

THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION



ANNUAL REPORT FISCAL YEAR 2023-2024

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September 20, 2024

Ladies and Gentlemen:

I am pleased to present the N.C. Dispute Resolution Commission's Annual Report for Fiscal Year (FY) 2023 – 2024.

Commission members and staff are keenly aware of the important role with which we have been entrusted and are committed to the faithful execution of the Commission's statutory charge to certify and regulate the conduct of mediators and mediator trainers who are serving North Carolina's court-ordered Mediated Settlement Conference, Family Financial Settlement Conference, Clerk Mediation and District Criminal Court Mediation Programs. This Report details the exemplary work of the Commission and its staff in the discharge of those statutory obligations during the last fiscal year.

The Commission undertakes its work in order to educate and raise awareness about North Carolina's court-ordered mediation programs, to ensure that our mediators are highly ethical people of good moral character, and to maintain the public trust and confidence in and integrity of our certified mediators and our state's court-ordered mediation programs.

The Report also discusses the Commission's goals for FY 2024-2025. Please feel free to contact me if there are questions or concerns you would like the Commission to address or comments you would like to make. With best wishes,

Sincerely,

A handwritten signature in cursive script, reading "Phyllis M. Gorham".

Judge Phyllis Gorham, Chair
NC Dispute Resolution Commission

TABLE OF CONTENTS

From the Chair	3
1. Introduction	5
2. A. Commission Members	6
B. Ex-Officio Members	8
3. Commission's Office	9
4. Interface with Other Agencies or Programs	10
5. Budget	10
6. Certifications Issued FY 23-24	10
7. Program Statistics FY 23-24	11
8. Commission Structure in FY 23-24	12
9. Commission Business in FY 23-24	14
10. Plans and Goals for FY 2024-2025	19
11. Conclusion	21
Addendum 1: MSC Program Statistics Chart	22
Addendum 2: FFS Program Statistics Chart	23



1. INTRODUCTION

The North Carolina Dispute Resolution Commission (Commission) was established in 1995 by G.S. § 7A-38.2. 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 courts’ Mediated Settlement Conference (MSC) Program, the district courts’ Settlement Procedures in Equitable Distribution and Other Family Financial Cases (FFS) Program, the district courts’ 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 General Assembly 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.

Over the past twenty-eight years, mediation has become institutionalized in our courts. The programs the Commission helps to implement enjoy the support of judges, court staff, attorneys, and the public. The work of mediators results in many cases settling earlier than they would have otherwise and enables judges to better manage their caseloads. Moreover, the programs are cost-effective in that they do not rely on taxpayer dollars. Rather, the MSC, FFS, Clerk and Pre-litigation Programs operate on a “party-pay” model, in which the parties referred to mediation share the costs of mediation equally, or as otherwise agreed to by the parties during the mediation. Mediators waive fees for indigent parties. In turn, mediators fund the work of the Commission and its staff in the form of certification and certification renewal fees.

This Annual Report describes the activities and accomplishments of the Commission for the fiscal year period from July 1, 2023, through June 30, 2024.

2. MEMBERSHIP

A. Commission Members

The Commission is currently an eighteen-member body. In accordance with G.S. § 7A-38.2, its membership consists of: five judges, including two superior and two district court judges (the additional judge has often been a member of the North Carolina Court of Appeals); a clerk of superior court; five mediators, including two who are certified to conduct mediated settlement conferences in superior court, two who are certified to conduct family financial settlement conferences in district court, and one who is certified to conduct criminal district court mediations; a district attorney; two practicing attorneys not certified as mediators, one of whom shall be a family law specialist; three citizens knowledgeable about mediation; and a court management staff member. Members who were serving as of June 30, 2024, and their appointing authorities are listed below.

Zachery Bolen (Raleigh), knowledgeable citizen member, appointed by the Senate President Pro Tempore on June 29, 2020, for a term expiring on September 30, 2023. Reappointed to the Commission by the Senate President Pro Tempore on October 1, 2023, for a term expiring September 30, 2026.

The Honorable Christopher Bragg (Monroe), certified superior court mediator, appointed by the Chief Justice on October 1, 2022, for a term expiring on September 30, 2025.

Benjamin David (New Hanover), district attorney, appointed by the Chief Justice on March 9, 2021, for a term expiring on September 30, 2023. Reappointed to the Commission by the Chief Justice on October 1, 2023, for a term expiring on September 30, 2026.

Paul Ekster (Tabor City), practicing attorney not certified as a mediator, appointed by the President of the NC State Bar on October 1, 2023, for a term expiring on September 30, 2026.

