

***ANNUAL REPORT OF THE
NC DISPUTE RESOLUTION COMMISSION***

**FOR FISCAL YEAR 2013/2014
(July 1, 2013 – June 30, 2014)**



**J. ANDERSON LITTLE, CHAIR
October 1, 2013 – September 30, 2014**

**NC Dispute Resolution Commission
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www.ncdrc.org**

I. Introduction.

The North Carolina Dispute Resolution Commission (Commission) was established by N.C. Gen. Stat. § 7A-38.2, effective October 1, 1995. The Commission is charged primarily with administering mediator and mediator training program certification and with regulating the conduct of mediators and mediator training program personnel. The Commission also helps to support mediated settlement conference programs operating in North Carolina's courts, including: the superior court Mediated Settlement Conference (MSC) Program, the district court Settlement Procedures in Equitable Distribution and Other Family Financial Cases (FFS) Program, the district court District Criminal Court Mediation (DCC) Program, the Clerk Mediation (CMP) Program, and the Pre-litigation Farm Nuisance Mediation (Farm) Program. In addition to certifying and regulating mediators and providing program support, the Commission also recommends policy, rules, and rule revisions relating to dispute resolution to the Alternative Dispute Resolution Committee of the State Judicial Council, the State Judicial Council, and Supreme Court; seeks to promote mediator education and skills development; interfaces with and serves as a resource for other state agencies offering mediation services or seeking to provide such services; and serves as a clearinghouse for dispute resolution information. This annual report, which is the 19th submitted by this body, describes the activities and accomplishments of the Commission for the period July 1, 2013, through June 30, 2014.

II. Membership.

A. Commission Members.

The Commission is a sixteen-member body. In accordance with N.C. Gen. Stat. § 7A-38.2, its membership consists of: five judges, including two superior and two district court judges; a clerk of superior court; five mediators, including two certified to conduct family financial settlement conferences in district court, two certified to conduct mediated settlement conferences in superior court, and one certified to conduct criminal district court mediations; two practicing attorneys not certified as mediators, one of whom shall be a family law specialist; and three citizens knowledgeable about mediation. Members who were serving as of June 30, 2013, and their appointing authorities are listed below.

J. Anderson Little (Chapel Hill), knowledgeable citizen member, re-appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate on October 1, 2011, for a term expiring September 30, 2014; appointed Chair by the Chief Justice on October 1, 2012.

The Honorable Charles T.L. Anderson (Hillsborough), district court judge, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015.

M. Ann Anderson (Pilot Mountain), knowledgeable citizen member, appointed by the Governor on October 26, 2010, for a term expiring September 30, 2013.*

Lucas Armeña (Fletcher), knowledgeable citizen member, appointed by the Governor, for a term expiring September 30, 2016, appointed to fill the seat of **M. Ann Anderson**, whose term expired September 30, 2013.

The Honorable Jesse B. Caldwell, III (Gastonia), superior court judge, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015.

The Honorable Gary S. Cash (Asheville), certified FFS mediator, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015.

Jacqueline R. Clare (Raleigh), superior court mediator, re-appointed by the Chief Justice for a term expiring September 30, 2014.

Commissioner of Administration for the Department of Public Safety Lorrie L. Dollar (Cary), knowledgeable citizen, appointed by the Speaker of the House for a term expiring September 30, 2015.

The Honorable Yvonne Mims Evans (Charlotte), superior court judge, appointed by the Chief Justice for a term expiring September, 2016, appointed to fill the seat of **The Honorable Michael R. Morgan** whose term expired September 30, 2013.

M. Victor Farah (Raleigh), practicing attorney not certified as a mediator, reappointed by the State Bar President on October 1, 2011, for a term expiring September 30, 2014.

Lynn Gullick (Greensboro), certified superior court mediator, reappointed by the Chief Justice on July 2, 2013, for a term expiring on September 20, 2016.

The Honorable Susan A. Hicks (Carthage), Clerk, Moore County, appointed by the Chief Justice on February 24, 2012, for a term expiring September 30, 2014. **

Richard G. Long, Jr. (Monroe), certified family law mediator, appointed by the Chief Justice on October 1, 2012, for a term expiring on September 30, 2015.

