

20th Anniversary Edition



# The Intermediary



A Bridge between the Dispute Resolution Commission  
and North Carolina's Certified Mediators



*From the Chair*  
*By Judge Gary Cash*



## **DRC Celebrates 20 Years!**

The Dispute Resolution Commission's enabling legislation was adopted twenty years ago this year. The Commission's 1995 establishment coincided with the General Assembly's decision to continue the Mediated Settlement Conference Program, then a pilot, and to expand it statewide. Prior to the Commission's establishment, the Administrative Office of the Courts (AOC) had been responsible for certifying the pilot program's mediators. The AOC found that function, as well as the corresponding notion of regulating mediators, to be an uncomfortable fit. The AOC saw itself as an administrative agency rather than as a licensing or regulatory body and, as such, set about the task of drafting and submitting proposed legislation that would create a new entity to serve that purpose. The General Assembly agreed with the AOC's approach and quickly adopted N.C. Gen. Stat. § 7A-38.2 which created the Dispute Resolution Commission and charged it with certifying superior court mediators and regulating their conduct.

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## Commission Members

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Judge Jesse B. Caldwell, III  
Gastonia, NC

Susan A. Hicks  
Carthage, NC

Diann Seigle  
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*From the Chair, continued*

Interestingly, in some important aspects, the legislation creating the Commission actually paralleled that establishing the MSC Program. For example, MSC mediators are independent contractors and the Commission, while it maintains close ties to the AOC, was designed as a free standing body under the Judicial Department. Moreover, mediators are paid not by the court or taxpayers, but by the parties themselves. Similarly, the Commission receives no tax dollars, but covers its expenses exclusively through certification fees. Many may be surprised to know that the approach taken here in North Carolina – creating what is, in effect, a licensing board for mediators -- is highly unusual. Nearly all other states operating institutionalized programs which qualify mediators, do so through their AOC equivalent and with the use of tax dollars.

The Commission has come a long way in the past twenty years. Judge Ralph Walker, the Commission’s founding chair, headed a nine-member body focused on helping to implement a single program, the superior court’s MSC Program. At the time Judge Walker assumed office, the AOC had certified approximately two hundred mediators. Today, the Commission has 16 members and works with an array

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*From the Chair, continued*

of programs serving all of our courts. The number of mediator certifications currently stands at around 2000. (You can read about Judge Walker's thoughts on the Commission and its evolution in this edition, beginning on page 8.)

As a former chief district court judge and now as a mediator and the Commission's chair, I have watched both the Commission and the programs it helps to support evolve over the past twenty years. A great deal has been accomplished. Most importantly, over the past two decades, our mediation programs have resulted in thousands of settlements and enabled countless participants simply to get on with their lives. Many experienced litigators and mediators also speak in terms of mediation having worked a "sea change" in the way law is practiced in North Carolina. By that, they mean that it is now more acceptable for lawyers to approach one another to talk about settlement -- sometimes very early in the life of a dispute. This is in sharp contrast to the past, where any such similar overtures would have likely been viewed as tantamount to an admission of a weak case. While litigation is still an adversarial process, increasing numbers of lawyers are committed to enabling their clients to work out their disputes expeditiously and cooperatively. Turning hired guns into collaborators is no small feat and is a testament to the power of the mediation process. As for the Commission's role in the evolution of mediation in North Carolina's courts, one can read all about it in the twenty years of minutes archived on the Commission's website. While this may not be the most scintillating reading out there, the minutes provide a revealing account of the collaboration involved and the challenges faced as the Commission worked to help move mediation from experimental to institutionalized in our State's courts.

What lies ahead for the Commission and the programs it helps to support? What will the next twenty years bring? I suspect that the coming decade at least will be a time of great transition and creativity. Large numbers of judges, court staff, mediators, and attorneys will be retiring over the next few years as baby boomers gradually age out of the work force. You can see AOC statistics relating to retirement eligibility of judges and court staff on page 24 of this edition. Although we may be losing many seasoned professionals, I am excited about those who will take their places at the table. Many, if not most younger lawyers, took courses in law school on mediation and were taught to see it as an important facet of their future practices. They don't remember a time when mediation was not a part of our courts. Many of our younger citizens experienced mediation in their schools through peer mediation and conflict resolution programs. As a new and very aware generation takes charge, they will bring fresh perspectives and ideas to the table as well as an appreciation of what mediation can do. I look forward to seeing the changes that will come and I am confident that our programs and the Commission will continue to thrive and evolve. Happy 20<sup>th</sup> Anniversary, DRC! ♦

# Commission Adopts New Advisory Opinion



## ADVISORY OPINION NO. 31 (2015)

Adopted and Issued on May 15, 2015

*N.C. Gen. Stat. §7A-38.2(b) provides, “[t]he administration of mediator certification, regulation of mediator conduct, and certification shall be conducted through the Dispute Resolution Commission, established under the Judicial Department.” On August 28, 1998, the Commission adopted an Advisory Opinions Policy encouraging mediators to seek guidance on dilemmas that arise in the context of their mediation practices. In adopting the policy and amendments thereto, and issuing opinions, the Commission seeks to educate mediators and to protect the public.*

### Facts Presented

Mediator was appointed by the court for a court ordered mediation in a case in which an attorney represents the defendant and the plaintiff is not represented by an attorney. The parties reach an agreement at the mediated settlement conference.

### First Concern

May the mediator prepare the mediated settlement agreement for the parties to sign?

### Advisory Opinion

As discussed by the Commission in Advisory Opinion 28 (2013), Standard VI of the Standards of Professional Conduct for Mediators, entitled “Separation of Mediation from Legal and Other Professional Advice,” provides that “[a] mediator shall limit himself or herself solely to the role of mediator, and shall not give legal or other professional advice during the mediation.” As noted in that opinion, preparing a binding agreement for unrepresented parties constitutes the practice of law and, therefore, is a violation of Standard VI. Advisory Opinion 28 also applies to the facts outlined above, and the mediator would be in violation of Standard VI if s/he prepares the mediated settlement agreement for the parties and one or more of them is not represented by an attorney.

However, if the parties have reached agreement and the pro se party wishes to consult an attorney before converting that agreement into an enforceable contract, the mediator may use a Mediation Summary (AOC-DRC-18) to summarize the essential elements of the parties’ agreement. That Mediation Summary does not provide space for the parties’ signatures and by its own terms is not a binding agreement.

### Second Concern

What are the duties of the mediator when an attorney drafts a proposed settlement agreement for the pro se party to sign at the mediated settlement conference?

*Continued on next page*

## Advisory Opinion

The second inquiry arises when the attorney for the defendant drafts a proposed settlement at the mediation for the pro se party to review and sign. While the Commission encourages self-determination by the parties in their decisions, Standard IV (D) makes it clear that, in appropriate circumstances, the mediator must inform the parties of the importance of seeking legal, financial, tax or other professional advice before and during the mediation. This situation, in which there is an inherent power imbalance when one party is pro se, is one which is appropriate for the mediator to inform the pro se party of the importance of seeking outside advice.

Additionally, Standard V (D) permits the mediator, after offering the information set out in Standard IV(D), to proceed with the mediation if the party declines to seek outside counsel.

