



To: All Certified Mediators

From: The Dispute Resolution Commission

Date: December 15, 2020

Regarding: COVID-19 and In-Person Court Proceedings.

Chief Justice Cheri Beasley signed an Emergency Order yesterday, December 14, 2020, issuing an emergency directive that all superior court and district court proceedings be scheduled or rescheduled, for a date no sooner than January 14, 2021, unless the proceeding will be conducted remotely. Upon the order's expiration, court proceedings *may* be conducted in person beginning on January 14, 2021. Please review the [December 14, 2020, Order](#). The information below is subject to change based on future orders from the Chief Justice and Governor Cooper.

Mediations now through January 14, 2021.

Court-ordered mediations under a DRC Program may be conducted remotely using remote technologies. Rule 4 of the MSC and FFS Program Rules provide a mediation shall be conducted through remote technology using electronic means. The exception allowing for in person mediations, with the consent of all parties and the mediator, is temporarily suspended under the Chief's Order. **If all parties and the mediator agree to hold the mediation in person, the matter shall be scheduled or rescheduled for a date no sooner than January 14, 2021, in compliance with the Chief's Order.**

Mediations after the expiration of the Chief's Order.

Court-ordered mediations under a DRC program may be conducted through the use of remote technology *OR* may be conducted in person, if the mediator, all parties, and any other persons required to attend agree to be physically present and agree to comply with all local, state, and federal safety guidelines *OR* may be conducted in person by court order. Rule 4 of the MSC and FFS Program Rules

provide a mediation shall be conducted via electronic means and may only be conducted in person with the agreement of all parties and the mediator or by court order. North Carolina is facing uncertain and unprecedented times, the safety of the mediator and all parties to the mediation remains paramount. **Mediations shall, to the fullest extent possible, be conducted remotely via video or teleconference.**

The DRC recommends all parties follow the three W's: wear a cloth face covering, wait 6 feet apart and avoid close contact, and wash your hands often. Please stay informed of all local and state policies that are in place to ensure best practices are followed. For additional information on COVID-19, please see the following websites that provide up-to-date announcements, safety precautions, county updates, FAQ's and more.

[North Carolina Judicial Branch's website on COVID-19](#)

[North Carolina COVID-19 Response](#)

[North Carolina Department of Health and Human Services' COVID-19 Response](#)

DRC staff continues to work hard to keep all mediators up to date on the latest events surrounding COVID-19. You can find the latest information on our website, www.NCDRC.gov, as well as [Important Information for Mediators to Know](#) for information regarding ADR within NC Courts. Additionally, there are several resources available to assist mediators if they choose to move forward with mediation by using remote technologies.

Please follow state and local news to determine your personal level of risk. Be smart, stay safe. Please do not hesitate to contact DRC staff at DRCMediators@nccourts.org, with any questions or concerns.