

DISPUTE RESOLUTION COMMISSION

NEWS AND UPDATES

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To: All Certified Mediators

From: The Dispute Resolution Commission

Date: May 14, 2020

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

At this time, 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, is set to expire on May 30, 2020. Upon the order's expiration, court proceedings *may* be conducted in person beginning on June 1, 2020. Please see the [May 1, 2020 Order of the Chief Justice of the Supreme Court of North Carolina](#) to view the order. The information below is subject to change based on future orders from Chief Justice Beasley and Governor Cooper.

Mediations now through May 30, 2020.

Court-ordered mediations under a DRC program 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. If all parties do not consent to hold the mediation using remote technology, the matter shall be rescheduled until after June 1, 2020, 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 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.**

*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](#)

*If the mediator wishes to hold the mediation remotely and the mediator does not have consent from all parties to do so, the mediator may either conduct the mediation in-person or file a Motion to Withdraw from the case. If filing to withdraw, please use form AOC-DRC-20 citing "Covid-19" as the reason.

*If a party to the mediation wishes to hold the mediation remotely and all parties do not consent to do so, either party to the action may file a Motion requesting the presiding judge order the mediation to be held remotely. The DRC does not provide a standardized form for this request and the movant must draft their own motion.

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.