



Public Sanctions Imposed

Mediator: **Nicolle T. Phair, Esq.**

Sanction: **Public Admonishment**

Date: **July 16, 2019**

The Commission's Grievance and Disciplinary Committee met on November 27, 2018, to consider the renewal application submitted on October 31, 2018, by Ms. Nicolle Phair. The Revised Rules of the NC Supreme Court for the Dispute Resolution Commission (hereinafter "DRC Rules"), Rule IX.C.(1), provides, in part, that certain matters regarding a mediator's moral character, conduct, or fitness to practice shall be forwarded directly to the Grievance and Disciplinary Committee for review.

Ms. Phair's application provided that the NC State Bar issued a Public Reprimand to Ms. Phair on February 22, 2018, for professional misconduct.

The Revised Rules Implementing Statewide Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions (hereinafter "MSC Rules"), Rule 8.E, states that, "[o]nce certified, a mediator shall report to the Commission within (30) days of receiving notice any subsequent criminal convictions(s); any disbarment(s) or revocation(s) of a professional license(s), other disciplinary complaint(s) filed with or action taken by, a professional licensing or regulatory body; and judicial sanction(s); any tax lien(s); any civil judgment(s) or any filing(s) for bankruptcy".

Ms. Phair failed to disclose a pending grievance from the NC State Bar on her FY 2017-18 certification renewal application as required by MSC Rules, Rule 8.E. and the DRC Rules, Rule VII. In addition, Ms. Phair failed to disclose the disciplinary action taken against her by the NC State Bar within thirty (30) days as required by the MSC Rules, Rule 8.E.

Pursuant to the DRC Rules, the Grievance and Disciplinary Committee deliberated and determined probable cause existed to believe that the applicant's conduct was inconsistent with good moral character, and in violation of the DRC Rules and the MSC Rules.

The Grievance and Disciplinary Committee was concerned about Ms. Phair's lack of candor to the Commission by failing to report the grievance and the disciplinary action taken by the NC State Bar and determined to sanction Ms. Phair by imposing a public admonishment.

Ms. Phair appealed the Grievance and Disciplinary Committee's decision to issue a sanction to the full Commission. On May 16, 2019, a *de novo* hearing was conducted before the Commission members, except for the Grievance and Disciplinary Committee members who were recused from hearing the matter on appeal. After hearing testimony and reviewing evidence regarding the matter, the Commission issued an Order on June 4, 2019, imposing a sanction on Ms. Phair of a public, written admonishment, pursuant to DRC Rule IX.E(10)(b). No further appeal was sought by Ms. Phair.

You are hereby admonished by the North Carolina Dispute Resolution Commission for your violation of DRC Rules, Rule VII and MSC Rules, Rule 8.E. The Commission trusts that you will heed this admonishment, that it will be remembered by you, that it will be beneficial to you and that you will never again allow yourself to depart from adherence to the high ethical standards established for mediators serving in North Carolina.