



## MEMO

To: All Certified Mediators

From: The Dispute Resolution Commission

Date: March 17, 2020

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

Due to recent developments with COVID-19, the Governor issued an [Executive Order on March 14, 2020](#), prohibiting mass gatherings and closing all public school to limit the spread of COVID-19. Based on this Order, and other recent developments, the Chief Justice has directed the Administrative Office of the Courts to clarify that DRC court ordered mediations fall within the definition of a proceeding within the Chief's Order issued March 13, 2020.

Effective Monday, March 16, 2020, Chief Beasley entered an Order containing an emergency directive that all superior court and district court proceedings be scheduled or rescheduled, for a date no sooner than April 12, 2020, unless the proceeding will be conducted remotely. Additional exceptions to this directive are listed within the [Order of the Chief Justice of the Supreme Court of North Carolina](#).

**Therefore, all mediations under a DRC program shall be conducted remotely, if all parties agree.** Rule 4 of the MSC and FFS Rules provide a mediation may be conducted via electronic means with the agreement of all parties. If all parties fail to provide their consent to conduct mediation via electronic means, the matter shall be rescheduled after April 12, 2020.

To assist mediators with this transition, Frank Laney, DRC Ex-Officio Member, DRC Certified Mediator, and Circuit Mediator for the US Court of Appeals for the Fourth Circuit, provided an article on [Mediating by Telephone](#), for your reference. Ketan Soni, Attorney, DRC Certified Mediator and Trainer, also provided a [presentation on Using](#)

[Zoom](#), a quick introduction on how to use Zoom to conduct mediations. Please note, the DRC does not endorse Zoom or its products.

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.