In order to meet the requirements of Standard IV(D) and Standard V(D), the mediator shall inform the pro se party that the mediator cannot give legal advice to any party, that the pro se party has the right to have an attorney review the draft agreement, that the mediator will recess the mediation for him/her to do so if that party wishes, and that the mediator informs the party of the importance of consultation with an attorney, or other professional prior to executing an agreement. If, after that information the party still desires to sign the agreement, the mediator may then acquiesce to the pro se party's desire.

In addition, in discussing the mediator's role in this circumstance, it is necessary to consider Standard VIII.

That standard addresses the mediator's duty to protect the integrity of the mediation process and provides that a "mediator shall...take reasonable steps...to limit abuses of the mediation process." Section B of Standard VIII provides as follows:

If a mediator believes that the statements or actions of a participant, including those of a lawyer, ...jeopardize or will jeopardize the integrity of the mediation process, the mediator shall attempt to persuade the participant to cease his/her behavior and take remedial action. If the mediator is unsuccessful in this effort, s/he shall take appropriate steps including, but not limited to, postponing, withdrawing from or terminating the mediation."

The mediator shall do the following two things set out below in order to meet the requirements set out by the Standard VIII.

1. The mediator shall read the document drafted by a party or the attorney.
2. If the terms discussed by the parties in the presence of the mediator are not present or are misstated, the mediator shall raise questions with the parties and attorney about whether the agreement as drafted conveys the intent of the parties and should facilitate their discussions and negotiations to reach a complete agreement. ◆

### **Questions about ethics?**

*The Commission encourages all mediators who are facing an ethical dilemma or who have a question about rule interpretation to contact the Commission's office and request guidance. If time is of the essence, mediators may seek immediate assistance from Commission staff over the telephone or by e-mail. If time is not a factor, mediators may request a written opinion from the Commission. Written Advisory Opinions carry the full weight of the Commission and are issued when the Commission believes that a question and the Commission's response may be of interest to the wider mediator community. To view the Advisory Opinions Policy, go to [www.ncdrc.org](http://www.ncdrc.org) and click on "Mediator Ethics" and then click on "Advisory Opinions Policy". Previously adopted Opinions are archived on the web and may be searched using your keyboard's "Ctrl + F" function.*

## **DRC Grievance Sampler**



*During this last fiscal year, the Grievance and Disciplinary Committee (GDC) and the DRC have been busy investigating a number of grievances filed against certified mediators. The Full Commission also determined not to certify several applicants for certification who appealed staff denials. The following examples are offered to remind mediators of their ethical obligations under the Standards of Conduct, and their case management duties under program rules.*

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1. The GDC determined to decertify a district criminal court mediator for multiple Standards and rule violations. Three separate complaints were filed against this mediator. It was determined that he was receipting dismissal and restitution funds and pocketing them. In one instance, the evidence indicated that he took the dismissal fee and gave the defendant a receipt even though no written agreement had been signed by the parties and the complaining party did not agree to the dismissal of the case. In addition, the mediator's failure to communicate effectively with the parties resulted in several defendants being arrested for failures to appear on court dates about which he failed to advise them.

\*\*\*\*\*

2. The full Commission upheld a staff decision denying certification to a non-attorney applicant for certification on the grounds that he lacked "good moral character" as required by Rule 8 in that he failed to disclose criminal matters and judgments against him on his application.

\*\*\*\*\*

3. A disciplinary matter is pending before the State Bar against a certified mediator who has not reported the matter to the Commission. The DRC reminds all mediators that s/he must notify the DRC **within 30 days** (e.g., do not wait until the next renewal period) of any complaints, disciplinary actions, liens, judgments, and criminal convictions having been filed against him/her.

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4. The GDC denied an attorney applicant's application for certification as an MSC mediator. The Committee found probable cause to believe that the applicant's conduct was not consistent with good moral character in that a) he had been convicted of five misdemeanor charges of failure to file and failure to pay NC state income taxes; b) he failed to disclose the entry of two judgments against him on his application; and c) he had been disciplined by the NC State Bar on three occasions, having received a private reprimand, a public reprimand, and a suspension which was stayed. Applicant appealed the GDC decision to the Full Commission for a hearing. The Commission upheld the GDC determination that the application should be denied.

\*\*\*\*\*

5. Other complaints filed have involved allegations that a) the mediator lacks impartiality (a party raises concerns because the mediator seemed to be good friends with one of the litigants); b) the mediator expresses his own views as to the value of the case or any offers or counteroffers made; c) a party feels bullied or pressured by the mediator; and d) the mediator failed to disclose a conflict of interest between the mediator and one of the parties. ♦



## **COMMISSION UPDATE IN BRIEF**

### **District Criminal Court Video Spanish Speaking Edition**

The DRC is happy to report that it recently released the Spanish version of the *“Building a Win-Win: District Criminal Court Mediation”* video to all chief district court judges and district attorneys in North Carolina. The video showcases the District Criminal Court mediation program which can be implemented in any NC county as a collaboration between the chief district court judge, the District Attorney, and a community mediation center. This Spanish version will help those for whom Spanish is their first language and who find themselves in criminal district court on a citizen-initiated complaint, understand the mediation process. The Spanish version follows the release of the English version earlier in the year. Both videos were a joint effort of the DRC and the Section. The Spanish and English versions can be accessed at:

<http://nccourts.org/Courts/CRS/Councils/DRC/District/DCCBrochure.asp>



### **Credit Card Payment of Certification Fees on the Horizon**

After more than a decade of effort, it appears that the Commission may soon be able to offer credit card payment of certification and certification renewal fees to our mediators. The date of the roll-out is uncertain, but may well be in the next few months. We are hopeful that we will be online with credit card payment soon. Stay tuned.

### **Continuing Mediator Education (CME)**

The Commission recommends that mediators complete at least three hours of eligible CME annually. Currently this is not mandatory, but mediators must report whether or not they participated in any CME activities during the previous year on each annual certification renewal application.

The Commission is discussing initiating mandatory CME, including CME policy language, number of hours required, eligibility requirements, and the like. Most likely, any eligible CME would also have to be eligible for CLE credit from the NC State Bar. The Commission has discussed this with and sought input from the NCBA Dispute Resolution Section Council. Stay tuned on this as well.

### **Update on MSC and FFS Benchbooks for Judges and Court Staff**

Some months ago DRC staff asked AOC to compile statistics on the numbers of judges and court staff who would be eligible to retire over the next 1,3,5, 7 and 10 years. The numbers are staggering. For instance, in five years, 72% of senior resident superior court judges, 64% of chief district court judges, 48% of superior court trial court coordinators, and 27% of district court trial court coordinators will be eligible to retire. See the retirement



projections on page 24 of this edition. In anticipation of these imminent transitions, the Commission determined to develop benchbooks for judges and court staff for both the MSC and FFS programs. Since the last newsletter, the MSC benchbooks have been disseminated to all judicial districts across the

state. These spiral-bound, user-friendly resource guides provide information about the MSC program, including the role of the DRC, SRSSJs, court staff and mediators; a nuts and bolts description of the application of the Rules; and for court staff in particular, an extensive FAQ chapter and primer on the CaseWise reporting system. Following the successful release of these benchbooks, the Commission has almost completed comparable benchbooks for the FFS Program which, in the next few months, will be made available to all chief district court judges and court staff in all district court judicial districts.