The Honorable Michael R. Morgan (Raleigh), superior court judge, re-appointed by the Chief Justice on October 1, 2010, for a term expiring September 30, 2013.*

The Honorable J. Douglas McCullough (New Bern), judge, NC Court of Appeals, appointed by the Chief Justice on February 21, 2013, for a term expiring September 30, 2014.

Robert Ponton (Raleigh), practicing attorney not certified as a mediator, family law specialist, appointed by the NC State Bar president for a term expiring September 30, 2016, appointed to fill the seat of **Gary B. Tash**, whose term expired on September 30, 2013.

Diann Seigle (Raleigh), district criminal court mediator, appointed by the Chief Justice on May 16, 2013, for a term expiring on September 30, 2014.**

Gary B. Tash (Winston-Salem), practicing attorney not certified as a mediator, family law specialist, re-appointed by the State Bar President on October 1, 2010, for a term expiring September 30, 2013.*

The Honorable Teresa H. Vincent (Greensboro), district court judge, appointed by the Chief Justice on October 12, 2012, for a term expiring on September 30, 2015.

*** Denotes members who were active as of June 30, 2013, but whose terms expired within the FY2013-1014, on September 30, 2013. The Commission thanks M. Ann Anderson, The Honorable Michael R. Morgan, and Gary B. Tash for their contributions and years of service to the Commission and its work.**

**** Denotes members eligible for re-appointment.**

B. Ex-Officio Members.

A number of *ex-officio* members also attend Commission meetings and provide expertise on matters before the Commission. Ex-officio members do not have a vote on the full Commission, but actively participate in committee and Commission meetings. Serving as *ex-officio* members through June 30, 2014, were:

Robert A. Beason, Member, State Judicial Council's ADR Committee; Mediator and Trainer with Beason & Ellis Conflict Resolution, Durham, NC

LeAnn Nease Brown, Attorney, Chapel Hill, NC

Rene Stemple Ellis, Chair, NC Bar Association Dispute Resolution Section; Mediator and Trainer with Beason & Ellis Conflict Resolution, Durham, NC

Tueresa Hayden, Trial Court Coordinator, Iredell County

Frances Henderson, Director, Dispute Settlement Center, Chapel Hill, NC

Frank Laney, Chair, ADR Committee of the State Judicial Council; Mediator, Fourth Circuit Court of Appeals

Judge W. David Lee, superior court judge, Union County, Chair Emeritis

Grace Marsh, Director, Elna B. Spaulding Conflict Resolution Center, Inc., Durham, NC

Stephanie Nesbitt, Court Management Specialist, NCAOC Court Programs and Management Services Division, Raleigh, NC

Ellen Rose, Family Court Administrator, Wake County

John Schafer, Deputy Commissioner, NC Industrial Commission, Raleigh, NC

Judge Sanford L. Steelman, judge, NC Court of Appeals; DRC Chair Emeritus and

Liaison for the Court of Appeals Mediation Program, Raleigh, NC

Judge Joseph E. Turner, superior court judge, Guilford County

C. State Ethics Commission Review.

During FY 2013/2014, the Commission was deemed to be a covered agency under the North Carolina State Government Ethics Act. All current members have attended the required training and filed Statements of Economic Interest (SEI) with the State Ethics Commission. Following review of each SEI, the State Ethics Commission found no conflicts of interest on the part of any member of the Commission.

III. Commission Office.

During FY 2013/2014, the Commission's office operated with three staff: Executive Secretary **Leslie Ratliff**, Deputy Director **Harriet S. Hopkins**, and Administrative Assistant, **Maureen McCarthy Robinson**. Office staff supports the work of the Commission and its committees, processes applications and application renewals for mediator and mediator training programs, and supports court staff and judges in the implementation of the Commission's mediated settlement conference programs. Staff maintains the Commission's website, which can be accessed at www.ncdrc.org, and publishes its newsletter, *The Intermediary*. The Commission's office is housed in the North Carolina Judicial Center located at 901 Corporate Center Drive in Raleigh, NC.

IV. Interface with Other Agencies or Programs.

Dispute resolution programs and services are available in many venues in North Carolina besides the State courts. Though the Commission was established under the Judicial Department and is largely a creature of the courts, it has not hesitated to respond to requests for assistance from agencies and offices housed and working outside the courts. The NC Industrial Commission (mediation of workers' compensation claims); the NC Office of Administrative Hearings; the Federal Eastern, Middle and Western Districts; the NC Office of State Personnel; the NC Department of Insurance (disaster mediation); the United States Department of Agriculture's Mediation Program (targeting farmers and lending institutions); and a number of smaller state and federal agencies all operate established mediation programs with assistance, in part, from mediators and trainers certified by the Commission.

