0	0	0	0	14
17B	62	55	55	0	0	0	30	6	0	2	1	4	17	87
18	225	162	159	0	3	0	130	48	0	0	7	10	65	257
19A	77	28	28	0	0	0	18	11	0	0	1	6	0	87
19B	24	46	34	0	1	11	36	14	1	13	1	7	0	34
19C	13	23	21	0	2	0	17	11	0	1	1	4	0	19
19D	56	88	84	0	4	0	77	26	1	30	4	16	0	67
20A	9	16	16	0	0	0	18	7	0	0	0	3	8	7
20B	124	73	73	0	0	0	25	18	0	0	1	3	3	172
21	191	69	67	0	2	0	35	23	0	0	0	3	9	225
22A	23	42	0	0	42	0	64	26	0	0	8	29	1	1
22B	0	1	0	0	1	0	0	0	0	0	0	0	0	1
23	30	42	40	0	2	0	44	8	2	0	1	9	24	28
24	24	40	40	0	0	0	41	6	3	0	0	3	29	23
25	113	143	140	0	3	0	118	23	6	3	2	7	77	138
26	2	0	0	0	0	0	1	0	0	0	0	1	0	1
27A	3	0	0	0	0	0	2	2	0	0	0	0	0	1
27B	69	3	3	0	0	0	4	0	0	0	0	0	4	68

FAMILY FINANCIAL ACTIVITY: FINAL FY 01JUL2019 -- 30JUN2020 (COMPILED 28JUL2020)

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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
28	62	94	94	0	0	0	82	17	0	0	3	10	52	74
29A	1	32	32	0	0	0	0	0	0	0	0	0	0	33
29B	59	53	22	0	9	22	63	15	1	0	3	22	22	49
30	39	27	27	0	0	0	35	10	2	4	3	9	7	31
Statewide	2892	2152	2009	0	95	48	2190	559	63	168	78	267	1055	2854