**INTERVIEW WITH JUDGE RALPH A. WALKER  
ON THE OCCASION OF THE COMMISSION'S  
20TH ANNIVERSARY**



Judge Ralph Walker

*The Commission thanks the Honorable Ralph A. Walker, founding chair of the Dispute Resolution Commission, for his willingness to be interviewed on the occasion of the Commission's 20<sup>th</sup> birthday!*

**Leslie Ratliff** – Judge Walker, you were the one who actually reminded me back in May that the Commission is 20 years old this year. Was there something that prompted you to remember?

**Judge Walker** -- *It occurred to me while attending the afternoon session of the Commission meeting in May, 2015, just how far the Commission has come since its founding in 1995. We should recognize and celebrate this! North Carolina has been and continues to be recognized across the country as a leader and innovator in the dispute resolution field.*

**Leslie Ratliff** -- You were a very early proponent of dispute resolution in North Carolina. What got you interested in the subject and what gave you faith that mediation and mediation programs could help NC courts and citizens?

**Judge Walker** – *While practicing law and serving as a Superior Court Judge, I noticed that many cases were being resolved on “the court house steps”. The attorneys were not talking early in an effort to settle. As a judge, I conducted settlement conferences, and while presiding in Charlotte, I became known as the “settling judge”. I came to realize that mediation might be a better tool for resolving cases earlier. Once I then learned of the Florida mediation program, I wanted to help bring it to North Carolina.*

**Leslie Ratliff** – What prompted you to take on the role of chair of this new Commission charged with certifying and regulating mediators?

**Judge Walker** – *In 1991, the Legislature designated eight pilot districts (with four others added later) in which to implement a mediation program in superior court civil cases. District 18 (Guilford County) was designated one of those pilot districts. I am from Greensboro and welcomed the experiment. As we all know, this pilot was successful and was later expanded to a statewide program in 1995. That same year, I went to see Chief Justice Burley Mitchell about including a pilot mediation program for family cases. The Legislature had just created a Dispute Resolution Commission to oversee the certification and regulation of*

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***mediators in the MSC program, and he was seeking a chair. He offered me the position, I quickly agreed, and stayed for seven years as the Commission's chair!***

**Leslie Ratliff** – What do you think is the most important role that the Commission plays and why?

***Judge Walker*** – ***The role of the Commission has certainly expanded in the past twenty years. From the outset one of the most important duties of the Commission was to certify and oversee 40-hour mediator certification training courses. This was continually emphasized as important by David Strawn who pioneered mediation in Florida's circuit civil and family courts. He saw training as key to developing quality mediators and ensuring program success. Of course, the Commission's role as the body that certifies mediators and regulates mediator conduct in all of NC's court ordered mediation programs is equally as important. These are statutory charges that the Commission takes very seriously.***

**Leslie Ratliff** – The Commission was organized under G.S. 7A-38.2 as a free standing body under the Judicial Department and supported through certification fees rather than tax dollars. In nearly all other states, the model is different -- their AOC equivalents serve to qualify and regulate mediators using tax dollars. Do you think N.C.'s relatively novel approach in setting up what amounts to a mediator licensing board, has served the state well, or as a former AOC director, do you think it would have made more sense to have kept mediator qualification and regulation as a function of the AOC?

***Judge Walker*** -- ***The organization of the Commission from the beginning as separate from the AOC and funded without State money has served it, litigants, and the taxpayers well. Certainly, the fact that the Commission is funded through certification fees has enabled it to ride out some tough economic times of late without the need for staffing or other cuts. Some mediators who have been around awhile may remember that the AOC certified the first mediators to conduct mediated settlement conferences in North Carolina courts. Then AOC Director, Jim Drennan, did not feel that was a good fit for the AOC, given that it was administrative body and not a licensing body or a regulator. He felt an independent Commission should be established to perform these functions. In hindsight, I think he has been proven right.***

**Leslie Ratliff** – Contrary to some lawyers in other states, North Carolina lawyers have been largely supportive of dispute resolution programs in our courts. Why do you think that is?

***Judge Walker*** – ***After some initial hesitation about mandatory mediation, Dispute Resolution programs have consistently been supported by judges, lawyers, clients, court officials and the public. North Carolina was very smart about how it went about the process of implementing superior court mediation. To begin with we picked a good model – the Florida approach was novel and worked well. The mediators were the case managers, which meant court staff were***

*Continued on page 11*

## TEST YOUR MEDIATOR KNOWLEDGE QUIZ! (TRUE OR FALSE?)

*Each statement below arose out of or is related to a call taken by Commission staff.*

- \_\_\_\_\_ 1. If a judgment is filed against a certified mediator the mediator must notify Commission staff of said judgment within 30 days of its docketing.
  
- \_\_\_\_\_ 2. Best practices suggest that the mediator should never sign a mediated settlement agreement reached at a mediated settlement conference.
  
- \_\_\_\_\_ 3. If all parties and the mediator agree, the mediator may allow a party to record the mediated settlement conference.
  
- \_\_\_\_\_ 4. Mediators who fail to report as required under MSC and FFS program rules may be subject to sanctions by the senior resident superior court judge or the chief district court judge, respectively.
  
- \_\_\_\_\_ 5. As a service to the parties, a mediator may prepare an agreement reached at mediation by *pro se* parties for their signatures.
  
- \_\_\_\_\_ 6. A mediator may prepare an affidavit for submission as evidence in an MSC action to either set aside or enforce an agreement reached at mediation if the MSA, prepared by one of the attorneys, inadvertently failed to include a material term in the agreement.
  
- \_\_\_\_\_ 7. If a case settles before the appointed mediator has scheduled the mediation, the mediator need not file a Report of Mediator.
  
- \_\_\_\_\_ 8. If requested, a mediator may offer an affidavit about statements made and conduct occurring at a FFS mediation which resulted in a signed agreement if s/he later learns that a party misrepresented a material fact.
  
- \_\_\_\_\_ 9. Standard III does not prohibit a mediator from disclosing to the mediator's liability insurance carrier that a complaint has been filed against the mediator with the DRC.
  
- \_\_\_\_\_ 10. If a party is non-English speaking, the mediator should arrange for an interpreter.

ANSWER KEY ON PAGE 14

***not burdened with extra work; the parties paid the mediator which meant the legislature did not have to appropriate funding; and the parties and attorneys could select their mediator which gave them confidence in the process. Judges and the NCBA were involved early on, pilots were utilized and the pilot programs were studied extensively. We could document that the pilot program worked and that was persuasive! The Commission and mediators have since worked hard to maintain the integrity of the programs and that is the chief reason for the continued support.***

**Leslie Ratliff** – When you became the Commission’s chair, there were maybe 200 or so mediators that had been certified by the AOC and were working with only the MSC Program. Now there are some 2,000 certified mediators serving our various court mediation programs. Are you surprised by the number of mediators now working in our courts?

**Judge Walker** -- ***The number of mediators does not surprise me today because of all the programs that are available and the fact that mediation is working so well. Retired judges, lawyers, and non-lawyers are able to engage in mediation opportunities. I predict that even more opportunities will open up as other areas develop and embrace mediation.***

**Leslie Ratliff** – Many speak in terms of dispute resolution having worked a “sea change” on the way attorneys practice law in NC? You have practiced and served as judge for several years. Based on your experience, do you think that is true?