The Honorable Phyllis Gorham (Wilmington), superior court judge, appointed by the Chief Justice on October 1, 2019, for a term expiring on September 30, 2022. Judge Gorham was appointed Chair of the DRC by the Chief Justice in October of 2020, for a term expiring on September 30, 2022. Reappointed to the Commission by the Chief Justice on October 1, 2022, for a term expiring September 30, 2025. Reappointed Chair of the DRC by the Chief Justice in October of 2022, for a term expiring on September 30, 2024.

The Honorable Lori Hamilton (Lexington), senior resident superior court judge, appointed by the Chief Justice on September 28, 2021, for a term expiring on September 30, 2024.

Angela Kidd (Lenior), clerk of superior court, appointed by the Chief Justice on October 1, 2023, for a term expiring September 30, 2026. (Filled vacant seat left from resignation of Lisa Johnson-Tonkins.)

The Honorable Toni King (Fayetteville), district court judge, appointed by the Chief Justice on September 28, 2021, for a term expiring on September 30, 2024.

Frank Laney (Cary), certified district criminal court mediator, appointed by the Chief Justice on November 15, 2021, for a term expiring on September 30, 2023. Reappointed to the Commission by the Chief Justice on October 1, 2023, for a term expiring on September 30, 2026.

Ralph Meekins (Shelby), certified superior court mediator, appointed by the Chief Justice on October 1, 2023, with a term expiring on September 30, 2026.

N. David Niblock (Winston-Salem), certified family financial mediator member, appointed by the Chief Justice on April 18, 2022, retroactive to September 30, 2021, for a term expiring on September 30, 2024.

Ketan Soni (Charlotte), certified superior court mediator, appointed by the Chief Justice on October 1, 2020, for a term expiring on September 30, 2023. (Replaced by Ralph Meekins.)

The Honorable William Southern (Dobson), district court judge appointed by the Chief Justice on September 28, 2021, for a term expiring on September 30, 2024.

Michael Stading (Raleigh), NC court of appeals judge, appointed by the Chief Justice on October 1, 2023, for a term expiring on September 30, 2026.

Robin Stinson (Winston-Salem), certified family financial mediator, appointed by the Chief Justice on September 30, 2022, backdated to October 1, 2021, with a term expiring on September 30, 2024.

Alice Stubbs (Raleigh), non-certified family law specialist appointed by the President of the NC State Bar on October 1, 2022, for a term expiring on September 30, 2025.

Harold Randolph Sumner (Gastonia), knowledgeable citizen, appointed by the Speaker of the House of Representatives Tim Moore, on September 2, 2021, for a term expiring on September 30, 2024.

Justina Tate (Morganton), court management staff, appointed by the Chief Justice on September 21, 2021, for a term expiring on September 30, 2024.

The Honorable John M. Tyson (Raleigh), NC court of appeals judge, appointed by the Chief Justice on September 21, 2017, for a term expiring on September 30, 2020. Reappointed to the Commission by the Chief Justice on October 1, 2020, for a term expiring on September 30, 2023. Judge John M. Tyson was elected to the position of Vice-Chair of the Commission at the December 2020 Commission meeting, for a term expiring on September 30, 2023. (Replaced by Judge Michael Stading.)

David A. Wijewickrama (Waynesville), knowledgeable citizen, appointed by the Governor on October 11, 2019, for a term expiring on September 30, 2022. reappointed by Governor Roy Cooper on October 1, 2022, for a term expiring on September 30, 2025.

Charlot F. Wood (Winston-Salem), practicing attorney not certified as a mediator, appointed by the NC State Bar President on January 27, 2017, for a term expiring on September 30, 2017. Reappointed by the NC State Bar President on September 8, 2017, for a term expiring on September 30, 2020. Reappointed to the Commission by the NC State Bar President on July 31, 2020, for a term expiring on September 30, 2023. (Replaced by Paul Ekster.)

B. Ex-Officio Members

A number of *ex-officio* members also attend Commission meetings. Although *ex-officio* members do not vote on matters before the full Commission and its committees, they actively participate in committee and Commission meetings. Serving as *ex-officio* members as of June 30, 2024, were:

Tina Estle (Fayetteville), Director, Cumberland County Dispute Resolution Center, representing the Mediation Network of North Carolina.

Denise Cline (Raleigh), Vice-Chair, NC Bar Association's Dispute Resolution Section, appointed July 1, 2023.

De Maca Adams (Raleigh), Court Management Specialist, NCAOC Court Programs and Management Services Division. (Replaced DeShield Greene.)

DeShield Greene (Raleigh), Court Management Specialists, NCAOC Court Programs and Management Services Division. Ms. Greene resigned her position with the NCAOC in January of 2023. (Replaced by De Maca Adams.)

Kevin Howell (Raleigh), Deputy Commissioner and Dispute Resolution Coordinator, NC Industrial Commission, appointed November 14, 2023.

