



THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

GUIDELINES

Guidelines for Amplifying Rules for Certification of 24-Hour District Criminal Court Mediation Training Programs in North Carolina Law Schools

(Adopted by the Commission on August 14, 2026.)

These Guidelines are intended to amplify Rules 7 and 8 of the Rules Implementing Mediation in Matters Pending in District Criminal Court (DCC). A faculty member at an American Bar Association accredited law school in North Carolina may seek to be a Commission certified trainer of a 24-hour district criminal court mediation training program to be provided through a law school course. To qualify for certification as a trainer, the faculty member's law school must have a Clinic, Center, or other Program that meets the requirements of a non-profit community mediation center under NCGS § 7A-38.5. All trainers seeking certification should read Rules 7 and 8 carefully and review these Guidelines prior to submitting their training package to the Dispute Resolution Commission. Trainer's packages shall include:

- A. a detailed agenda identifying topics to be covered, and time frames allocated to each topic;
- B. names of guest lecturers, if any, a list of the topic(s) they will cover, and their resumes;
- C. the total number of hours and days the program will run (in class training programs must total at least 20 hours and community center apprenticeship must total at least 4 hours);
- D. identification of any required textbooks, copies of any role-play scenarios to be used, and the exam to be administered pursuant to Rule 8(a)(11);
- E. if the course will be taught through remote technology, a detailed outline of how the class will be offered, i.e., the platform to be used, who will manage the administrative settings on the platform, the settings used, etc.; and
- F. a letter from a Director of the Clinic, Center, or other Program confirming that it meets the requirements of a non-profit community mediation center under NCGS § 7A-38.5.

Any questions should be directed to the Commission's office at (919) 890-1415.

1. IN-PERSON OR REMOTE INSTRUCTION. The training course may be offered in-person or through remote instruction as a one-semester law school course for 2L and 3L students. The platform used to provide remote training shall be at the faculty's discretion. All remote training shall be conducted live, and participants must appear by video throughout the entire training. The faculty shall control "host" functions or "maintain control" over platform functions at all times.

For both methods of training, participants must be able to interact with the faculty during the presentation, i.e., participants can ask questions and receive answers during the live training session.

2. TIME FRAMES. All training programs must total at least 24 hours of live instruction. At minimum, the law school training course shall be a 2-credit-hour course. The law school training course may be offered over the course of one semester during the regular school year, or as a summer course. Faculty may schedule live training make-up days throughout the semester, to allow for students to “catch up” missed classes. Live training for a missed class may include a video replay of the class in the faculty’s presence that will allow for a live dialogue between the faculty and student. If a law student fails to meet the required 24 hours of live instruction, they will not be eligible for certification.

3. CLASS SIZE AND ACCOMMODATION. At no time should the number of participants exceed 20 for in-person courses and 20 for remote courses. The number of remote participants is limited to the trainer’s ability to see all participants on the same computer screen during the training. Trainers must ensure that participants have a meaningful training experience, including individual attention and an opportunity to actively participate in discussions and role-plays. Trainers must ensure that the training site is spacious enough to accommodate participants and offers an environment substantially free of distractions or other impediments to learning. Sufficient space for role-play and other break-out sessions should be readily accessible.

4. PROGRAM CONTENT. Rule 8 of the Supreme Court Rules lists the topics that a training program must cover during the course of a 24-hour program. The wide array of topics is intended to ensure participants’ full exposure to the mediation process. The majority of the 24 hours should be used to cover the curriculum listed in Rule 8.

The Commission intends that trainers have some discretion in determining the content of their training program. However, to ensure that the Rule 8 curriculum is fully covered, trainers are required to devote at least the following minimum amounts of time to each of the curriculum topics set forth in Rule 8 and to discuss at least the concepts set forth below in association with each curriculum requirement:

A. Conflict resolution, negotiation, and mediation theory. (One and a half hours minimum) Under this topic, define and note the differences among the various dispute resolution alternatives and explain when it may be effective to mediate and when not. Rule 8(a)(1).

B. Mediation process and techniques, including the process and techniques of court-ordered mediation. (Two and a half hours minimum) Under this topic, cover the stages of mediation, negotiation, communication skills; provide participants with a "tool box" of strategies and techniques for moving the mediation forward; cover logistics issues, including scheduling, intake, reporting, and evaluation; and discuss ways to identify and handle potentially volatile situations. Rule 8(a)(2).

C. Agreement Writing. (One hour minimum). Trainers shall provide instruction on how to effectively put the agreed upon terms in writing for the parties. Rule 8(a)(3).

D. Communication and Information Gathering. (Two hours minimum) Under this topic, discuss communication theory and topics such as re-framing, learning styles, body language, and how to communicate with people from different cultures, backgrounds, or lived experiences, including use of interpreters and translators in mediation. Rule 8(a)(4).

E. Standards of conduct for mediators including, but not limited to Standards of Professional Conduct adopted by the NC Supreme Court. (Two hours minimum) Under this topic, cover the North Carolina Standards of Professional Conduct for Mediators, discuss the interplay between the NC Standards and other professional standards to which the mediator may be accountable, discuss mediator dilemmas, and discuss the Commission's Advisory Opinion Policy and Advisory Opinions adopted under that Policy. Rule 8(a)(5).