**Judge Walker** – ***Yes, there are significant changes in the manner in which attorneys practice law as a result of mandatory mediation programs. Because they know their cases will be ordered to mediation, attorneys and their clients can begin to examine their cases early on, discuss the possibilities for settlement, and sometimes resolve them much more quickly. You know, it used to be seen as sign of a weak case if one attorney approached another to talk about settlement. Given that, such overtures rarely occurred. It is much different today. It always amazes me to look at caseload statistics for these programs and see how frequently mediators report that the mediation wasn’t held because the case settled prior to the conference date. I have no doubt that mediation served as the catalyst for many of those settlements.***

**Leslie Ratliff** – Rules for our mediated settlement conference programs have expanded over the past several years -- the MSC Rules are now 40 pages, including the menu -- and there is also a growing body of advisory opinions. Some mediators, judges, and court staff have expressed concerns that these formerly lean programs are becoming overly formalized and bureaucratized. Can you comment on this?

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***Judge Walker – The expansion of mediation programs in both the civil and criminal arenas over the past twenty years has led to the need for additional program Rules. The Commission reviews the Rules regularly and recommends amendments as needed to the Supreme Court in order to insure that they are understandable, necessary, and workable for both clients and mediators. My good friend, Frank Laney, refers to the advisory opinions, as the common law on mediation in North Carolina. As we have learned more about these processes and the role of mediator, is it inevitable that our “common law” would expand.***

**Leslie Ratliff** – Though mediation is now used extensively in our courts, as a former AOC Director and experienced mediator, do you have any ideas for other ways that mediation programs or processes could be implemented either in the courts or elsewhere in the State to the benefit of NC citizens?

***Judge Walker – I’d like to see the state explore the potential expansion of mediation into Division of Motor Vehicles licensing disputes, technology in the courts, business and in healthcare.***

**Leslie Ratliff** – Do you think NC’s mediated settlement conference programs have worked well and are still meeting their statutory mandates – expediting settlement, making our courts more efficient and more user friendly for the parties? Do you have any concerns?

***Judge Walker -- I believe our mediated settlement conference programs continue to work well and people have more confidence in them than ever before. We have a strong tradition of program evaluation and research in North Carolina and I hope we will continue that. We are ordering our citizens to participate in mediation and to pay for the opportunity. That makes it incumbent upon us to always be evaluating our programs and looking for ways to improve them. I would hope that Dispute Resolution Commission would take an active role in championing such efforts.***

**Leslie Ratliff** -- A lot of very experienced judges and court staff will be leaving the system over the next 10 or so years as baby boomers age out and retire. As a former Commission Chair and AOC Director, can you suggest ways the Commission could help to facilitate that transition?

***Judge Walker – The Commission has produced a number of excellent resources that will be helpful as new folks begin working with these programs. There is the “Greenbook”, published in 2003 and the updated version published in 2012, which chronicles the history of mediation in North Carolina. At the Commission’s May meeting, I learned that they are publishing Benchbooks for judges and court staff on both the MSC and FFS Programs. These Benchbooks are intended to be nuts and bolt guides designed to give new judges and court staff the tools they need to successfully implement our programs. I was glad to see the Commission being so proactive in this regard. With the Commission, the rules, training programs, and experienced mediators in place, there will be tremendous resources available to those following the baby boomers.***

**Leslie Ratliff** – You have had an extraordinary career! You practiced law, sat on the bench for many years, were Director of the AOC, and have served both as a mediator and arbitrator. Recently, I

*Continued on next page*

learned you had been appointed to the NC Medical Board and State Ethics Commission. Congratulations! What work or service have you enjoyed most and why?

**Judge Walker** – *I have been fortunate to serve in the various areas you have mentioned. Serving as a mediator has certainly been one of the highlights of my career.*

**Leslie Ratliff** – Looking ahead to the next 20 years, do you think mediation is here to stay? Do you have any expectations for or concerns about the future of mediation in North Carolina that you would like to share?

**Judge Walker** -- *In the next twenty years I foresee the continued expansion of mediation programs across the country. These programs simply make sense. They help make the courts more efficient, save tax dollars and make the experience of going to court less stressful for the parties. At this juncture I really do not have any concerns about North Carolina's programs. I expect that the Commission will "keep its finger on the pulse" and ensure the continued success of these programs for litigants and the public at large.*

**Leslie Ratliff** – It has been a pleasure to talk with you! Thank you, Judge Walker, for your many contributions to this Commission and to the development of dispute resolution in our courts. ◆

**MEDIATOR MANTRA:**

*I WILL FILE MY REPORTS ON TIME; I WILL FILE MY REPORTS ON TIME; I WILL FILE MY REPORTS ON TIME;*

*I WILL FILE MY REPORTS ON TIME; I WILL FILE MY REPORTS ON TIME; I WILL FILE MY REPORTS ON TIME.*

***DRC Mediators Honored with NCBA Citizen Lawyer Award!***

**Frank Laney** of Cary, **Sharon Parker** of Marion, **Donald Sayers** of Salisbury, **Angelique Vincent-Hamacher** of Charlotte, **Judge Ralph A. Walker** of Greensboro, and **John Willardson** of Wilkesboro, were presented with a 2015 Citizen Lawyer Award at the NCBA's annual meeting on June 19, 2015. This award was established in 2007 to recognize lawyers who provide exemplary public service to their communities. Honorees include elected and appointed government officials, coaches, mentors and voluntary leaders of nonprofit, civic, and community organizations.

**CONGRATULATIONS!**



## Say it Ain't So, Marge and Homer

By Dave McDonald\*

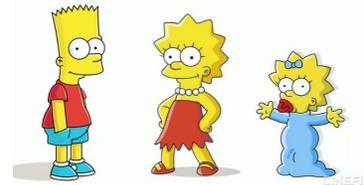
It was leaked recently that Marge and Homer Simpson are soon planning to separate. I guess the divorce rate in Springfield is comparable to the rest of the United States, and with Homer's continued antics, how can you blame Marge? I am certain that upcoming episodes will find Moe, the sullen bartender, trying to counsel Marge and Homer to keep the family together for the children, but I am equally sure that Marge's sisters, Patty and Selma, will do their best to continue to drive Marge and Homer apart. Rumor has it that Homer falls for his pharmacist.

In any event, for Bart, Lisa and Maggie's sake I hope they find a mediator in Springfield, otherwise there is a good chance that the Simpson children's college education fund, and Homer's 401K from the Nuclear Power Plant will be devastated leading up to the battle in the Springfield Circuit Court.

If you have any connections with Simpsons' creator Matt Groening, or the Twentieth Century Fox Film Corporation, please have them write a mediator into the script before it is too late.

*\*Dave McDonald is President of the Mediation Center of Hampton Roads, VA*

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### Test Your Knowledge Answer key for test on page 11:

- |                                   |  |
|-----------------------------------|--|
| 1. T                              | 7. F (MSC Rule 6.B(4)(a); FFS Rule 6.B(4)(a))                            |
| 2. T                              | 8. F (7A-38.4(j); Standard III)  |
| 3. F (FFS Rule 4.D; MSC Rule 4.F) | 9. T   |
| 4. T (MSC Rule 6.B(4)(d))         | 10. F (it is not the mediator's responsibility to secure an interpreter) |
| 5. F (AO 28 (2013))               |  |
| 6. F (7A-38.1(l); Standard III)   |  |

### REMINDER TO ALL MEDIATORS

Has your address, telephone number, or email address changed?