Tammy Nance (Raleigh), Chief Deputy Commissioner, NC Industrial Commission. Ms. Nance moved away from the position of IC Dispute Resolution Coordinator in November of 2023. (Replaced by Kevin Howell.)

Ketan Soni (Charlotte), technology liaison, appointed on October 1, 2023.

Diann Seigle (Raleigh), OSHA and Medicaid Mediation Programs Liaison, NCDRC Certified Trainer. Appointed on April 8, 2022. Ms. Seigle resigned from this position on March 30, 2023.

STATE ETHICS COMMISSION REVIEW. The Dispute Resolution Commission is a covered agency under the North Carolina State Government Ethics Act. During FY 2023-2024, Commission members and its staff liaison complied with all State Ethics Commission (SEC) requirements pertaining to training and the filing of Statements of Economic Interest (SEI) with the SEC. Following review of each SEI filed, the SEC found no conflicts of interest on the part of any member of the Commission that would prohibit his/her service.

3. COMMISSION'S OFFICE

During FY 2023-2024, the Commission's office operated with a staff of three: Executive Director **Tara L. Kozlowski**, Administrative Assistant, **Maureen McCarthy Robinson**, and Secretary **Mary E. Brooks**. Office staff supports the work of the Commission and its committees; create drafts of rules, policies, advisory opinions for committee review; processes applications and application renewals for mediator certification and certification of mediator training programs; reviews complaints; and supports court staff, judges, mediators, and attorneys in implementing North Carolina's mandatory mediated settlement conference programs. Staff maintains the Commission's website, which can be accessed at www.ncdrc.gov and publishes articles and news about the Commission on a regular basis. Additionally, the Commission provides information and updates through social

media on LinkedIn and Twitter. The Commission's office is in the North Carolina Judicial Center located at 901 Corporate Center Drive in Raleigh, NC.

4. INTERFACE WITH OTHER AGENCIES AND PROGRAMS

In addition to North Carolina's state courts, dispute resolution programs and services are also operating in many other venues within the state. 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 of North Carolina; 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.

5. BUDGET

Commission revenues are deposited in N.C. Administrative Office of the Court's (NCAOC) Fund 220052265. Fees collected from mediators and mediation training programs for certifications and certification renewals constitute the Commission's sole source of revenue. FY 2023-2024 collections for certifications and renewals, plus our legislative carryforward from previous years, totaled \$418,020.00. This fiscal year, as in all past fiscal years, the Commission fulfilled its charge to fund its operations **without authorization or expenditure of any tax dollars.**

6. CERTIFICATIONS ISSUED

The total number of outstanding certifications by program as of June 30, 2024, were as follows: 984 active Mediated Settlement Conference Program (MSC) certifications, 374 active Family Financial Settlement Conference Program (FFS) certifications, 85 active Clerk Mediation Program (Clerk) certifications (to conduct guardianship and estate mediations), and 45 active District Criminal Court (DCC) certifications.* In addition, there were 109 inactive MSC, 31 inactive FFS, and 13 inactive CMP certifications.**

* These numbers reflect total certifications outstanding and not the total number of mediators. The number of mediators is less than the total number of certifications in that

a number of mediators hold dual certifications, *i.e.*, both MSC and FFS certification 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.gov. However, they continue to receive information and updates from the Commission and may reactivate their certification(s) upon request.

7. PROGRAM STATISTICS

The NCAOC FY 2023-2024 Statistical and Operations Reports provide data as to the implementation and efficacy of the MSC and FFS Programs. In the MSC Program, it was reported that 3251 cases were mediated, and of those, 1981 cases, or 61% were resolved, or partially resolved, at a mediated settlement conference. If one includes the 519 cases that were reported as settled prior to mediation or during a recess in that computation, the percentage of resolved cases rises to 66.3%. The Commission considers this latter percentage, *i.e.*, 66.3%, to be more representative of the true impact of the MSC Program, believing that the order to mediate serves as a catalyst for these early settlements. In addition, research conducted in 2012 suggests that settlement rates are likely higher in that many cases which impasse at the table but go on to settle in the days and weeks ahead as attorneys and parties continue to discuss offers made at mediation.

In the FFS program, 1020 cases were mediated, and 764 cases, or 75% were resolved in whole or in part at the mediated settlement conference. If one also considers, as above, the 118 cases resolved after referral but prior to a conference or during recess, 77.4% of FFS cases were resolved. These settlement rates are slightly higher than the percentages of mediated cases that settled in FY 2022-2023. The Reports track data by individual judicial district as well as provide statewide totals and are attached as Appendices to this Annual Report.

