



To: All Certified Mediators

From: The Dispute Resolution Commission

Date: June 5, 2020

Regarding: COVID-19 and the Use of Electronic Communication Methods

The Chief's May 1, 2020, order extending the emergency directive that all superior court and district court proceedings be scheduled or rescheduled, for a date no sooner than June 1, 2020, unless the proceeding will be conducted remotely, expired on May 30, 2020. Upon the order's expiration, court proceedings *may* be conducted in person beginning on June 1, 2020.

In conference on June 3, 2020, the Supreme Court amended DRC program rules regarding attendance in the Superior Court (MSC), Family Financial (FFS), District Criminal Court (DCC), and Clerk Program (Clerk). The rules go into effect on June 10, 2020.

Mediations now through June 10, 2020.

Court-ordered mediations under a DRC program may be conducted in-person *OR* may be conducted remotely, if the mediator, all parties, and any other persons required to attend agree to waive the requirement to be physically present and agree to hold the mediation using remote technology.* Rule 4 of the MSC and FFS Rules provide a mediation may be conducted via electronic means with the agreement of all parties. 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.**

Mediations conducted after June 10, 2020.

Court-ordered mediations under a DRC program shall be conducted remotely. If the mediator, all parties, and any other persons required to attend agree to waive the requirement to conduct a remote mediation, and comply with all federal, state and local safety guidelines that have been issued, they may conduct the mediation in person. Rule 4 of the MSC, FFS and Clerk Rules and Rule 5 of the DCC Rules provide a mediation shall be conducted via electronic means. With the agreement of all parties, and ability to comply with safety guidelines the parties may conduct the mediation in person. The parties may also seek an order from the court to conduct the mediation in person. If all parties do not consent to hold the mediation in person, and absent an order from the court, the matter shall be held through remote technology.

*Nothing in the Rules prohibits a mediator from establishing stricter health requirements for a mediation conference.

*Any mediation conducted in person shall be done in strict compliance with all executive orders and social distancing requirements. All parties to the mediation shall use appropriate social distancing practices and safety procedures. 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](#)

The contents of this Memo are subject to change based on future orders from Chief Justice Beasley and Governor Cooper.

DRC staff is working 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 with any questions or concerns.