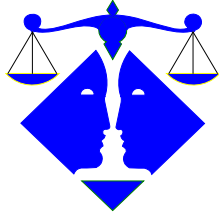




**DISPUTE RESOLUTION COMMISSION  
PROVISIONAL PRE-TRAINING APPROVAL PACKET  
FOR SUPERIOR COURT (MSC) CERTIFICATION**

**PREPARED BY  
N.C. DISPUTE RESOLUTION COMMISSION  
APRIL 2021**





Thank you for seeking a Provisional Pre-training Approval of eligibility to be certified as a superior court mediator prior to registering for a Commission approved mediator certification training program. Provisional Pre-training Approvals are issued pursuant to the Dispute Resolution Commission Guidelines for Issuing Provisional Pre-training Approvals. MSC Rule 8(a) establishes threshold education and work experience requirements for superior court mediators in the MSC program. By seeking a Provisional Pre-training Approval, you are asking the Commission to determine whether or not you meet the threshold criteria of MSC Rule 8(a)(2) or 8(a)(2)b.3. As part of this review, staff will conduct a background check on you.

Please feel free to contact the Commission's office if you have any questions. Thank you.

Telephone: (919) 890-1415 \* Facsimile: (919) 890-1935  
Mailing Address: P.O. Box 2448, Raleigh, NC 27602  
Web Address: [WWW.NCDRC.GOV](http://WWW.NCDRC.GOV)  
Email: [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org)

## **DISPUTE RESOLUTION COMMISSION**

### **Provisional Pre-training Approval Process**

### **MSC Program**

Commission staff may issue Provisional Pre-training Approvals at the request of individuals who are seeking assurances that they meet **threshold** requirements for certification relating to education and work experience as set forth in MSC Rule 8(a)(2), prior to registering for a Commission approved mediator training program. Commission staff may also issue Provisional Pre-training Approvals at the request of individuals seeking assurances that some ethical or fitness to practice concern they have experienced does not appear to serve as a bar to certification under MSC Rule 8(a)(2)c.(4).

**Please be advised that the issuance of a Provisional Pre-training Approval is not a guarantee of certification.** The final determination on an application for certification rests with the Commission as it is the final authority in determining an applicant's eligibility for certification.

### **I. MSC Program Threshold Requirements**

**[MSC Rule 8 is posted on the Commission's Superior Court Mediator Certification page.](#)**

**MSC Rules 8(a)(2) and 8(a)(2)b.(3) establish the following threshold requirements for certification relating to education and work experience:**

- A. MSC Rule 8(a)(2) Attorneys.** An attorney is eligible for certification if s/he is a member in good standing of the NC State Bar, or bar of another state and a graduate from a school recognized as accredited by the North Carolina Board of Law Examiners, with at least five years of experience after the date of licensure as a judge, practicing attorney, law professor and/or mediator or a person with equivalent experience.

If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8(a)(2), please provide your letter or resume describing your education and work experience. Please identify the law school from which you graduated and the date of your graduation, identify all states in which you are licensed to practice and dates of licensure, and describe your work experience since licensure, including employers and the dates employed. Pursuant to the last paragraph of MSC Rule 8(a)(2), attorneys employed in non-traditional positions will need to provide sufficient detail regarding their employment for Commission staff to determine whether the experience is "equivalent" to the practice of law. Significant gaps in employment or frequent changes in employment should be explained. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search. (See pages 8 & 9)

- B. MSC Rule 8(a)(2)b.3 Non-Attorneys.** A non-attorney is eligible for certification if the non-attorney applicant meets threshold requirements set forth in **either** MSC Rule

8(a)(2)b.3.i or 8(a)(2)b.3.ii:

**(i) MSC Rule 8(a)(2)b.3.i. Threshold requirements under this rule include completion of:**

- (a) a basic mediation training program of at least 20 hours duration;
- (b) thereafter, mediation of at least 30 disputes conducted over the course of at least 3 years (these mediations must have been conducted in a supervised setting and be documented, e.g., a letter from a center director attesting to the number of mediations conducted and the time frame over which the mediations occurred);
- (c) a 4-year degree from an accredited college or university (please enclose a photocopy of your diploma or transcript); and
- (d) at least four years of professional, management, or work experience of a high or relatively high executive nature.

