

NC DISPUTE RESOLUTION COMMISSION NEWS AND UPDATES



To: All Certified MSC, FFS, and Clerk Mediators

From: Tara L. Kozlowski, Executive Director NCDRC

Re: Reminder of Revised Gift AO 33 and Commission Seeks Comment on Draft AO 45

With the Holidays quickly approaching, DRC Staff would like to remind you of the recently revised [Advisory Opinion 33](#) regarding receiving and giving gifts. The Commission has reevaluated the gift-giving language in this AO in relation to the Standards of Professional Conduct for Mediators, Standard 7(h). Standard 7(h) prevents gift giving/receiving that creates a situation where a party to the mediation could question the mediator's impartiality. The Commission has reviewed AO 33 under a reasonable standard and determined the giving and receiving of gifts does not violate Standard 7(h) so long as the gift(s) do not raise a question of the mediator's impartiality. For example, giving Holiday cookies to colleagues this season does not impose on a mediator's impartiality, however, tickets to the Maldives would certainly raise a few concerns.

The Commission has recently approved a draft [Advisory Opinion 45](#), that addresses a mediator's best practice if a term is proposed in a mediation that violates the NC State Bar's Rules of Professional Conduct. The Commission requested the State Bar issue a Formal Ethics Opinion on this matter, and we have been working with the State Bar's Ethics Committee to provide clear, consistent guidance for our attorney mediators. Our goal is to issue an Advisory Opinion in conjunction with the State Bar's FEO, when published. Draft AO 45 is now open for comment and will remain open until January 17, 2025. Please send all throughs, comments, concerns to DRC staff at DRCMediators@nccourts.org.

While you are visiting the [Commission Seeks Comment](#) page to review draft AO 45, please review the two additional documents posted that will remain open for comment for another week.

WE WISH YOU ALL HAPPY HOLIDAYS AND A WONDERFUL NEW YEAR!