You can update your profile at any time by clicking on the logo on the website at [www.ncdrc.org](http://www.ncdrc.org).

If you want to change your inactive/active status call Commission staff.

**REMEMBER TO FILE YOUR REPORTS OF MEDIATOR ON TIME AND COMPLETELY**

## Sea of Greed



Judge J. Douglas McCullough

*Judge J. Douglas “Doug” McCullough serves on the NC Court of Appeals and has been a member of the Commission since 2010. He is also the author of a new book, Sea of Greed, published in 2014 and set, at least partially, on North Carolina’s coast near Beaufort. The book is about the largest drug bust in US history and has a cast of characters which includes former Panamanian dictator Manuel Noriega. Information about the book is available at [www.seaofgreedbook.com](http://www.seaofgreedbook.com). Judge McCullough agreed to talk with Commission staff about the book and his role in investigating and prosecuting the cartel:*

**Commission staff – You wrote *Sea of Greed* several years after the bust. What made you decide to write it when you did?**

**Judge McCullough –** I wrote this book many years after leaving the U.S. Justice Dept. but had kept the discovery materials and I had always believed the story was worth putting on paper, if for nothing else, to tell the “back story” of how Noriega was actually brought to justice. It is told in dialogue because I first tried writing a screenplay and found I didn’t know how to do that and abandoned the project. When I married my present wife, Lucci, she found the box with my materials, inquired, and after she read through my attempt said I should write a book. Holding a full time job as judge, that effort still took several years. The book is on Amazon, Kindle or wherever one buys books.

**Commission Staff -- The book is based on true events, but written in dialogue so it reads like a novel. How would you describe the book?**

**Judge McCullough --** I would describe it as an action/thriller but based on true events. The essential chapter material is true and I have a bibliography to inform readers what documents back up each chapter. We have a disclaimer noting that some of the dialogue, although not necessarily word for word, comes from official reports or transcripts, in particular, Chapter 1- Abandoned Lady, referring to the F.V. Lady Mauricette out of Louisiana, which deals with the boarding of the fishing vessel (shrimper) at the port in Morehead City.

**Commission staff -- The book is written about the period when you were with the US Attorney’s Office for the Eastern District of North Carolina. What time frame did that encompass? Over what time frame did this drug smuggling operation extend?**

**Judge McCullough --** The events set forth in the book cover the period of the summer of 1982 through 1985. The indictments of the principals in the North Carolina smuggling ventures took place in 1986 and Noriega was eventually indicted in February 1988. The invasion of Panama occurred a year later.

**Commission Staff -- The book describes this as the largest drug bust in US history. Can you estimate what the street value would be today of what these smugglers brought into the US?**

**Judge McCullough –** In referring to this as the ‘biggest drug bust in U.S. history’, I am actually referring to the fact that it led to the arrest of the Head of State of a sovereign nation on drug conspiracy charges. Nothing like that has ever happened before. For instance, we did not invade the Bahamas to arrest its President years ago when there was a staggering amount of evidence that he was corrupt. The US eventually let the Bahamian people vote him out of office. Panama was unique because of the circumstances related in the book. The street value of the drugs was immense. It is estimated that the street value in 1982 dollars was close to 1 billion dollars, probably 20 billion today.

**Commission Staff** – NC’s coast has a history with smuggling that goes back to Blackbeard, if not before. Can you comment on how common smuggling and drug running are today off North Carolina’s coast?

**Judge McCullough** --Smuggling along the North Carolina coast has a long history dating from Blackbeard until modern times. Besides Blackbeard, pirates invaded Beaufort, NC in the 1740’s commemorated today in a “Pirate’s Day “ celebration. The notorious pirate Stede Bonnet was captured near Wilmington before being taken to Charleston, SC, and hung along with several members of his crew. In the 1920’s “rum runners” plied their trade in coastal waters. Today there is little smuggling of bulk products involving thousands of pounds. Some people may smuggle small quantities, but very little today. In the book there were two loads of marijuana into NC. The successful load was 39,000 lbs. In 50 lb. bales it takes a long time to unload. With more efficient patrols between here and Colombia and with coastal development it is unlikely that smugglers could successfully transport that quantity and then unload it undetected, although a 12 lb. bale did wash up on Atlantic Beach over Memorial Day week end this year. However, the USCG noted it looked like it had been in the water a long time and probably came up the Gulf Stream, not from a boat near here.

**Commission Staff** -- I was amazed at how much technology played a role in this book even though events took place in the early 1980s. You wrote that the US government flew surveillance aircraft assigned to search out drug smugglers and equipped with radar and infrared capabilities that could pick up the heat generated by shipments of decaying vegetable matter, such as marijuana. To counteract the planes, these smugglers equipped their boats with expensive refrigerated holds, their own scanning and radar equipment, and used reconnaissance planes to fly ahead of the ships and route them around law enforcement. There was even mention of night vision goggles, encrypted radio signals, and one of smugglers carried something akin to a lie detector which he called a “loyalty machine” and used to ferret out unreliable members of the ring. Was this level of sophistication common?

**Judge McCullough** –The smugglers described in “Sea of Greed” were unusually technology “savvy” and knew a lot about military detection, in part because a military person had helped plan the logistics. They were aware of satellite intercepts of marine “chatter” which could be used to target vessels. They were aware that forward looking infrared radar (FLIR) had been used since the Viet Nam war and thus they refrigerated their holds to thwart detection. They used radio silence and daily reports that varied from the time of day and radio frequency to avoid detection and tried to cross the Caribbean near Panama when they were aware through cartel sources that Air Force pilots were occupied with prostitutes supplied by the cartel. Their use of off duty airline pilots to fly protective “fans” in front of the vessel is similar to the Close Air Support CAP flown by naval pilots in advance of naval surface ship combatants. Nonetheless, one of their loads was seized by the USCG in Morehead City and ultimately led to their downfall.

**Commission Staff** – Though they relied heavily on technology, these smugglers seemed to prefer relatively slow moving craft to transport their cargo, *i.e.*, shrimp trawlers and barges. The crafts they used sounded almost decrepit. I lived in South Florida for several years and thought most drug smuggling was done with cigarette boats and planes. Were these smugglers simply trying to be discreet or did the volume they were moving dictate the type of craft they would use?

**Judge McCullough** -- The smugglers of bulk marijuana normally used fishing vessels called shrimpers for several reasons. First, they were carrying in bulk, 39,000 lbs. versus a few hundred kilos of cocaine. The “go-fast” boats smuggling into Miami via the Bahamas were smuggling a different product, cocaine, with different profit margins. Even in Florida, the earlier smugglers who brought in marijuana normally used shrimpers as well. Also, shrimpers from NC transited to the Gulf to shrimp in the off-season, so it was not uncommon to see a North Carolina based boat headed either south to the Gulf or returning home.

*Continued on next page*

**Commission Staff** – Can you briefly describe for our readers the role that you played in investigating and trying this case?