If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8(a)(2)b.3.i please provide a letter from a center director or other evidence of your completion of a 20-hour mediation training program and mediation experience, a photocopy of your diploma or transcript, and a letter or resume describing your education and work experience. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search. (See pages 8 & 9)

**(ii.) MSC Rule 8(a)(2)b.3.ii. Threshold requirements under this rule include completion of:**

- (a) a 4-year degree from an accredited college or university (please enclose a photocopy of your diploma or transcript); and
- (b) at least ten years of professional, management, or work experience of a high or relatively high executive nature.

If you are seeking a Provisional Pre-training Approval pursuant to MSC Rule 8(a)(2)b.3.ii, please provide a photocopy of your diploma or transcript, and a letter or resume describing your education and work experience. Please include the signed release and the completed and signed Criminal and Sex Offender Record Search. (See pages 8 & 9)

The Commission has adopted [Guidelines Interpreting Mediated Settlement Conference Rule 8\(a\)\(2\)](#) (*Guidelines*) which clarify MSC Rules 8(a)(2)b.3.i and 8(a)(2)b.3. (ii). A copy is included in this packet (see page 10). **Non-attorneys seeking a Provisional Pre-training Approval should carefully read these Guidelines before assembling their submissions.** Sufficient information about positions held must be provided in the letter or resume to enable Commission staff to determine that the work experience submitted is of a relatively high level and meets at least some of the indicia set forth in these *Guidelines*. Significant gaps in employment or frequent

changes in employment should also be explained.

## **II. Good Moral Character**

**MSC Rule 8(a)(2)c.(4) requires that applicants be of good moral character.**

If you are specifically seeking a Provisional Pre-training Approval pursuant to MSC Rule 8(a)(2)c.(4), please provide a summary of the ethics, conduct, or fitness to practice matter(s) that you are concerned may serve as an impediment to your certification. Please attach copies of any relevant documents, e.g., copies of any orders of discipline, copies of any tax liens, etc. You will also need to submit to a background check (see below). If you disclose serious ethical, conduct, or fitness concerns or the background check reveals such, staff may be unable to issue you a Provisional Pre-training Approval.

## **III. Additional Requirements for a Provisional Pre-training Approval**

Staff may contact colleges, universities, licensing/regulatory authorities, employers, and others with information about your education and work experience. **Please sign and return the enclosed Release of Information form.**

Staff must establish the provisional pre-training applicant is of good character and fit to practice as a mediator (See MSC Rule 8(a)(2)c.(4)). A routine background check will be conducted. **Please complete, sign, and return the attached Criminal and Sex Offender Record Search.**

Commission staff may contact you for clarification of or additional documentation regarding your submitted materials. Commission staff will review your materials and respond to your request for a Provisional Pre-training Approval as soon as possible.

## **IV. Additional Considerations**

A Provisional Pre-training Approval pertains only to threshold education, work experience, and conduct requirements relating to MSC certification. To become certified, an applicant must not only comply with threshold requirements, but complete all additional requirements set forth in MSC Rule 8, including all training and observation requirements, and comply with all Commission policies interpreting those rules. **The NC Dispute Resolution Commission is the final arbiter of certification and a Provisional Pre-training Approval is not a guarantee of eventual MSC mediator certification.**

If, after review, it is determined that the requester does not meet the threshold requirements for certification and/or a background check of the requester reveals concerns related to good moral character, conduct, or fitness to practice, staff shall deny the request for a Provisional Pre-training

Approval. Staff may seek assistance on the decision to issue a Provisional Pre-training Approval from the chair of the Mediator Certification and Training Committee or the chair of the Grievance and Disciplinary Committee. The chair of either committee, once consulted by staff, may at the chair's discretion, present the matter to their full committee for review. Staff shall follow the recommendation made by the chair, or full committee, as to the issuance of a Provisional Pre-training Approval for any applicant.