V. Budget.

Commission revenues are deposited in NC Administrative Office of the Court's (NCAOC) Fund 1715. Fees collected from mediators and mediation training programs for certification and renewals of certification constitute the sole revenues for the Commission. FY 2013/2014 collections for certifications and renewals totaled \$221,670.00 as of June 30, 2014. This fiscal year, as in all past fiscal years, the Commission fulfilled its charge to fund its operations without expenditure of any tax dollars.

VI. Certifications Issued.

The total number of outstanding certifications by program as of June 30, 2014, were as follows: 1356 active Mediated Settlement Conference Program certifications, 328 active Family Financial Settlement Conference Program certifications, 163 active Clerk Mediation Program certifications (to conduct guardianship and estate mediations), and 63 active District Criminal Court certifications.* In addition, there were 62 inactive MSC, 7 inactive FFS, and 12 inactive CMP certifications.**

* These numbers reflect total certifications outstanding and not the total number of mediators. The number of mediators is slightly less than the total number of certifications in that 186 mediators hold dual certification, *i.e.*, both MSC and FFS certification (168 active and 18 inactive) or multiple certifications.

**Inactive mediators may not conduct mediated settlement conferences and their names do not appear in the Commission's mediator database accessible at www.ncdrc.org. However, they continue to receive information and updates from the Commission and may reactivate their certifications on request.

VII. Commission Structure in FY 2013/2014.

In this fiscal year, the Commission operated with six committees:

Executive/Operations Committee: Mr. Little, Chair. This Committee is charged with considering matters relating to legislation, budget, and personnel.

Standards and Advisory Opinions Committee: Ms. Clare, Chair. This Committee is responsible for reviewing matters relating to the Standards of Professional Conduct for Mediators including recommendations for revisions to those Standards and mediator advertising issues; for assisting staff in responding to inquiries regarding ethics; and with drafting Advisory Opinions for consideration by the Commission.

Grievance and Disciplinary Committee: Judge Anderson, Chair. This Committee reviews character, conduct, and fitness matters, including matters self-reported by mediators at any time during the year and matters disclosed by applicants or otherwise discovered by Commission staff in the context of mediator certification and certification renewal applications. This Committee also investigates and reviews complaints filed by court staff, litigants, attorneys, and others related to mediator moral character, conduct, or fitness to practice.

Mediator Certification and Training Committee: Mr. Long, Chair. This Committee is assigned responsibility for considering issues that arise in connection with mediator training programs and mediator certification or certification renewal applications and that relate to an applicant's education, training, and/or professional experience. This Committee is also responsible for overseeing the Commission's continuing mediator education reporting requirement and with making recommendations on certification fees and rule changes regarding certification requirements, where necessary.

Superior Court Program Oversight Committee: Ms. Gullick, Chair. This Committee is charged with insuring that the statewide mediated settlement conference programs (MSC, Farm Nuisance, Clerk) operate effectively and efficiently, and with recommending revisions to the statutes and rules to achieve that end.

District Court Oversight Committee: Judge Cash, Chair. This Committee is charged with insuring that the operation of the Settlement Procedures in Equitable Distribution and Other Family Financial Cases and District Criminal Court programs operate effectively and efficiently and with recommending revisions to the statutes and rules to achieve that end.

The committees undertake the work of the Commission and make recommendations to the full body. Committees meet as needed, often two or more times per quarter, usually by conference call.

VIII. Commission Business in FY 2013/2014.

The full Commission met face-to-face four times this fiscal year: September 13-14, 2013, in Dobson, NC; December 6, 2013, in Greensboro, NC; February 21, 2014, in Raleigh, NC; and May 16, 2014, in Raleigh, NC. Notice of meeting dates and locations is posted on the Commission's website well in advance of meetings and the public is invited to attend. Minutes from Commission meetings are also archived on the DRC website, www.ncdrc.org.

