

## Are NC's Mediation Programs Effectively Addressing the Increase in Indigent and Self-Represented Parties?

Continuing Legal Education Webinar (Sponsor 315, Course 73)

12:00 p.m. – 1:00 p.m. on Wednesday, October 18, 2017

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### Course Description

The numbers of indigent parties moving through NC's courts has increased significantly the last few years. How can the party select/party pay system of mediation that has evolved in our courts be most effectively reconciled with the principle of access to justice and the obligation of mediators to serve indigent parties? Numbers of self-represented parties are also increasing. Recent Advisory Opinions (AOs) give guidance on mediator drafting of agreements when self-represented parties are involved. There have been concerns expressed by mediators that the guidance provided in these AOs is not practical and compromises access. How can lawyer mediators best interface with self-represented parties and ensure them access while avoiding any presumption that the mediator is practicing law?

### Presented by

**Christy M. Foppiano**, Esq., Owner, Foppiano Mediations; Member, Separating Together; DRC certified MSC mediator

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N.C. Dispute Resolution Commission

N.C. Administrative Office of the Courts

### Resources

- [NC Supreme Court's Standards of Professional Conduct for Mediators](#)
- N.C. GEN. STAT. § [7A-38.1](#); [7A-38.4A](#); [84-2.1](#)
- [DRC Advisory Opinions](#) 11, 19, 27, 28, and 31
- [Rules 4.C and 7.D](#), Rules Implementing Statewide Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions
- [Rules 4.B and 7.E](#), Rules Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases
- [Forms](#)
  - Instructions
  - Mediated Settlement Agreement MSC Program MSC Rule 4.C, AOC-DRC-15
  - Mediated Settlement Agreement MSC Program MSC Rule 4.C, AOC-DRC-16
  - Mediated Settlement Agreement (FFS Program), AOC-DRC-17
  - Mediation Summary, AOC-DRC-18
- NC State Bar [2012 Formal Ethics Opinion 2](#)