The staff decision to deny issuing a Provisional Pre-training Approval is a final determination and shall not be appealable. An individual whose request for a Provisional Pre-training Approval has been denied may, however, elect to take a Commission approved training course, complete the requisite requirements for certification, and file an application for certification in the program(s) in which the individual wishes to be certified.



## RELEASE OF INFORMATION AUTHORIZATION

By signing below, I authorize any individuals, courts, regulatory or other bodies, educational institutions, accreditation organizations, employers, or others identified in materials submitted by me or discovered through the Provisional Pre-training Approval process to release information about me to the NC Dispute Resolution Commission for purposes of determining whether I meet the threshold requirements for mediator certification:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

State of North Carolina  
County of \_\_\_\_\_

Before me personally appeared the said \_\_\_\_\_ and acknowledged the due execution of the foregoing statement.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

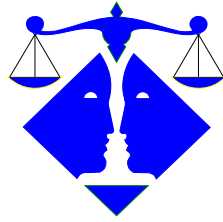
SEAL/STAMP

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

<b>STATE OF NORTH CAROLINA DISPUTE RESOLUTION COMMISSION</b> P.O. Box 2448 Raleigh, NC 27602		<b>CRIMINAL AND SEX OFFENDER RECORD SEARCH</b>  <i>This information is requested pursuant to N.C. Gen. § 32-1.10. The DRC shall maintain the confidentiality of all information on this form. The last four digits of the SSN will be redacted from the form and all DRC records at the completion of the application or renewal process.</i>	
<b>NAME</b>			
Last Name		First Name	Middle Name
<b>DRIVER LICENSE</b>			
Driver License No.	State	Last 4 digits of SSN	Date of Birth
If you have moved within the last seven (7) years please complete the following information. Attach additional pages if necessary.			
Current Address		Dates of Residency from _____ To _____	
City	County	State	Zip
Previous Address		Dates of Residency from _____ To _____	
City	County	State	Zip
Previous Address		Dates of Residency from _____ To _____	
City	County	State	Zip
<b>PREVIOUS NAMES</b>			
List <b>ALL</b> previous names used and the effective dates of each (including married, maiden, and aliases). Attach additional page if necessary.			
Last Name	First Name	Middle Name	Effective Dates From _____ To _____
Last Name	First Name	Middle Name	Effective Dates From _____ To _____
Last Name	First Name	Middle Name	Effective Dates From _____ To _____
I certify that the information given above is true and correct.			
Date		Signature	
<b>TO BE COMPLETED BY COMMISSION STAFF</b>			
<b>Results of Criminal Record Search (ACIS/CCIS)</b>		<b>Results of Sex Offender Search</b>	
<input type="checkbox"/> No Record Found <input type="checkbox"/> Following Record(s) Found		<input type="checkbox"/> No Record Found <input type="checkbox"/> Following Record(s) found	
Date	Offense	Date	Offense
Date	Offense	Date	Offense
Date	Offense	Date	Offense
Completed by _____ Date _____		Completed by _____ Date _____	





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## DRC Guidelines for Interpreting Mediated Settlement Conference Rule 8(a)(2)(b)(3).

(Adopted by the Dispute Resolution Commission on December 20, 1998;  
revised on May 30, 2006; May 17, 2013; March 1, 2020.)

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The following guidelines are intended to clarify requirements established by Mediated Settlement Conference Rule 8(a)(2)(b)(3) and to assist non-attorney applicants in assembling their materials and completing the mediator certification process. The non-attorney applicant for certification must complete the requirements established by **either MSC Rule 8(a)(2)(b)(3)(i). or MSC Rule 8(a)(2)(b)(3)(ii)**. Additional certification requirements are set forth in other provisions of MSC Rule 8.