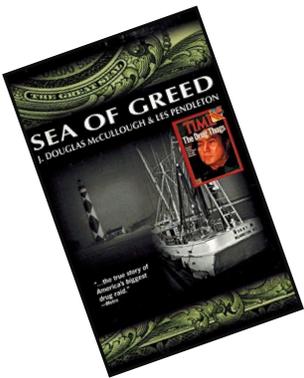
**Judge McCullough** -- I was the Assistant U.S. Attorney, who handled the prosecution. As such I was intimately involved in the investigation and prosecution of all participants. Federal prosecutors are normally much more involved in the investigation than state prosecutors as all information is eventually provided to a federal grand jury. Thus, I received all investigative reports, placed cooperating witnesses before the grand jury to ‘lock-in’ their testimony, drew the indictments, handled pleas and tried any cases that resulted from the prosecution.

**Commission Staff** – The marijuana in the book originated in Colombia and the involvement of Manuel Noriega and his government was limited to money laundering. Do you have any idea how much money passed through Panama in connection with this ring? Do you have any idea how much money ended up in Noriega’s personal pocket?

**Judge McCullough** – While only 50 million dollars was laundered through Panama by Kalish and his associates, Noriega earned even more from other activities with both marijuana and cocaine cartel members. Of the 50 million, Noriega received 15%.

**Commission Staff** – I was shocked to read in the book that, prior to this bust, the DEA had recognized Manuel Noriega for supporting America’s war on drugs. In fact, according to your book, in one instance, one of the cartel’s members flew Noriega to Washington, D.C., in his private Lear jet to collect his award from President Reagan. I also seem to recall that at some point, Noriega was even on the CIA’s pay roll. Did the government really have no idea until this bust of Noriega’s activities in facilitating the international drug trade?

**Judge McCullough** – The contention I make in the book is that the Government, specifically the CIA, was aware that Noriega was engaged in corrupt relationships with various cartels, but the agency down-played his involvement to higher officials in order to retain him for those cases he would give up (i.e., those cases where the people had not paid him off) and for his access to Castro. However, I cannot prove this as I do not have access to classified information to prove or disprove this. I do know that Noriega was once described by Colin Powell as a “man who could not be bought, but could be rented from time to time.” Supposedly the CIA downplayed information from Panamanian or Colombian sources as ‘unreliable’ in that it was provided for political ambitions or due to sour relationships.



**Commission Staff** – The three principal traffickers in the book came from Detroit, Houston, and the Cayman Islands. They had very different personalities and backgrounds. How did these three get connected in the first place?

**Judge McCullough** – The meeting of the principals was purely accidental, but once established proved very fruitful. Kalish was a Houston high school drop-out who started smuggling along the Gulf Coast and met Leigh Ritch, a Grand Cayman playboy who had contacts via his father, a commercial seaman, with Colombians who could provide marijuana. Some of the Colombians had provided marijuana to a Detroit distributor, Michael Vogel, thus the Colombians provided contact information to each party and they were all able to set up their own little group that we called the Cayman cartel.

**Commission Staff** -- Though the book didn’t really talk about it, I understand that a number of local business owners and elected officials in the Beaufort, Morehead City, Atlantic Beach area got caught up with this cartel. How did a cartel whose principals resided in Houston, Detroit, and the Cayman Islands go about recruiting so many local folks?

**Judge McCullough** – The story about local participation is not really fully covered in the book. Steven Kalish was very

flamboyant when it came to partying and spending money. Think “Wolf of Wall Street” without quite as much drug usage. Some pot but not so much coke. In any event, Kalish met a Beaufort restaurant owner in an Atlanta night club and ultimately decided to come to North Carolina to conduct a couple of operations. That restaurant owner, Steven Fodrie, whose family operated the Net House in Beaufort for many years, put Kalish in contact with several locals who were helpful in controlling the off load site. One was Gary Walters, who was then the Mayor Pro Tem of Atlantic Beach, where I now live and not far from where I grew up, Swansboro.

**Commission Staff** – One the cartel principals, Stephen Kalish, seemed to enjoy drawing attention to himself. He was described as a young man who partied heavily and flashed a lot of cash, buying a red Ferrari and a Lear Jet. The other partners seemed more than a little uncomfortable with his flamboyant and even reckless behavior and were worried about deals he was running on the side. Kalish was the first of partners arrested. Perhaps I missed something, but it wasn’t clear to me from the book why Kalish was initially picked up. Did one of his side deals go bad?

**Judge McCullough** -- Kalish was arrested first, and it was a close call. Kalish had two prior seizures in the Gulf area and two separate appeals in the 5<sup>th</sup> Circuit. In one his conviction was reversed but in the other his conviction was upheld. When he failed to report to federal prison as ordered, an order for his arrest was issued. Somehow the Tampa FBI field office learned he might be in town and checked a flying service he used to see if he was around. He just happened to be there on his way to Panama with no intention of ever returning. Once arrested he had some life choices to make.

**Commission Staff** – Though Steve Kalish and perhaps others associated with the cartel cooperated with the government in its investigation of Noriega, ultimately, I was surprised by how light their sentences were given the magnitude of the bust. Can you comment on that?

**Judge McCullough** –Kalish, Vogel, and Leigh Ritch each received 14 years. All served approximately 9 of those years with the balance being on parole. In that era sentences were not dictated by U.S. Sentencing Guidelines. Kalish’s plea called for him to receive a sentence in Eastern District of North Carolina concurrent with any sentence in Middle District of Florida. His cooperation was brought to the Judge’s attention in Florida and he determined that out of the 30 years he was facing, 14 was appropriate. Given other sentences in that time frame and the extent of Kalish’s extraordinary cooperation, that seems fair to me, even today.



**Commission Staff** – Can you briefly explain for our readers what role, if any, this drug bust played in the eventual invasion of Panama by the US and Noriega’s downfall?

**Judge McCullough** -- The arrest of Kalish and his de-brief by DEA, Customs, and FBI out at Camp Lejeune was the catalyst for Noriega’s indictments. As described in the book, after those three agencies reported the substance of their witness d-briefings of Kalish to their respective agency headquarters, the matter went to the National Security Council where Reagan supposedly said, if he is “dirty, indict him”. Those were the words that Assistant Attorney General, Criminal Division, Stephen Trott, used when describing the results of that NSC meeting to me and attorneys from Tampa.

**Commission Staff** – After the invasion of Panama, Noriega was tried in Miami in the United States District Court for the Southern District of Florida. Did any of the cartel members play a role in that trial? What was Noriega specifically charged with and what was the eventual outcome of his prosecution? Where is he now?

**Judge McCullough** -- Noriega was tried and convicted on eight counts of drug trafficking, racketeering, and money laundering in April 1992, in Miami. Kalish & Ritch gave important testimony at the trial. He was sentenced to 40 years

in prison, which was later reduced twice. He was also tried and convicted in absentia in Panama and France for murder and money laundering. As his US sentence neared the end, he was extradited to France to serve the sentence on his conviction in absentia for murder in 1995. Thereafter, France allowed his conditional release and extradition to Panama to serve a 20 year sentence for the Panama convictions. He is still in prison in Panama.

**Commission Staff – I was surprised by the book’s depiction of the competition among the various U.S. Attorney’s Offices. Especially after everyone realized the magnitude of the cartel’s operations, there was intense jockeying between your office and that of United States District Court for the Middle District of Florida to prosecute the case. Is such competition the norm in bigger cases?**

**Judge McCullough** - Jockeying for credit within law enforcement does unfortunately sometimes occur. The MDFL folks wanted to keep who they perceived as a ‘country bumpkin’ lawyer from Eastern NC, who they poked fun at, asking if Opie was around, a reference to the Andy Griffith show, popular back then, out of the case. Sometimes agencies bicker, but in this instance, we had seizures in Eastern NC, we had a successful load in Eastern NC, and we had a local public official and a lot of people involved who Tampa had no case on and no interest in, so we resolved our differences. But our relationship was not a warm one.

