

# DISPUTE RESOLUTION COMMISSION



NEWS AND UPDATES

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## The NC Dispute Resolution Commission's FY 2020-21 Annual Report

The NCDRC has published the FY 2020-21 Annual Report. To review this edition and past editions, please visit the [DRC Annual Report webpage](#).

## Advisory Opinion 33(2016)

During this Holiday Season, staff would like to remind mediators of [AO 33\(2016\)](#). Standard 7(h) is very narrow and only permits a mediator to give de minimis offerings such as snacks, cookies or lunches during a mediation. Gifts that advertise a mediator's practice which could be interpreted for referrals or expectations of referrals for clients for mediation services, are not permitted under Standard 7(h).



## New Trainer Guidelines

At the recent November 19, 2021, meeting, the Commission approved new Trainer Guidelines for all DRC Programs. The newly adopted Guidelines make them more in-line with the recent Rule Amendments made by the Supreme Court.

1. Non-attorney applicants are now required to attend the 6-hour legal terminology course before attending a 40-hour training course.
2. A technology requirement as been added to the 40-hour training.

To view all the Trainer Guidelines, please visit the [Certified Mediator Training Programs webpage](#).

## Welcome New Commissioners!

**The Honorable Lori Hamilton**, Superior Court Judge (D22B) was appointed by Chief Justice Paul Newby on October 1, 2021, for a term expiring on September 30, 2024. Judge Hamilton replaced Judge Richard Gottlieb.



Judge Hamilton is a graduate of UNC-Charlotte (1987), where she earned her BA in Political Science and Psychology. She attended Wake Forest University School of Law, graduated with Juris Doctor and was licensed to practice law in North Carolina in 1991. She engaged in the general practice of law from 1991 until 2016 when elected to the Superior Court bench. Judge Hamilton's professional legal experience ranges from family law and contract disputes to the trials of serious felony cases in State and Federal courts including capital defense. While on the bench she has presided over a wide range of civil and criminal matters. Judge Hamilton has three grown children, and three precious grandchildren.



**The Honorable William F. Southern**, Chief District Court Judge (D17B) was appointed by Chief Justice Paul Newby on October 1, 2021, for a term expiring on September 30, 2024. Judge Southern replaced Judge J. Calvin Hill.



Judge Southern has served as a District Court Judge since 2008 and as Chief District Court Judge since 2017. He is a certified Juvenile Court Judge and serves on the Family Court Advisory Committee and Dispute Resolution Commission. He is an EA Morris Fellow and former member of the Governor's Crime Commission. He previously served as an Assistant District Attorney in Stokes and Surry Counties. Judge Southern graduated from the University of North Carolina at Chapel Hill and Texas Southern University School of Law. He resides in King, North Carolina with his wife Beth and children Kate, Flynn, and Caroline.



**Justina Tate**, Court Staff, was appointed by Chief Justice Paul Newby on October 1, 2021, for a term expiring on September 30, 2024. Ms. Tate's appointment was a newly created seat to the Commission.

Ms. Tate is the Superior Court Trial Coordinator in Burke County (D25A). She is the president of the N.C. Association for Court Management and has been an ex-officio member of the Commission for the past year.

**The Honorable Toni King**, Chief District Court Judge (D12) was appointed by Chief Justice Paul Newby on October 1, 2021, for a term expiring on September 30, 2024. Judge King replaced Judge William C. Farris.



Judge King received her undergraduate degree in English language and literature from NCCU (1996). She earned her JD from NCCU and was admitted to the NC State Bar in 2000. Judge King was appointed the bench by Governor Perdue in 2009, and was elected to a full term in November 2010, and November 2014.



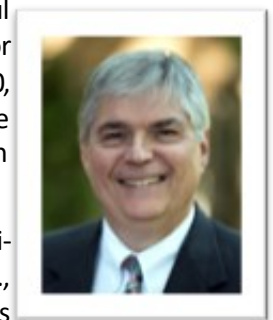
**H. Randolph Sumner**, Knowledgeable Citizen, was appointed by the Speaker of the House of Representatives Tim Moore, on September 2, 2021, for a term expiring on September 30, 2024. Mr. Sumner replaced Laura Isley.



Mr. Sumner graduated from UNC-Chapel Hill with a B.A. in 1979 and attended Wake Forest School of Law where he earned his J.D. in 1982. Mr. Sumner is a certified superior court mediator and is a member of the Gaston County, North Carolina and American Bar Associations. He is a shareholder at Mullen Holland & Cooper law firm and currently serves as its president.



**Frank Laney**, District Criminal Court Certified Mediator, was appointed by Chief Justice Paul Newby on November 19, 2021, for a term expiring on September 30, 2023. Mr. Laney replaced Jayne Zanglein who resigned her position on November 5, 2021.



Mr. Laney attended NC State University where he received his B.A., Psychology in 1979. He received his J.D. in 1982 from UNC-Chape Hill. He has served as a Circuit Mediator for the US Court of Appeals for Fourth Circuit. He is also an adjunct professor at Campbell School of law, and has been an ex-officio member of the Commission for many years. Mr. Laney has assisted the Commission with creating and implementing many of its programs. He has been a member, and past chair, of the NCBA Dispute Resolution. In 2004 he was the recipient of the section's Peace Award.

