

# DISPUTE RESOLUTION COMMISSION



## NEWS AND UPDATES

WWW.NCDRC.GOV

June 2022

DRCMediators@nccourts.org

919-890-1415

### Commission Seeks Comment

At the recent June 3, 2022 meeting, the Commission approved proposed Advisory Opinion A-22. The AO is now posted for Comment. The concern raised in the AO is about metadata from remote mediations and the possibility of it being retrieved after a remote mediation has concluded.

To review the AO please visit the [Commission Seeks Comment webpage](#). Kindly forward your comments by July 11, 2022 to [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org)

### Mediator Renewal Reminder

FY 2022 –23

The Mediator Renewal FY 2022-23 period begins on July 1 and runs through September 30, 2022. All certified mediators are required to complete two hours of approved Continuing Mediator Education (CME) before submitting their renewal application. (Inactive mediators are not required to complete CME, however they must complete a renewal application and pay the fee(s).) NCDRC staff will email all mediators on July 1, 2022, to alert mediators that it's time to renew their certification(s). The fees have not changed, they remain at \$140.00 for a single certification; \$200.00 for dual certifications; \$70.00 for an inactive (status) certification; and \$100.00 for dually inactive (status) certifications. (The NCDRC does not charge for the Clerk certification.)

### Amendments Made to the Mediator Profile

Mediators may now select in the Key Word section of their Profile, how they prefer to conduct mediations either by remote means; in-person; or both.

**A.1 REMOTE—will only conduct REMOTE mediations**

**A.2 IN-PERSON—will only conduct IN-PERSON mediations**

**A.3 BOTH—Mediator conducts REMOTE & IN-PERSON Mediations**

The program Rules will continue to govern how the mediation is conducted. The key word search is simply a way for mediators to put the world on notice of their preferred method, remote vs. in-person, or both. Once you have updated your "Court-Appointment" list(s), scroll down to the bottom of the page to the "Key Word" section. The three new options are listed at the top of the list. Once you can completed your update, click the "Submit" button.

To find a current list of approved CME Trainings, please visit the [NCDRC CME page](#). Please contact staff with any questions or concerns at [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org)

## Welcome H. David Niblock to the NCDRC!

H. David Niblock, Certified Family Financial Mediator, was appointed by Chief Justice Paul Newby on April 18, 2022 for a term expiring on September 30, 2024. Mr. Niblock replaced Judge (retired) Rebecca Knight.



Mr. Niblock attended St. Andrews Presbyterian College where in 1977 he received a B.A. He received his J.D. from Campbell University School of Law in 1981. Mr. Niblock is a partner at Craige Jenkins Liipfert & Walker LLP, located in Winston-Salem. He was admitted to the NC State Bar in 1981. His practice areas include domestic relations, personal injury, civil litigation, estate administration, traffic violations, criminal law and real estate.

## In Remembrance...

It's with great sadness that we share the passing of former Commissioner Jayne Zanglein (district criminal court mediator). Ms. Zanglein succumbed to cancer on February 22, 2022.



Although her time with the Commission was brief, she always gave serious thought and consideration to all matters brought before her, and her input was always insightful and helpful.

## Things to know: Finalizing Agreements!

[MSC Rule 4\(c\)](#), in summary provides: it is the duty of the parties to reduce the terms of a final agreement to writing and sign the writing, along with counsel. The parties shall file the consent judgment or voluntary dismissal with the court within thirty days of the conference, or before expiration of the mediation deadline, whichever is later. In all cases, a consent judgment or voluntary dismissal shall be filed prior to the scheduled trial.

Comment to Rule 4(c) states "[n]o settlement shall be enforceable unless it has been reduced to writing and signed by the parties or by the parties' designees."

MSC Rule 6(b)(4) provides "[t]he Mediator shall report to the court the results of the mediated settlement conference and any settlement reached by the parties prior to, or during, a recess of the conference."

The mediator may only report a settlement if the parties to the action have reduced all terms to a final agreement, in writing, that is signed by all parties and their counsel. Anything short of this requirement does not resolve the case and the matter shall be reported as an impasse.

Please keep in mind, [Standard 3\(c\)](#) states "[a] mediator shall not disclose to court officials or staff any information communicated to the mediator by a participant within the mediation process, whether before, during, or after the mediated settlement conferences...except as required to complete a report of mediator form..."

The exceptions to Standard 3(c), communication with court staff, are defined in subsection (d)(1) and (d)(9). This rule is very narrow and can limit the mediator's ability to provide a full accounting to the court of the cases status.



Congratulations to the following 30 NCDRC Certified Mediators who reported completing 50 or more hours of pro-bono legal service in 2021 and are members of the [2021 North Carolina Attorney Pro Bono Honor Society](#).

Dorothy Bass Burch  
Catherine Loray Hamilton Cochran  
Amy L. Cox Gruendel  
Kate Anne Deiter-Maradei  
Deborah Lynn Dilman  
Richard L. Farley  
Richard W. Gabriel  
Kelly Louise Gondring  
Mark P. Henriques  
Sonja M. Hole  
Charles Mark Holt  
Constantine H. Kutteh, II  
Anthony T. Lathrop  
Alyssa Michelle Levine  
Charles K. McCotter, Jr.

Robin Milo Mermans  
Lynn Palmer Moen  
Sharon L. Parker  
Matthew T. Phillips  
Cristal Dawn Robinson  
Elizabeth D. Scott  
Meredith A. Shuford  
James H. Slaughter  
Douglas A. Smith  
Timothy M. Smith  
Daniel R. Taylor, Jr.  
Daniel Lee Tedrick  
Dicky S. Walia  
Richard Allan Waugaman III  
Julian H. Wright, Jr.



**Action Requested!**  
**Race & Equity Committee of the DR Section of the NCBA**

At the NCBA’s Dispute Resolution Section Council meeting on March 17, 2022, the Council unanimously approved the following motion, made by the Race & Equity Committee:

*We move for the NCBA DR Section to adopt an initiative to actively support, promote and encourage the designation and appointment of mediators of color in NC consistent with the NCBA guidelines that seek to develop equity and inclusion and to dismantle systemic racism in our justice system.*

Accordingly, the Committee is beginning the “Try Someone New” campaign in which we plan to circulate a curated list of mediators of color with their backgrounds to legal practitioners in NC who need mediators for their cases and encourage them to consider contacting them when they need mediators.

If you are interested in being included on this curated list, or if you’re interested in supporting this campaign in any other way, please email [Equity4NCMediation@gmail.com](mailto:Equity4NCMediation@gmail.com) by June 30, 2022.

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