**Commission Staff -- Did you ever feel at any personal risk while investigating and prosecuting this case?**

**Judge McCullough** - During the course of this and most investigations, I never really feared retaliation, although I did go through firearms training and qualified with various federal law enforcement agencies so that I could be a ‘Special Deputy U.S. Marshal’ authorized to carry a firearm for self-protection. I carried a Glock 17, 9 mm, which I still own. I have been licensed to carry a concealed weapon but no longer have the permit.

**Commission Staff -- Is sitting on the Court of Appeals a little dull compared to the thrill of busting cartels and helping to put dictators behind bars?**

**Judge McCullough** - Being on the Court of Appeals is the right place for me at this time of my life. I can utilize all I learned along the way and bring it to bear on my cases. Prosecution of big cases is fun, but there is a time to move on to other challenges. I am happy to be where I am and feel fortunate that the citizens of NC have given me this opportunity to serve.

**Commission Staff – Is there a movie in the works, Judge McCullough? If so, do you want to hazard an opinion as to who should play you?**

**Judge McCullough** – Finally, there is a movie option out there. The company that holds the option, Horsehead Pictures, out of Charlotte, has been working on a script and trying to obtain a director and it has taken about as long as it took me to write the book for them to produce an acceptable script. I am informed that a well-known director now likes the story and script and I am waiting to see a copy of the new script. Evidently Hollywood works from scripts, not books, although a good book will lead to a script. My wife believes that Matthew McConaughey should play Kalish as they share the hometown of Houston and McConaughey could capture the essence of Kalish’s charm. As to me, I think any handsome, clean cut, mid-thirties actor could take on my role. What do you think?

**Commission Staff -- Leonardo DiCaprio? Matt Damon? I enjoyed your book Judge McCullough and look forward to seeing the movie. Thanks so much for making time in your schedule to be interviewed. ♦**



## Judge Sanford Steelman Retires!!

### Goodbye Judge Steelman—

Congratulations to Judge Steelman on his retirement from 13 years on the NC Court of Appeals!

And, thanks to Judge Steelman for his years of service to the Commission as a chair, member, ex officio member, and liaison from the Court of Appeals. He has always been a staunch supporter of the Commission and its work. His wisdom, common sense, integrity, and humble demeanor will be sorely missed.

*The following article is reprinted  
with permission of NC Lawyers  
Weekly*

## Retiring judge donates Justinian figure to COA building

### *Court of Appeals Judge Sanford Steelman honors a late friend with historic gift*

Judge Sanford Steelman preferred not to have a retirement party, but did want to make a contribution to the Court of Appeals building before his retirement. He got both last week. Steelman, who has been a state appeals court judge since 2003, will officially retire at the end of this month but last week presented a bronze cast of Roman Emperor Justinian, placed on the third floor of the Court of Appeals building. The bronze cast served as a prototype in the creation of panels for the doors of the U.S. Supreme Court, which depict symbols of the evolution of Western ideals of justice. Emperor Justinian oversaw the rewriting of Roman law to make it uniform, which provided the basis of civil law used in the U.S. and many other countries. Steelman received the item as a gift from one of his clients, an inventor named Edward Towns, back when Steelman was in private practice. Towns, who died in 1999, was described by Steelman as eccentric, but Towns also designed the prototypes for the childproof caps on pill bottles, leak-proof frozen juice containers and a cap for Coke bottles that adjust for pressure at higher altitudes. “I’ve always felt like I was just a temporary stakeholder in that bronze cast since Ed’s family had owned it since 1935,” Steelman said. “I think he thought I would like to have it because of what Justinian meant and I have had the idea for some time to display it somewhere where people could appreciate it.” When Steelman was asked what

his friend would think of his bronze cast being displayed prominently on a brand new piece of marble on the wall of the North Carolina Court of Appeals building in downtown Raleigh, the judge didn’t blink. “He’d laugh and get a kick out of it,” Steelman said. “Here’s a guy that worked at company called Oz Worldwide in a castle-shaped building with a yellow brick road sidewalk. His business card said ‘Chief Wizard.’” Lucy Inman, the newest judge on the Court of Appeals who was elected this year, oversaw the task of finding a way to have this gift presentation serve not only as a celebration of the artifact but as an appreciation for Steelman’s service on the bench. The crowd at the unveiling on June 23 included former state judges, former and current attorneys and other people who worked in the state judicial system. “Judge Steelman is a humble, nonsensical, low-profile type of person and he didn’t want a fuss (over his retirement,” Inman said. “He did have a lot of passion for this Justinian cast and his late friend Ed Towns, so I was glad we were able to commemorate his gift to the court.” Inman found local sculptor and metalworker Christian Karkow to help clean and get the cast in a more presentable state for the unveiling. Karkow, who says he is not an art historian, said he was excited to work on the piece after being contacted by Inman because of the historical implications and the chance to figure out the subtle distinctions created by the artist. “It’s

just such a unique piece because it’s a direct clone from what’s out front of the Supreme Court,” Karkow said. “This piece has its own story from as far back as 1935, so the history is something that all of us can appreciate.” Steelman said what excited him most about the project was the idea of folks walking by the new bronze cast of Justinian in the building and having their personal reaction to it. However, figuring out Steelman’s is easy. “I’ll look it and remember my friend,” Steelman said. “It’s not every day you get called over to somebody’s house when they are on hospice care and he gives something to you. That will always choke me up a bit.”



*By Matthew Stevens*

*Reprinted with permission, NC  
Lawyers Weekly, June 29, 2015*

# Upcoming Mediator Certification Training



## Upcoming Mediator Certification Training

### *Superior Court Training*

**Carolina Dispute Settlement Services:** 40-hour superior court mediator training course, September 28 - October 2, 2015, in Raleigh, December 7 - 11, 2015, in Raleigh and February 22 - 26, 2016, in Raleigh. For more information or to register, Contact Diann Seigle at (919) 755-4646, or visit their web site: [www.notrials.com](http://www.notrials.com).

**Mediation, Inc.:** 40-hour superior court mediator training course, August 3 - 7, 2015 in Charlotte, October 27 - 31, 2015 in Raleigh. For more information or to register, contact Andy Little at (919) 967-6611 or (888) 842-6157, or visit their web site at [www.mediationincnc.com](http://www.mediationincnc.com).

### *Family Financial Training*

**Success Consulting and Mediation,** formerly Atlanta Divorce Mediators, Inc.: 40-hour family mediation training course, October 1 - 5, 2015 in Atlanta, GA. For more information, contact Melissa Heard at (770) 778-7618 or visit their web site at [www.mediationtraining.net](http://www.mediationtraining.net).

**Carolina Dispute Settlement Services:** 40-hour family mediation training course, October 19, 2015 - 23 in Raleigh. See above for contact information.

**Mediation, Inc:** 40 hour family mediation training course, September 15 - 19, 2015 in Raleigh. See above for contact information.