During this fiscal year, the Commission and its Committees undertook a number of projects designed to improve operations of the Mediated Settlement Conference (MSC), Family Financial Settlement (FFS), Clerk (Clerk), Farm Nuisance (Farm), and District Criminal Court (DCC) Mediation Programs and to facilitate the work of our State's courts and mediators. Highlights follow:

A. Rule Revisions Adopted. Several years of hard work by Commission members addressing issues, concerns, and some inconsistencies in its program rules culminated this fiscal year in the adoption of rule revisions by the NC Supreme Court. On April 1, 2014, the Court adopted Commission proposed revisions to the MSC, FFS, Clerk, Farm, and District Criminal Court mediation program rules, as well as the Rules for the Dispute Resolution Commission. The Standards of Professional Conduct for Mediators were also amended, as set forth more fully below in VIII.C.

B. Commission Monitors Proposed Statutory Revisions. During FY2013/2014, the Commission supported House Bill 482 which included revisions to its enabling legislation, N.C.G.S. Sect. 7A-38.2. HB 482 also clarifies statutory exceptions to confidentiality, particularly the exception relating to State Bar proceedings. The revisions codify the provisions of DRC Advisory Opinion, #12-23, adopted May 11, 2012, that mediators may testify only at formal State Bar proceedings and in response to a subpoena. Confidentiality would preclude mediators speaking informally with State Bar investigators in the early stages of an investigation. The revisions also provide that individuals or firms who misrepresent themselves to the public as certified or eligible to be certified may be charged with a Class 2 misdemeanor and subjected to a fine. The Commission recommended these revisions in an effort to protect the public

after addressing situations brought to its attention by members of the public and court staff. HB 482 passed the House, but was referred to the Senate Judiciary I committee. This bill was not considered by the Legislature in the short session in spring, 2014, and remains in committee.

In FY 2013/2014, the General Assembly passed legislation increasing the jurisdictional limits in district court (\$25,000) and small claims court (\$10,000). The Commission helped draft an amendment to the arbitration enabling legislation, 7A-38.4B, to create a dispute resolution menu, including mediation. HB 1094 was introduced in the short session, but remained in committee when the session was adjourned. The Commission will continue to monitor this legislation in next year's long session.

C. Approved Revisions to the Standards of Conduct for Mediators. The Commission proposed and the NC Supreme Court adopted a revision to Standard III, Confidentiality, and Standard VII, Conflicts of Interest.

1. Standard III, Confidentiality. The amendment allows for disclosure to the court of certain procedural matters by the mediator with the consent of the parties, while affirming the duty to maintain confidentiality of any information communicated to the mediator by any participant during the mediation process. Excluded from this is the filing of the Report of Mediator and any necessary contact regarding fees due to the mediator by a participant.

2. Standard VII, Conflicts of Interest. The DRC receives many inquiries regarding holiday gift giving by mediators. Standard VII.H provides that a mediator shall not give or receive any commission, rebate, or other monetary or non-monetary form of consideration from a party or representative of a party in return for referral or expectation of referral of clients for mediation services. The amendment to this Standard holds that a mediator should neither give nor accept any gift, favor, loan, or other item of value that raises a question as to the mediator's actual or perceived impartiality, except that a mediator may give or accept *de minimus* gifts such as sodas, cookies, snacks, or lunches served to those attending a mediation conducted by the mediator and intended to further the mediation or to show respect for cultural norms.

D. Commission Addresses Disciplinary/Character Matters and Adopts Advisory Opinions. The Commission's Standards and Advisory Opinions Committee continued its work of responding to complaints regarding mediator conduct and reviewing ethical matters involving mediators and applicants for certification and certification renewal. In addition, the Standards and Advisory Opinions Committee drafted and the Commission adopted two Advisory Opinions (AO) this fiscal year. Advisory Opinions are issued by the Commission pursuant to its Advisory Opinion Policy and at the request of mediators seeking guidance on rule interpretation questions and ethical matters. These are summarized as follows:

1. Advisory Opinion No. 27 (2013). *Pro se* wife in an equitable distribution case informed her court-appointed mediator during the scheduling

process that she was unable to pay his fees. Mediator insisted she must pay and when she refused, contacted her husband and sought payment of Wife's share of the mediator fee from Husband; told the judge that he believed she could pay and that the parties were being unreasonable; failed to schedule a mediation; and upon Wife's allegation of the mediator's bias against her, withdrew from the case under Standard II.C(1). Once a Mediator learns of a party's claim of inability to pay, the Mediator should advise them of their right to file Form AOC-CV-828, Petition and Order for Relief From Obligation To Pay All Or Part of Mediator's Fee in Family Financial Cases. Thereafter s/he should have no more communication about inability to pay and should schedule the mediation. This opinion holds that Mediator's actions were inconsistent with FFS Rule 7.E and FFS Rule 6.A(2) in that he failed to schedule the mediation, and with Standards III, Confidentiality, (conversations with Husband and judge), Standard II, Impartiality, (Mediator took a position in favor of the Husband), and Standard VII, Conflicts of Interest, (Mediator mixed his own financial business interests with the business of the parties), and became overly focused on his fee.