### **I. MSC Rule 8(a)(2)(b)(3)(i)**

#### **A. Mediation Training Required**

MSC Rule 8(a)(2)(b)(3)(i) provides for a non-attorney to be certified by completing a minimum of 20 hours basic mediation training and after completing that training mediating at least 30 disputes over the course of at least three years. In meeting the 20-hour training requirement, the applicant shall submit to the Commission's office a list of all courses, workshops, seminars or other programs the applicant completed and wishes to have considered for purposes of the 20-hour training requirement and the dates each submission was attended. In addition, if devoted entirely to mediation, the applicant shall state the approximate duration in hours and minutes of the training(s). If not devoted exclusively to mediation, the applicant shall state the duration in hours and minutes of that portion of the training(s) which pertained to mediation theory and practice. *If requested*, the applicant shall provide the following additional information for each entry on his or her list:

- The name and if available, an address, and telephone number for the sponsor of the training;
- If the training was not primarily focused on mediation theory and practice, a brief description of the primary purpose or topic of the training;
- A description or outline of the information presented during the training which pertained to mediation theory and practice. If you have available a syllabus, agenda or course outline from the training, please duplicate and submit them to the Commission; and

- The names of the trainers and if available, contact information for trainers. Resumes or other biographical information describing the experience and education of the trainers should be included if available to the applicant.

To comply with MSC Rule 8(a)(2)(b)(3)(i) an applicant's supporting documentation must demonstrate the applicant's course(s) covered basic mediation theory, techniques, and practice and was presented by trainers qualified, in the judgment of the Commission, to present the material. The course or course(s) or that portion of them which addressed mediation theory and practice, must be at least twenty hours in duration.

## **B. Mediation Experience Required**

MSC Rule 8(a)(2)(b)(3)(i) also provides for applicants, after completing the 20-hour course, to mediate at least 30 disputes over the course of at least three years, or to demonstrate equivalent experience. Applicants must indicate on the Commission's Application for Certification the name of the agency, office or practice where the experience was gained, the years in which the experience has gained, and the number of cases mediated in each year listed. **If requested**, the applicant shall submit to the Commission the following information regarding the experience submitted:

1. Describe the mediation experience which you wish the Commission to consider:
  - Identify each corporation, agency, or practice for whom you conducted mediations.
  - Identify, in a general sense, the clients for whom you mediated at each entity listed above, e.g., divorcing couples, neighbors, creditors/debtors;
  - Identify the types of disputes you typically mediated.
2. Did those whose disputes you mediated understand that you were serving as their mediator?
  - Did you specifically identify yourself as a mediator? If so, how did you define the role of mediator?
  - Did you explain the mediation process to the disputants prior to mediation? If so, how did you define and explain it?
  - If your practice or the office or agency which employed you or for which you served as a volunteer has published any promotional or informational materials on mediation and they are available to you, please attach them.
3. Briefly describe a typical session you mediated:
  - Describe the role you played as mediator, including describing techniques you employed to help resolve dispute.
  - Describe the ground rules for mediation, if any, you established prior to your sessions.
  - Describe the role the disputants played in the process.
  - Did you render a decision for the disputants at the end of the mediation?
  - Describe what, if any, efforts you undertook to keep your mediation practice separate from any counseling, pastoral, personnel or other professional services you offered:
    - i. Are mediation sessions scheduled and held separately from counseling, therapy or other sessions?
    - ii. If you bill for mediations services, are billings or insurance claims for mediation services segregated from billings or claims for other non-mediation services you performed?

To comply with MSC Rule 8(a)(2)(b)(3)(i) the applicant's supporting documentation shall demonstrate that the applicant was engaged in the practice of mediation for at least three years, having conducted at least 30 disputes during that period. Mediations must have been conducted according to commonly accepted principles for the conduct of mediation.

In particular, the mediator shall have specifically identified him or herself to the disputants as a mediator, explained the mediation process to the disputants and served only as a neutral facilitator and not a decision-maker. The applicant's supporting documentation shall also demonstrate that the applicant did not combine the delivery of mediation services with the delivery of an therapy, pastoral counseling, personnel or other services also provided by the mediator, i.e., the applicant has drawn a bright line between his/her mediation practice and the delivery of any other services. If an applicant delivered mediation services as an employee or volunteer, he or she may be asked to provide a letter from the individual responsible for supervising his or her work. The Commission will construe the "equivalent experience" requirement in MSC Rule 8(b)(2)(c)(i) narrowly. Service as a hearing officer, arbitrator, magistrate, or grievance committee member will be construed as the equivalent of mediation for purposes of this rule.