### *6-Hour Training*

**Mediation Inc:** 6-hour training course. See above for contact information.

**Professor Mark W. Morris:** 6 hour course. For more information or to register on-line, visit [www.nccourts.homestead.com](http://www.nccourts.homestead.com).

**The ADR Center (Wilmington):** 6 hour course. For more information or to register, contact John J. Murphy at (910) 362-8000 or email [johnm@theADRcenter.org](mailto:johnm@theADRcenter.org), or visit their web site at [www.theADRcenter.org](http://www.theADRcenter.org).

**Judge H. William Constangy** (Charlotte): For more information, contact Judge Constangy at (704) 807-8164.

# CME OPPORTUNITIES

## *CME and Training Opportunities*

**Success Consulting and Mediation**, formerly Atlanta Divorce Mediators, Inc., is presenting “Basic Mediation Skills” on August 3 - 7, 2015, September 14 - 17, 2015 and December 7 - 11, 2015 in Atlanta., GA; “Domestic Violence” on November 13 & 14, 2015, in Atlanta, GA; and “Advanced Mediation Skills” on August 25 - 27, 2015 in Atlanta, GA. For additional information, call (770) 778-7618 or visit [www.mediationtraining.net](http://www.mediationtraining.net).

**NC Bar Association** is presenting “A New Direction: the Changing Landscape of NC Worker’s Compensation (2015) Worker’s Compensation Section Annual Meeting” (Video) For additional information, call (800) 662-7407 or visit [www.ncbar.org/CLE](http://www.ncbar.org/CLE).

**The ADR Center** is presenting a “Basic Mediation” seminar in Wilmington. This seminar is intended to introduce participants to the field of conflict resolution. The seminar covers communication skills, negotiation, conflict theory, cause of conflict, alternative dispute resolution methods, and mediation. Participants can expect a highly interactive seminar to make this training informative and entertaining. For additional information, call (910) 362-8000 or visit [www.theADRcenter.org](http://www.theADRcenter.org).

**The ADR Center** is presenting “Advanced Mediation” seminar, in Wilmington. This advanced seminar is intended to assist the experienced practitioner in enhancing their skills. This six hour seminar focuses on more complicated dynamics that present themselves at the mediation table. Participants can expect to build on their professional experiences and those of their colleagues. For additional information, call (910) 362-8000 or visit [www.theADRcenter.org](http://www.theADRcenter.org).

**See page 23 for Employment Opportunity with The ADR Center.**

### *Commission Meetings*

All mediators are reminded that Commission meetings are open to the public. If you wish to be present, please let Commission staff know so that seating is assured. The next regularly scheduled meeting is the Commission’s fall retreat scheduled for August 14-15, 2015, at the Doubletree Biltmore in Asheville. Information about Commission meetings and minutes are regularly posted on the Commission’s website at [www.ncdrc.org](http://www.ncdrc.org). From the menu on your left, click on “Missions and Operations”, then, from the next menu, select “Meeting Information”.

## **THE ADR CENTER IN WILMINGTON SEEKS EXECUTIVE DIRECTOR**

*The ADR Center in Wilmington is losing its Executive Director, John Murphy. The Commission has worked with Mr. Murphy in implementing the District Criminal Court Mediation Program. Mr. Murphy will be missed, but the Commission and its staff wish him much success in his new endeavor, working with the US Embassy in Kingston, Jamaica. The ADR Center has asked the Commission to help get the word about this vacancy. For more information, contact the Center at 910-362-8000.*

### **POSITION ANNOUNCEMENT**

#### **EXECUTIVE DIRECTOR**

The ADR Center seeks a full-time Executive Director based in Wilmington, NC. The Alternative Dispute Resolution Center ("The ADR Center" or "Center") is a non-profit mediation services program based in Wilmington, North Carolina. The Center provides alternative dispute resolution services and training to local businesses and residents in New Hanover, Pender, Brunswick, Columbus, and Bladen counties. This role focuses on maintaining and growing a vibrant community mediation movement in southeastern North Carolina through partnerships, fundraising, and sound fiscal management.

The ideal candidate should:

- Have a minimum of six years of experience in non-profit management, ideally with a community mediation center;
- Be a persuasive and passionate communicator, able to connect through oral and written communication;
- Have an established record in growing and developing programs and cultivating partnerships;
- Be an effective and creative problem solver;
- Have a deep understanding of the power of mediation and conflict resolution to heal relationships, save lives, transform communities, and solve social problems;
- Be able to hear and incorporate feedback from partners, staff, Board, and others;
- Be able to balance collaboration and accountability when supervising staff;
- Have the ability to work with a diverse staff, volunteer, and client community.
- Working knowledge of adult education models, including the designing, pricing, and marketing of training programs.

Compensation: This is a full-time, salaried position. Salary will be commensurate with experience.

To apply: All interested persons are encouraged to apply regardless of race, gender, sexual orientation, or disability. To apply, please send an email with:

A well-written cover letter stating why this position is of interest to you including how you meet the desired qualifications and 2.) a current resume, including references to: [mnncc@mnncc.org](mailto:mnncc@mnncc.org)

Refer any questions to the above email address. The Closing Date for submissions August 5, 2015, at 5pm. Only emailed submissions will be accepted. ALL interviews will be scheduled for Saturday, August 29<sup>th</sup>, beginning at 9am in Wilmington, NC. Candidates selected for the interview phase will receive further instructions (i.e. location, specific interview time) at a later date.

## NCAOC RETIREMENT PROJECTIONS

AS OF 12/31/14

Title	Number of Current Employees	Employees Eligible to Retire in One Year	%	Employees Eligible to Retire in Three Years	%	Employees Eligible to Retire in Five Years	%	Employees Eligible to Retire in Seven Years	%	Employees Eligible to Retire in Ten Years	%
DC Judicial Assistant I	24	0	0.0%	0	0.0%	5	20.8%	5	20.8%	8	33.3%
DC Judicial Assistant II	32	1	3.1%	4	12.5%	5	15.6%	5	15.6%	7	21.9%
DC Trial Court Coordinator	33	4	12.1%	6	18.2%	9	27.3%	14	42.4%	15	45.5%
Family Court Administrator	9	1	11.1%	2	22.2%	3	33.3%	5	55.6%	5	55.6%
Family Court Case Coordinator	34	1	2.9%	4	11.8%	4	11.8%	6	17.6%	10	29.4
Family Court Coordinator II	2	0	0.0%	0	0.0%	0	0.0%	1	50.0%	2	100.0
SC Judicial Assistant I	12	3	25.0%	3	25.0%	4	33.3%	4	33.3%	5	41.7
SC Judicial Assistant II	21	1	4.8%	3	14.3%	3	14.3%	7	33.3%	8	38.1
SC Trial Court Coordinator	48	10	20.8%	15	31.3%	23	47.9%	24	50%	27	56.3%
Trial Court Administrator	10	3	30.0%	4	40.0%	6	60.0%	7	70.0%	7	70.0%
Chief DC Judge	42	15	35.7%	23	54.8%	27	64.3%	33	78.6%	37	88.1%
DC Judge	226	27	11.9%	47	20.8%	63	27.9%	75	33.2%	106	46.9%
Senior Resident SC Judge	50	21	42.0%	30	60.0%	36	72.0%	37	74.0%	41	82.0%
SC Judge	47	13	27.7%	20	42.6%	26	26%	33	70.2%	37	78.7%