



Dispute Resolution Commission

Meeting
Friday, August 7, 2020
8:30 am

Remote Meeting Held Via WebEx

1. **Welcome and Announcements** – Judge Webb
 - a. Thank you to all Members rotating off the DRC in September.
 - b. Introduction of new Ex-Officio Member, Kate Deiter-Maradei.
 - c. Approval of November 8, 2019 Minutes.
 - d. Approval of May 28, 2020 Minutes.
 - i. Special Meeting held at Chief Beasley's request for amendments to the attendance rules.
 - e. Approval of June 4, 2020 Minutes.
 - i. Special Meeting held to meet Chief Justice Beasley's Directive for proposed mediation rules for summary ejection matters.

2. **Office Report** – Ms. Kozlowski
 - a. Rule amendments effective 3/1/20.
 - b. Rule amendments effective 6/10/20.
 - a. Request for dissolution of ad-hoc FFS committee.
 - c. CME presentations.
 - d. Conflict Resolution Week Celebration 2020.
 - e. Budget Report/Renewal.
 - f. Termination of Pilot Clerk Mediation Program.
 - g. COVID-19 updates.

3. **Committee Reports** –
 - a. **Executive Committee Report** – Judge Webb

- i. Update on Appeal Hearing in the matter of TS.
 - ii. Update on Executive Committee Meeting 3/24/20.
 - 1. Suspension of increase to Mediator Dues.
 - 2. Court-Appointed Admin Fee Increase.
 - 3. CME Documents allowing for Podcasts.
 - 4. Proposed Advisory Opinion, A-19.
 - iii. Update on Executive Committee Meeting 5/6/20.
 - 1. Observation Guidelines.
 - 2. Pilot for Remote Training.

- b. **Grievance and Disciplinary Committee** – Debbie Griffiths
 - i. Update on complaint activity.
 - 1. Complaint filed against Mediator A.
 - ii. Update on conduct, fitness, and renewal application issues (character concerns raised by staff);
 - 1. Sanction imposed to Mediator Garber.
 - 2. Sanction imposed on Mediator Gott.
 - 3. Letter of Warning to Mediator P.
 - 4. Sanction imposed on Mediator Tyler and Decertification of Tyler.
 - iii. Update on conduct, fitness update on applicant and pre-approval issues (character concerns raised by staff);
 - 1. Applicant Y’s application fell outside of the guidelines and was reviewed by the Committee.
 - 2. Applicant Y’s application fell outside of the guidelines and was reviewed by the Committee.
 - 3. Pre-Approval of Mediator T.
 - 4. Pre-Approval of Mediator S.
 - iv. Proposed change to DRC Guideline for Complaint Protocol.
 - v. Proposed change to application regarding disclosure of past misdemeanor conviction.

- c. **New Media Committee** – Mr. Clare
 - i. Mediators ability to self-report CME.

- d. **Civil Sub Committee** – Judge Farris
 - i. Forms still pending with AOC civil forms subcommittee:
 - 1. Revisions to Petition and Order for Relief from Obligation to Pay Mediator’s Fee: AOC-CV-814; AOC-CV-828; and AOC-G-306.
 - ii. Forms modified to align with new Rules:
 - 1. AOC-CV-811; AOC-CV-813; AOC-CV-181; AOC-CV-824; AOC-CV-825; AOC-CV-826; AOC-CV-827; AOC-CV-829; AOC-DRC-03; AOC-G-301; and AOC-G-303.

- e. **Standards and Advisory Opinions Committee Report** – Ms. Seigle
 - i. New Matters
 - 1. Proposed modification to Advertising Policy.
 - 2. Proposed Amendment to include Anti-Discrimination Language in the Standards.
 - 3. Proposed Amendment to Standard 3(d)(5) to include other professional licensing boards.
 - 4. Request for formal AO denied by Chair.
 - 5. AO's affected by the Rule 4 attendance presumption flip.
4. **Ad Hoc Committee Reports** –
- a. Committee on Long Range Planning – LeAnn Nease Brown
 - i. Nothing to Report
 - b. eCourt Committee – Ms. Craig
 - c. Clerk Pilot Program Committee – Ms. Cole
 - i. Conclusion of pilot program. Request for dissolution of ad-hoc Clerk Committee.
 - d. Legal Advice Committee – Judge Knight
 - i. Nothing to Report
 - e. Video Observation Committee – Mr. Clare.
 - i. Observational Video by NCBA DR Section update.
5. **Ex Officio Reports** –
- a. Mediation Network – Ms. Estle
 - b. Court Staff – Ms. Cole
 - i. Stats for MSC and FFS.
 - c. NC Court Managers Conference – Ms. Craig
 - d. NCBA Dispute Resolution Section – Ms. Deiter-Merida
 - e. Industrial Commission – Mr. Schafer
 - f. Court of Appeals – Judge Tyson
 - g. Federal Courts – Mr. Laney
 - h. Legislation – Mr. Laney
 - i. Working with Andrew Simpson, legislation liaison with AOC, to implement the new Commission seat for Court Staff and the indemnity clause.
6. **Committee Reports Continued -**
- a. **Mediator Certification and Training Committee** – Judge Tyson
 - i. CME offerings approved since the Commissions Nov 2019 meeting.
 - ii. Applications for certification that came before the Committee.
 - iii. Proposed new language in MSC Rule 8.

1. Clarifying work experience required for non-attorney applicant. Making the 6-hour legal terminology course a prerequisite to the 40-hour training.
 - iv. Proposed new language in DRC Rule 10.
 1. Creating a 30-day period for applicant to appeal staff's denial of an application.
 - v. Proposed new language in MSC/FFS Rule 9 for training requirements.
 1. Proposed modifications to DRC 16-hour and 40-hour Training Guidelines under MSC/FFS Rule 9.
 - vi. Proposed new language for Guidelines for Observer Conduct.
7. **Update on next meeting** – Maureen Robinson
8. **Adjournment** – Judge Webb