F. Statutes, rules, forms and practice governing district criminal court mediation in North Carolina. (Three hours minimum) The trainers will ensure that the portion of their course constituting the training has a North Carolina focus and covers the relationship of the North Carolina courts to district criminal court mediation and discuss relevant court procedures and processes. The particular characteristics and dynamics of court-based mediation shall be discussed and explored with participants. The three-hour minimum shall include time spent covering the statute, rules, forms, and practice governing mediation in district criminal court as well as time spent taking and discussing the exam. Rule 8(a)(11).

G. Simulations of mediations involving student participation as mediator, complainant and defendant, which simulations shall be supervised by program faculty. (Two hours minimum, including set-up, role play and debriefing time) A certified program will be expected to include at least two simulations during the 24 hours with each participant playing the various roles of mediator, complainant, and defendant at least once. It is expected that there will be variety among the fact simulations and disputes presented in the simulations. Rule 8(a)(8).

H. Courtroom protocol. (Half hour minimum) Under this topic, cover appropriate attire for mediators, pre-mediation preparation, courtroom decorum, case processing and administration. Rule 8(a)(9).

I. Domestic violence awareness. (Half hour minimum) Trainers shall discuss how to identify domestic violence perpetrators and victims and define the best practice to share community resources providing treatment and assistance. Rule 8(a)(10).

J. Satisfactory completion of an exam by all students testing their familiarity with the statutes, rules, and practice governing district criminal court mediation in North Carolina. The Commission shall approve the test and an answer key provided by each trainer. The trainer shall administer the exam to the participants and discuss the answers with them. Rule 8(a)(11). Course participants are required to score 85% or above.

5. ENSURING THE QUALITY OF THE FACULTY. An experienced, qualified trainer is essential to the success of any training program. The application shall specify the individual(s) who will serve as the primary faculty, who shall be a part-time, a full-time, or an adjunct law professor of an ABA accredited law school in North Carolina. At least one primary faculty shall be certified by the Commission to conduct mediations in District Criminal Court. The application materials shall include a resume for each faculty member describing the member's experience and

education in mediation and other relevant experience. The faculty must possess demonstrated expertise in dispute resolution theory, and have a background in education, communication theory, psychology, or other related disciplines. The application should also demonstrate that faculty will supervise the students during the simulations.

6. ENSURING THE QUALITY OF THE COURSE MATERIALS. To be certified, a training program must include quality written materials that adequately cover all aspects of the required curriculum, including materials relating to the North Carolina statutes, rules, and Standards of Conduct. Training programs will not be certified on the basis of an outline or agenda summarizing the presentation. Rather, the applicant must submit a final working draft of the program materials that will be used in conjunction with the training program, including: (1) an identification of the required textbook(s) to be used; (2) the role play scenarios that will be used in the simulated mediations; and (3) the exam required under Rule 8(a)(11).

7. ENSURING A NORTH CAROLINA FOCUS. Applications must demonstrate that the portion of the course constituting the training will focus on the particulars of North Carolina's program, statute, rules, and Standards of Conduct.

8. APPRENTICESHIP TO PREPARE FOR CERTIFICATION. Each applicant shall participate in a four-hour apprenticeship program with the law school's community mediation center supervised by the certified faculty trainer. During the apprenticeship, the student shall shadow the district criminal court mediation process and attend district criminal court under the supervision of a DRC Certified District Criminal Court Mediator. The law school course shall provide a minimum of two hours of local center processes, local court processes, agreement writing, and local domestic violence processes introduction to each student. Any observations or co-mediations conducted under this training program do not qualify for the required observations and co-mediations under DCC Rule 7(a)(2)(c).

9. EVALUATION OF TRAINING PROGRAM. Each training program must include an opportunity for participants to evaluate the program. A law school's course evaluations are sufficient to satisfy this rule. In the absence of a law school providing its own course evaluations, the Commission may provide a standard evaluation survey to be completed by each participant with the results forwarded to the DRC. In addition, each certified trainer must provide a participant list to permit the DRC to conduct follow-up interviews with participants regarding the program's quality. Upon request, each trainer must also agree to supply copies of completed participant evaluations to the Commission and to permit a DRC representative to attend the program for purposes of quality assurances. All remote training shall be recorded for auditing purposes only. The trainer shall provide the Commission a copy of all recorded training within 10 days of the completion of the course. Upon confirmation of receipt of the course by the DRC, the trainer may delete the recorded material. The recording shall not be replayed for training purposes under any circumstances. The Commission may delete the recording after three months or completion of audit, whichever comes first.

10. RESPONSIBILITY TO KEEP COMMISSION UPDATED. Following certification, all trainers shall advise the Commission immediately of any revisions to the agenda, changes in the identity of guest lecturers, guest DRC DCC Mediators, and the required textbooks. Trainers shall not conduct any additional training sessions until the Commission has approved any such changes. Trainers shall submit a current agenda each time they renew their training program's

certification. The Commission reserves the right to at any time seek additional information from trainers.

11. ADVERTISING AND REGISTRATION MATERIALS. A trainer may **not** commence a training program until such time as the program has been certified by the Commission. All materials advertising certified mediator training programs to the public must identify the Dispute Resolution Commission as the body responsible for mediator certification in North Carolina and provide a telephone number for the Commission. Any promotional or registration materials published prior to a training program's certification by the Commission shall contain the following admonition: "WARNING: Although certification of this program is expected, [Provider] cannot guarantee that the training program will be certified or that it will lead to criminal court mediator certification for those attending." The Commission reserves the right to require a trainer to submit copies of a program's promotional or registration materials for review at any time either prior to or following certification.