North Carolina Department of Labor's  
MEDIATION PROGRAM---ONE YEAR LATER

More than 40 mediators certified by the NC Dispute Resolution Commission have volunteered to mediate retaliatory employment discrimination complaints that are investigated by the NC Department of Labor. In July 2020, the Retaliatory Employment Discrimination Bureau (REDB) of the NCDOL rolled out a mediated settlement conference program with the full support of then-Commissioner Berry. Commissioner Dobson extended his whole-hearted endorsement of the program after taking office in January 2021. Since the first case was mediated in October 2020 approximately 50% of the cases mediated have resulted in a settlement at mediation or shortly thereafter.



Retaliation complaints filed under the NC Retaliatory Employment Discrimination Act (which the REDB investigates) are well-suited to mediation. Most employees have been terminated, have limited resources and are unable to pursue their complaint in court. Most employers do not want to expend valuable resources defending a complaint in court. Beyond the financial hardship, litigation can take valuable time away from the workplace for both employees and employers and drag on for months or even years.

Since the program "went live," REDB has offered mediation both early in the case (prior to the completion of the investigation) and also when a "merit" determination is made after an investigation.

This program has been successful because of the mediators who have willingly given their time and expertise at no charge to the parties. Thank you so very much to those of you who have already mediated cases for the Bureau.

If you are a DRC certified mediator and are interested in this opportunity, please consider serving on our panel of mediators. You can decline a referral. You can specify how many referrals you are willing to take annually. And, if you are an attorney who represents parties to a REDA complaint, request a referral to mediation at no charge to your clients! As parties to REDA disputes become aware of REDB's commitment to facilitating settlements where possible, the bureau hopes that they will jump on the opportunity to mediate and take advantage of the skilled and experienced mediators who serve this program.

For more information, contact Harriet Hopkins, [harriet.hopkins@labor.nc.gov](mailto:harriet.hopkins@labor.nc.gov).



*Staff wishes you all a  
Happy and Healthy  
New Year!*

**New Observation Video for Family Financial Applicants**

At the November 19, 2021 meeting, the Commission approved an FFS Observation Video for all Family Financial Applicants. The video will be posted shortly.

A special thanks to all those that took the time to create the video, Ketan Soni, Heidi Risser, N. Todd Owens, Carolyn Krueger-Andes, and Deborah Dilman.

**REMINDER:** Starting on January 10, 2022, mediators may record their FY 2022-23 Continuing Mediator Education. To find the current list of CME Opportunities, visit the [Mediators CME Page](#).

## Supreme Court Adopts New Rule Amendments

On August 30, 2021, the Supreme Court adopted new rule amendments to the MSC, FFS, Clerk, DRC, DCC and Standards. These amendments went into effect on October 1, 2021. Below is a brief description of the amendments:

**MSC Rule 4(c) (4), comment to 4(c), MSC Rule 10(c)(6), MSC Rule 10(c)(9)(b) and Clerk Rule 4(b)(1)**, provide language that allows a designee to sign a finalized agreement on behalf of a party to the mediation. The party is responsible for providing written verification that the party's designee has authority to sign on the party's behalf.

- i. Previously, the named party was required to sign the final agreement.

**MSC Rule 8(a)(2)(b)(1) and FFS Rule 9(a)(12)** requires the 6-hour terminology course be a pre-requisite for the 40-hour training course, for all non-attorney applicants.

**MSC Rule 8(a)(2)(b)(3)(i) and (ii), and comment to MSC Rule 8(a)(2)(b)(3)**. The word "administrative" was removed from the work experience requirement for non-attorney applicants. This new language better defines the parameters of the threshold requirements for non-attorney applicants as defined in the DRC Policy.

**MSC Rule 8(a)(5), FFS Rule 8(a)(7), DCC Rule 7(a)(4)**: extends the reporting period for mediators who have received a notice of a grievance, or other disciplinary inquiry, that requires a response to the issuing regulatory body. The mediator will now have 30 days after the due date for the response to the professional licensing, certifying, or regulatory body to report the matter to DRC staff. PLEASE NOTE: the mediator remains obligated to report all other matters listed within MSC Rule 8(a)(5), FFS Rule 8(a)(7) and DCC Rule 7(a)(4) to DRC staff no later than 30 days after receiving notice of the matter.

**MSC Rule 9(a)(9) and FFS Rule 9(a)(12)** added a technology requirement to the 40-hour mediation training courses.

**MSC Rule 15(c)** defines "designee" as a person selected or designated to carry out a duty or role.

**Adopted amendment to DRC Rules.** DRC Rule 10(b) now provides 30-day time frame to file an appeal based on staff's denial of an application for deficiency in the applicant's work experience, education or training. This language mirrors the 30-day appeal period for denials based on moral character, conduct or fitness to practice.

**Adopted Amendment to Standards of Professional Conduct. Standard 3(d)(5)** this amendment now allows mediators to defend themselves against a complaint filed by any regulatory body established under the general assembly.

- i. Previously a mediator could only defend themselves against actions filed with the NC State Bar or Commission.

To view all the DRC Rules, please visit the [Supreme Court Adopts New Rule Amendments webpage](#).



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