

DISPUTE RESOLUTION COMMISSION

NEWS AND UPDATES

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October 4, 2018

919-890-1415

Exciting news, staff would like to share our newly condensed version of *The Intermediary*, called *NCDRC News*. This is our first edition! The Newsletter webpage has also been renamed [Dispute Resolution Commission Articles and News](#). It's our intention to post interesting articles and news for the mediators on the page. The *NCDRC News* will be forwarded quarterly following each Commission meeting to keep mediators current on changes to rules, standards, newly adopted advisory opinions, and items posted for comment.

Staff is fully aware that locating information on the site has been a challenge and we are working hard to change that. It is our intention to make the site more easy to navigate and we would like to remind mediators that the new site was created to be more phone user friendly.

We hope you find the *NCDRC News* an informative tool in your mediation practice. If you have any questions or concerns staff can assist you with, please do not hesitate to call. Thank you.

Conflict Resolution Day

Mark your Calendars

Thursday, October 18, 2018

8:30 am — 10:00 am

The first annual up and coming mediator award
will be presented by NCDRC staff to

Mr. Ketan Soni

*in honor and appreciation of his dedication and
service to mediation in North Carolina.*

**North Carolina Judicial Center
901 Corporate Center Dr., Raleigh**

RSVP: DRCMediators@nccourts.org



Judge William A. Webb chair, presents Lorrie Dollar with a plaque recognizing her six years of service to the Commission. Ms. Dollar served as both the Commission's Vice-Chair and as Chair for the Program Oversight Committee. Ms. Dollar resides in Cary.

Newly Adopted Advisory Opinions:

The NCDRC adopted the following Advisory Opinions at the May 18, 2018 meeting.

Summary for AO 36 (2018)

Under Standard VII. H, a mediator may sponsor a CME or CLE program or speaker and have her contribution acknowledged on a sign or on registration and/or program materials. A mediator may also sponsor a dinner or open bar at a CME or CLE event and have their contribution acknowledged on a sign or on registration and/or program materials, so long as the sponsorship directly relates to an educational benefit that is available to the public. However, a dinner or open bar event with a limited or restricted guest list, or by personal invitation only, is akin to a gift and would violate the bright line gift rule.

Summary for AO 37 (2018)

Pursuant to MSC Rule 2.A, the plaintiff's attorney, or any party may file the designation of mediator form with the court. A mediator, or someone acting on their behalf, may not complete, sign, or file Designation forms with the court. This rule protects the court and mediators from potential allegations made by a party that the party was not consulted prior to the designation of the mediator. Although this AO specifically addresses a question raised by superior court staff and the actions of a superior court mediator, it also applies to the Family Financial Settlement program and the Clerk Mediation Program.

Summary for AO 38 (2018)

Pursuant to N.C.G.S. § 7A-38.4A, *Settlement procedures in district court actions*, evidence of statements made and conduct occurring in a mediated settlement conference shall not be admissible in the action or other civil actions on the same claim, subject to a few narrow exceptions. A claim for attorney fees does not fit within a named exception. Therefore the mediator cannot be compelled to testify or produce evidence, or be required to disclose their notes from the mediation on a claim of attorney's fees.

POSTED FOR COMMENT

Advisory Opinion 41 was recently adopted by the Commission at the September 21, 2018, meeting. The AO has been posted for comment, and be found on the [Commission's Seeks Comment](#) page.

The AO describes This AO addresses some reoccurring issues that mediators seem to have with case management. Specifically, this AO speaks directly to a recent suspension of a mediator. The intent of this AO is to provide an outline of the mediator's requirements so they can manage their active cases more effectively. The ancillary benefit is to show the consequences of failing to follow proper procedure pursuant to the Rules and Standards.

Please forward your comments to: DRCMediators@nccourts.org, on or before November 4, 2018.

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