

# DISPUTE RESOLUTION COMMISSION



NEWS AND UPDATES

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## COMMISSION SEEKS COMMENT

At the recent November 8, 2019, meeting, the Commission approved changes to the below documents. All items have been posted to the [Commission Seeks Comment webpage](#). **Comments will be accepted until January 3, 2020.** Send all comments to [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org).

**MSC and FFS Rule 7: Court-Appointed Mediator Administration Fee Increase.** The Commission is aware of the cost involved when coordinating and scheduling a mediation. The Commission voted to approve an increase in the one-time court appointed mediator administrative fee by \$25. The proposed administrative fee moving forward, once adopted by the NC Supreme Court, will be \$175.

**DRC CME Policy, DRC Procedures Implementing the DRC CME Policy and Procedures for Sponsors of CME Programs:** The Commission voted to revise the CME Policy and Procedures to include the use of Podcasts to help disseminate CME approved content to all mediators. The CME Policy has also been updated to allow staff to remove any stale/old CME from circulation.

**DRC Guidelines for Observer Conduct and Video Observations:** The Commission felt there is a need to assist applicants in obtaining their required number of mediation observations by accepting one observation video in lieu of one live observation. The Commission voted to approve Guidelines that will provide an observation video to qualify as an observation for persons applying for certification. Additionally, the Guidelines set forth parameters on how observation videos may qualify for DRC approval.

**Proposed Advisory Opinion A-19:** The Commission responded to a request for an advisory opinion on whether a mediator may act as a Parenting Coordinator for the same parties, in a matter arising out of the same cause of action, in the future. The Commission determined this question was relevant and should be addressed in a formal Advisory Opinion clarifying this action would be a conflict of interest

**Notice to Mediators Regarding Certification Fees (not open for comment):** The Commission voted to increase certification fees and mediator renewal certification fees effective July 1, 2020. The increase will be \$25 a year, making the single certification fee \$165, and \$225 for dual certifications. The DRC has not increased fees since 2002. The increased funds will allow the Commission to continue providing excellent resources to all certified mediators across the state.

## Important Reminder



**All certified mediators have a duty to report any grievance/complaint filed against them to a regulatory body within 30 days of receiving notice of the grievance/complaint to the NCDRC staff. (MSC Rule 8.E and FFS Rule 8.F.) Notifying the NCDRC of the grievance/complaint will not automatically trigger an investigation by the Commission's office.**

### Do you have an ethics question, or want to request an Advisory Opinion?

The Commission staff is available to assist mediators with any ethics questions that may arise. For mediators who want to request an Advisory Opinion a "Mediator Request for Advisory Opinion Form" has been posted on the NCDRC's website. To view the form, [click here](#).

### CONFLICT RESOLUTION DAY 2019!

Conflict Resolution Day was held on **Thursday, October 17, 2019**, at the NC Judicial Center in Raleigh. There was a tremendous turnout with approximately 60 certified mediators attending the event. Associate Justice (former DRC Commissioner) Michael R. Morgan, attended the event on behalf of Chief Justice Cheri Beasley. Other distinguished guests included the Clerk of Moore County, Susan Hicks, (DRC Commissioner/Vice-Chair), Interim Director of the NCAOC, McKinley Wooten, and NCBA President LeAnn Nease Brown (DRC Commissioner). The NCDRC would like to thank Judge William Freeman, Melvin Wright, Michael McDaniel and Ketan Soni, for volunteering to teach the CME/CLE courses.

The two CME courses from the day "Mediation Rules from a Mediator's Point of View", and "When Things Go Wrong", will be available on video for CME credit in the coming weeks.

Mark your calendar for October 15, 2020, for the next Conflict Resolution Day Celebration.

### Renewal Period for FY 2019-20 is Now Complete!

Thank you to all the mediators who renewed their mediator certification(s). The NCDRC Staff hopes you found the renewal process easy, and is working with NCAOC Technology to try and make next year's renewal process even easier.



### BE ON THE LOOKOUT Rules and Standards Submitted to the Supreme Court

**Earlier this year** Commission staff submitted amended Program Rules, DRC Rules and The Standards of Conduct to the Supreme Court of North Carolina. Once staff has received the newly amended Rules/Standards, mediators will receive copies via email.

## The Commission Welcomes Three New Members!



LeAnn Nease Brown (reappointed), Barbara Morgenstern,  
Judge Phyllis Gorham and David Wijewickrama

**The Honorable Phyllis Gorham**, is the senior resident superior court judge in New Hanover and Pender Counties, she was appointed to the DRC by Chief Justice Cheri Beasley. Judge Gorham received her law degree from NC Central University School of Law, and her Bachelor of Arts from UNC-Chapel Hill. Before Judge Gorham took the bench, she was an assistant district attorney for District 6, an attorney for Legal Aid of NC in Durham, and interim assistant police attorney for the Durham Police Department, and an associate attorney in private practice in Goldsboro. She is a member of the NC state Bar, the 6th Judicial District Bar, and the NCBA. Judge Gorham has served as a vice-president of the NCBA, board member on the NC Rural Courts Commission, chair of the New Hanover County Department of Social Services Board of Directors, president and secretary/treasurer of the 6th Judicial District Bar and has served on several boards in the Community. Judge Gorham calls Fountain, NC, her hometown.

**Barbara Morgenstern**, lives in Greensboro, North Carolina, and was appointed by Gary Wilson, State Bar President. Ms. Morgenstern is the managing partner of Morgenstern & Associates, PLLC located in Greensboro. Her practice is limited solely to family law. She is a board certified family law specialist since 1991, and a fellow with the American Academy of Matrimonial Lawyers since 1994, and currently serves as the past president of the NC Chapter. She has also served as the past chair of the Family Law Section of the Greensboro and NCBA. She is a certified arbitrator by the AAML and spends much of her time conducting mediations and arbitrations. Ms. Morgenstern is a frequent speaker at CLE Seminars, and has served as an adjunct professor of family law at Wake Forest University School of Law, and at Elon School and as a guest lecturer at the UNC School of Law.

**David Wijewickrama**, lives in Waynesville North Carolina, and was appointed by Governor Roy Cooper. Mr. Wijewickrama grew up in the southern highlands of the Blue Ridge Mountains. He attended the University of South Carolina where he earned his B.S. in Information Management Systems under the U.S. Navy Scholarship, in 1991. Mr. Wijewickrama served in the U.S. Navy as a Supply Corp Officer aboard the U.S.S. Peleliu. After the Navy, he attended Washburn University Law School in Topeka, KS, where he earned his Juris Doctorate in 2000. He first started out in the Buncombe County DA's office working with victims of violent crimes, from there he transitioned into civil work, family law, employment law, governmental law and personal injury. He also served as a 9/11 Tort-Litigator. Currently his practice areas cover complex civil litigation involving class actions, civil rights, wrongful deaths, officer involved shootings and other law enforcement/government related issues. He has represented private corporations and individuals, he has developed a niche in protecting parents and children who must deal with governmental entities when their constitutional rights have been violated. Mr. Wijewickrama enjoys in his free time, fly-fishing and being a mentor to others.

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