2. Advisory Opinion No. 28 (2013). At the conclusion of a successful mediation, a divorcing couple, both of whom are *pro se* ask the mediator to prepare a binding agreement for their signatures, and further, to file a court action on their behalf to incorporate their agreement into a consent order. Standard VI of the Standards of Professional Conduct for Mediators provides that a mediator "shall limit himself/herself solely to the role of mediator, and shall not give legal or other professional advice during the mediation." The opinion holds that the mediator may not prepare an agreement or file an action with the court because both activities are the "practice of law" under N.C. Gen. Stat. 84-2.1, and to do either would be a violation of Standard VI. This opinion also calls attention to N.C. State Bar 2012 Formal Ethics Opinion 2 which held that the attorney mediator could not prepare a binding business contract for two *pro se* parties at the conclusion of a successful mediation because the mediator had a "non-consentable" conflict of interest, and would improperly practice law if he drafted a contract requested by the parties.

E. New Comment Policy. This fiscal year the Commission adopted a public Comment Policy encouraging feedback and comments on revisions to the Standards of Conduct, program rules and advisory opinions. After the Commission has approved a proposed document, the document is posted on the Commission's website and the public is afforded a 30-day period within which to comment on the proposed document. The Policy also sets out the process which next occurs, depending on whether or not comments are received.

F. Commission Hosts Conference of Mediator/ADR Program Staff from Ten Southern States. In April, 2014, Commission staff organized and hosted a group of court administrators from ten southeastern states working with dispute resolution programs in their states. The agenda included presentations by each state of its mediation programs, and roundtable discussions of a wide range of topics including funding models, mediator certification requirements, program evaluation, ethics, use

of technology in program administration, and much more. The group decided to convene a similar conference every two years, if possible. Maryland has agreed to host the next conference.

G. Commission/NCBA Dispute Resolution Section Cooperation. The Commission and the Section work cooperatively and communicate often on matters of mutual concern and interest. This fiscal year, the DRC and Section, together with representatives from several local community mediation centers, produced an introductory video for the District Criminal Court Mediation Program. The video is designed to educate litigants whose citizen-initiated district criminal court misdemeanor cases are referred to mediation about the mediation process and what to expect at their session. The NCBA graciously allowed its videographer, Bryan Miller, to shoot and edit the film for this project. The video features interviews with district court judges, a prosecutor, mediators, and several role plays by “litigants.” The video will be provided to all chief district court judges, community mediation centers, and posted on the Commission’s website and YouTube. A link is currently available at:

<http://youtu.be/2JOm7P7Xm9U>.

H. Casewise Reporting. During FY 2012/2013, NC AOC transitioned to Casewise as its case management reporting mechanism for mediation statistics. In this fiscal year, Commission members and staff continued to work with AOC program staff in educating court staff about the system, believing that Casewise will standardize reporting across the state, ease the reporting burden of local court staff, and provide more reliable data for tracking court activity and Commission programs. Fiscal year 2013/2014 revealed an increased commitment on the part of court staff to the use of Casewise and to the accurate reporting of data.

I. Benchbooks for Court Staff and Senior Resident Superior Court Judges. Commission staff began work on two benchbooks for the MSC program; one specifically addressed to court staff and a second, to judges. The benchbooks include a short history of the program, an overview of the role of the DRC, the mediators, court staff and the senior resident superior court judges in implementing the program. These are developed to be hands-on and “nuts and bolts” approaches to the program requirements. The Commission will continue the work on this project and intends to publish and distribute it during FY 2014/2015. Similar benchbooks are underway for the FFS program.

J. Toolbox Additions. The Toolbox went online in FY 2012/2013. In FY 2013/2014, additional resource information and forms were added to assist mediators in their mediation practices, including proposed mediation settlement agreements, together with an explanation as to the appropriate use of each form and forms to extend the deadline for completion of the mediated settlement conference, among others.