### **C. Education and Additional Experience Required**

MSC Rule 8(a)(2)(b)(3)(i) also provides for applicants to possess a four-year college or university degree and four year's professional, managerial, or administrative experience with a professional, business, or governmental entity. The four-year college degree must have been awarded by an accredited institution and the applicant must submit a copy of a diploma, transcript or other document verifying graduation. It is anticipated that any professional, management, or administrative experience offered pursuant to subsection (i), will be high or relatively high-level experience of an executive nature. The experience cited must be verifiable by Commission staff and have occurred within the context of an overall stable employment history. The applicant must list or attach a resume of his/her full employment history, highlighting the specific four year's managerial, professional, or administrative experience the applicant wishes the Commission to consider. The applicant shall provide Commission staff with any information necessary to verify employment.

The Commission may consider the following indicia among others in evaluating whether the experience submitted is high or relatively high-level experience of an executive nature that the applicant('s):

- owned or managed a viable, substantial business;
- was required to hold a degree to obtain the position(s) cited;
- employer(s) considered the position(s) held to be managerial position(s);
- holds a license if s/he characterizes him/herself as a professional;
- supervised others; and
- was in charge of a department or function.

The position(s) held should have provided the applicant an opportunity to develop and use traits and skills which would be beneficial in the context of superior court mediation. Specifically, the professional, administrative, or managerial experience possessed by the applicant should have afforded an opportunity to develop and refine: listening and verbal communication skills, conflict management skills, the ability to quickly grasp complicated factual situations or abstractions, creativity, a facility for problem solving, and the ability to interface effectively as a peer with professionals, including attorneys.

Gaps in employment history must be explained as well as numerous or frequent job changes as these may indicate a lack of problem solving skills and an inability to cooperate and work productively with others. Applicants may be requested to provide specific information about responsibilities associated with each entry on their employment history/resume. The applicant's four-year college degree must have been awarded by an accredited institution and the applicant must submit a copy of a diploma, transcript, or other document verifying *graduation*.

## **II. MSC Rule 8(a)(2)(b)(3)(ii)**

MSC Rule 8(a)(2)(b)(3)(ii) provides that, though possessing no mediation experience, an applicant may be certified if he or she has ten years professional, managerial, or administrative experience with a professional, business, or governmental entity and possesses a four-year college or university degree. The applicant must list or attach a resume of his/her employment history, highlighting the specific ten year's managerial, professional, or administrative experience the applicant wishes the Commission to consider. The experience cited must be verifiable by Commission staff, have occurred within the context of an overall stable employment history, and be high or relatively high-level experience of an executive nature. The applicant shall provide Commission staff with any information necessary to verify employment.

The Commission may consider the following indicia among others in evaluating whether the experience submitted is high or relatively high-level experience of an executive nature:

- That the applicant owned or managed a viable, substantial business;
- That the applicant holds a license if s/he characterizes him/herself as a professional;
- That the applicant was required to hold a degree to obtain the position(s) cited;
- That the applicant's employer considered the position held to be a management level position;
- That the applicant supervised others; and
- That the applicant was in charge of a department or function.

The position(s) held should have provided the applicant an opportunity to develop and use traits and skills which would be beneficial in the context of superior court mediation. Specifically, the professional, administrative, or managerial experience possessed by the applicant should have afforded the opportunity to develop and refine: listening and verbal communication skills, conflict management skills, the ability to quickly grasp complicated factual situations or abstractions, creativity, a facility for problem solving, and the ability to interface effectively as a peer with professionals, including attorneys.

Gaps in employment history must be explained as well as numerous or frequent job changes as these may indicate a lack of problem-solving skills and an inability to cooperate and work productively with others. Applicants may be requested to provide specific information about responsibilities associated with each entry on their employment history/resume. The applicant's four-year college degree must have been awarded by an accredited institution and the applicant must submit a copy of a diploma, transcript, or other document verifying graduation.

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Applicants with questions about any of the above should contact the Commission's office at (919) 890-1415 or forward an email to [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org).