



Last updated 3.24.2020

Things to Know NCDRC

The Chief Justice issued an Order on March 13, 2020, effective March 16, 2020, to schedule or reschedule all superior court and district court proceedings to a date no sooner than 30 days from the date the Order was issued, with few exceptions.

A Memo issued by the Chief Justice and NCAOC Director on March 15, 2020 clarified court proceedings to include non-essential in-person meetings. This includes mediations.

The Chief Justice issued an Order on March 19, 2020 providing that if a deadline to act in a court proceeding falls between March 16, 2020 and April 17, 2020 the act is deemed timely if completed before or on April 17, 2020.

NC Mediations

Pre-litigation:

The Chief's orders do not cover pre-litigation mediations. However, best practices would be to either postpone all mediations until after the Chief's order expires, or conduct the mediation telephonically.

NC Court-Ordered Mediations:

Mediations under one of the Dispute Resolution Commissions programs fall under the Chief's order, therefore, mediators should either request that the mediation be conducted using remote technology, if all parties agree, or be rescheduled until after the Chief's order expires.

Cases that have NOT been Ordered to mediation, but have pending litigation, fall under the Chief's order, therefore mediators should refer back to the Court-Ordered Mediation guidelines, above. (Per NCAOC Office of General Counsel)

Mediation Deadlines

Under the Chief's order issued March 19, 2020, any court processes, or actions required to be done from March 16 to April 17, will be deemed timely if completed by April 17, 2020. Therefore, all Orders to Mediate with a mediation deadline between March 16 to April 17, is postponed to April 17, 2020. For example, if a deadline to mediate is July 1st, the deadline remains July 1st. If the deadline to mediate is March 31st, the mediation deadline is now April 17th.

*Message from court-staff: "Mediation deadlines in district are always 30 days prior to the scheduled trial date unless they are condemnation cases or a DSO for a medmal or wrongful death is entered that states otherwise. If the trial is continued, the deadline is automatically extended and no need for unnecessary paperwork".

*Please note, this may not be the case in all districts. Please refer to the local rules in your district.

Court Filings

Chief Justice Beasley issued an Order on March 19, 2020, extending all filing deadlines. All mediation and filing deadlines, including the Report of Mediator form due between March 16th and April 17th will be deemed as filed timely if filed on or before April 17th.

North Carolina Industrial Commission

Message from John Schafer, Deputy Commissioner and Dispute Resolution Coordinator: "Consistent with Chief Justice Beasley's emergency directive effective Monday March 16, 2020, and in light of new guidance from the NC Dispute Resolution Commission, all mediations in IC cases shall be conducted with all parties appearing remotely, or else be scheduled or rescheduled for a date after April 12, 2020."

NC Arbitration

Court ordered arbitration hearings should be continued under the Chief's ordered.

Federal Court Mediations

Staff has reached out to all Federal Courts regarding mediations, below are the response(s) we have receive to date. Check back for updates:

Q: "Can federal mediations be conducted remotely? If not, what about scheduled face-to-face mediations, can they be postponed and rescheduled?"

A: Western District: Yes – we will allow mediations to be conducted remotely during this time. Our attorneys set the mediation dates themselves to make sure they meet deadlines in the case management orders so the Court would not be involved in continuing a mediation itself – but

rather other deadlines in the case that completion of mediation would affect. Our Local Rules provide that we are governed by the N.C. Mediation Rules so because of that we will also allow mediations to be conducted remotely during this time.

(1) Rules Governing Mediation. If a mediated settlement conference is ordered, it shall be governed by the *Rules Governing Mediated Settlement Conferences in Superior Court Civil Actions* promulgated by the North Carolina Supreme Court pursuant to N.C. Gen. Stat. § 7A-38.1 (the “Mediation Rules”), and by these Local Rules

A: Eastern District: Staff has not heard back– check back for updates.

A: Middle District: Staff has not heard back – check back for updates.

North Carolina Business Courts

On March 23, 2020, Chief Justice Cheri Beasley issued an [Order](#) declaring catastrophic conditions resulting from the public health threat posed by COVID-19. Chief Business Court Judge Louis A Bledsoe, III, entered an Order on March 23, 2020, following Chief Justice Beasley’s orders declaring that catastrophic conditions exist throughout the State resulting from the public health threat posed by COVID-19. In Judge Bledsoe’s Order, it states “that all pleadings, motions, or other documents and papers that were or are due to be filed in any action currently pending in the NC Business Court on or after 16 March 2020 and before the close of business on 17 April 2020 shall be timely filed if they are filed before the close of business on 17 April 2020”.

*Mediations are not directly addressed in Judge Bledsoe’s Order, however the N.C. Business Court follows The Supreme Court of N.C. Rules for Settlement Conference and other Settlement Procedures in Superior Court. If all parties do not consent to hold the mediation using remote technology, the conference will need to be rescheduled in compliance with Chief Justice Beasley’s order issued on March 13th.