K. Pro Se Party Resources To Be Available on Commission Website. During the 4th quarter of FY 2013/2014, the District Court and Superior Court Oversight Committees determined to develop a link on the DRC website that would provide

information specifically for *pro se* litigants. This link includes guidance and information about the mediation process, including a stand-alone “Guide for Parties Unrepresented by Attorneys,” program rules, and forms. The *pro se* information will be posted to the website in FY 2014/2015. Court staff will be encouraged to provide a copy of the “Guide” to *pro se* litigants whose cases are referred to mediation.

IX. Program Statistics, July 1, 2013 – June 30, 2014. The NCAOC FY 2013/2014 Statistical and Operations Reports provide data as to the implementation and efficacy of the MSC and FFS Programs. In the MSC Program, 4263 cases were mediated, and of those, 2326 cases, or 55% were resolved at a mediated settlement conference. If one considers cases reported settled prior to mediation or during a recess, the percentage of resolved cases was 61.4%. The Commission considers the 61.4% to be representative of the true impact of the MSA Program, believing that the order to mediate serves as a catalyst for settlement. In the FFS program, 1466 cases were mediated, and 949, or 64.7% were resolved in whole or in part at a mediated settlement conference. If one also considers, as above, cases resolved after referral but prior to a conference, 66.4% of the FFS cases were resolved. The Reports are attached as Appendix I to this Annual Report. The Reports track data by district as well as provide totals statewide.

X. Goals for Fiscal Year 2014/2015. In the coming fiscal year, the Commission will focus on the following projects, among others:

- ⌚ Maintain and update the DRC website, including uploading the *pro se* information and DCC video;
- ⌚ Distribute and disseminate the DCC video and *pro se* “Guide” where appropriate;
- ⌚ Finalize, publish, and distribute the MSC Program Benchbook for Court Staff and the MSC Program Benchbook for Senior Resident Superior Court Judges;
- ⌚ Create, publish, and distribute an FFS Program benchbook for court staff and judges;
- ⌚ Work with NCAOC staff and local judicial districts and counties to increase statewide FFS and MSC caseload statistics collection and reporting, and to analyze data and make recommendations as needed;
- ⌚ Monitor the implications of the legislation increasing the jurisdictional limits in District Court to \$25,000 on statewide mediation and arbitration programs;
- ⌚ Work with members of the NC General Assembly on Commission proposals to amend statutes relating to mediation programs and the Commission’s operations, including HB 482 and HB 1094; and
- ⌚ Continue to interface and work with 1) other agencies and organizations with mediation programs, 2) the NC State Bar, 3) the Dispute Resolution Section of the NCBA, and others as necessary to promote the goals and the mission of Commission programs;

- ⌚ Explore the impact of mediator presence in caucus sessions on issues of attorney/client privilege;
- ⌚ Continue to work with and support court staff in their administration of Commission programs; and
- ⌚ Continue to insure that only qualified individuals of good moral character become certified as mediators, and to investigate and promptly address complaints regarding mediator conduct, character, and fitness to practice.

XI. Conclusion:

FY 2013/2014 was a successful year for the NC Dispute Resolution Commission. The Commission worked hard to ensure that the Mediated Settlement Conference, Family Financial Settlement, Clerk, Farm, and District Criminal Court Mediation Programs operated effectively and efficiently. The Commission strives to meet its charge of ensuring effective and ethical mediator performance through its consistent application of the rules regarding certification and by insisting on high ethical standards through its regulatory authority.

Mediation has now become institutionalized in our courts and plays an integral role in helping with case management. The programs the Commission helps to oversee enjoy wide support among judges, court staff, attorneys, and the public. Moreover, the programs are cost-effective in that they do not rely on taxpayer funding for a single dollar. Rather, the programs are funded exclusively by mediator certification fees. The programs operate on a “party-pay” model, whereby the parties to the mediation share the costs of mediation equally, or as agreed to by the parties in the mediation. Mediators waive fees for indigent parties.

In the coming fiscal year, the NC Dispute Resolution Commission pledges to continue to work to make the mediation process responsive to the changing needs of our State’s court system and its citizens, through innovation and thoughtful re-evaluation of the mediation process and the role and work of mediators.