Caseload statistics for the Clerk Mediation Program have been disappointing to date. For FY 2023-2024, the Clerk Mediation Program, statewide reports show 25 cases were mediated. Five cases ended in impasse, sixteen cases settled in mediation, one case partially settled in mediation, three cases settled outside of mediation, with one case pending as of June 30, 2024. The statistics received came from four counties, 93 counties did not report any activity for the Clerk Mediation Program.

Statistics are not currently maintained for the District Criminal Court Program. Feedback received from participating districts and community mediation centers indicated a high settlement rate among the minor misdemeanor matters that entered mediation. However,

the community mediation centers indicate a drop in cases entering mediation. The Commission is currently considering options on how to reinvigorate this program.

8. COMMISSION STRUCTURE

In this fiscal year, the Commission operated with seven standing committees. The committees undertake the work of the Commission and make recommendations to the full body. Committees meet as needed, generally at least once per quarter, usually by conference call or by Webinar which offers the ability to review and edit documents during the call.

A. Standing Committees

Executive/Operations Committee: Judge Gorham, Chair, from July 1, 2023 – June 30, 2024. This Committee is charged with considering matters relating to legislation, budget, and personnel.

Standards and Advisory Opinions Committee: Mr. Laney, Chair, from July 1, 2023 – June 30, 2024. This Committee is responsible for reviewing matters relating to the Standards of Professional Conduct for Mediators, including suggesting amendments to the Standards; assisting staff in responding to inquiries regarding ethics; and drafting Advisory Opinions for consideration by the Commission.

Grievance and Disciplinary Committee: Judge Hamilton, Chair, from July 1, 2023 – June 30, 2024. 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: Judge Tyson, Chair, from July 1, 2023 - September 30, 2023. Mr. Bolen, Chair, from October 1, 2023 – June 30, 2024. This Committee considers issues that arise in connection with mediator training programs and mediator certification or certification renewal applications which relate to an applicant's education, training, and/or professional experience. This Committee also makes recommendations on rule changes regarding certification requirements for mediator and mediator training programs. This Committee is also responsible for overseeing the Commission's continuing mediator education reporting requirement and with making recommendations on certification fees.

Civil Subcommittee: Ms. Wood, Chair, from July 1, 2023 – September 30, 2023. Ms. Stinson, Chair, from October 1, 2023 – June 30, 2024. This Committee is charged with helping to ensure that all of North Carolina’s mediation programs operate effectively and efficiently through the civil courts. The committee considers recommendations and amendments to program enabling statutes and rules to achieve that end.

Criminal Subcommittee: District Attorney David, Co-Chair, from July 1, 2023 – June 30, 2024. Ms. Estle, Co-Chair, from July 1, 2022 – June 30, 2023. This Committee is charged with helping to ensure that all of North Carolina’s mediation programs operate effectively and efficiently through the criminal courts. The committee considers recommendations and amendments to program enabling statutes and rules to achieve that end.

New Media Committee: Mr. Soni, Chair, from July 1, 2023 – September 30, 2023. Mr. Wijewickrama, Chair, from October 1, 2023 – June 30, 2024. This Committee is charged with overseeing Commission outreach to judges and court staff, lawyers, mediators, and the general public. Specifically, this Committee is tasked with maintaining the Commission’s website at www.ncdrc.gov; maintaining the Commission’s page on Juno, the NCAOC’s internal website; and with implementing and maintaining the Commission’s new social media platforms on Twitter and LinkedIn.

B. Ad Hoc Committees

The Commission also establishes ad hoc committees to address specific matters or issues that arise and are more temporary in nature. This fiscal year the Commission operated with four Ad Hoc Committees:

Ad Hoc eCourts/Statistics Committee: Ms. Adams, Chair, July 1, 2023 – June 30, 2024. This Committee is charged with providing guidance to the NCAOC, as they proceed to implement a state-wide Integrated Court Management System over the coming years. The Committee is responsible for creating accurate workflows for all Commission programs to provide the ICMS vendor a basic understanding of the Commission programs. The Committee also makes recommendations to the NCAOC’s system analyst of what data the Commission would like to receive on mediation once the ICMS is in place.

Ad Hoc Long Range Planning Committee: Mr. Bolen, Chair, from July 1, 2023 – June 30, 2024. This Committee makes recommendations to the full Commission on matters regarding future planning, and growth for the Commission.

Ad Hoc Video Observation Committee: Mr. Wijewickrama, Chair, from July 1, 2023 – June 30, 2024. This Committee was established to create guidelines and make recommendations to the full Commission regarding the use of observation videos for application purposes. Each applicant must observe two mediations if applying as an attorney and observe five mediations if applying as a non-attorney.

Ad Hoc Funds Committee: Mr. Niblock, Chair, from July 1, 2023 – June 30, 2024. This Committee is charged with managing the excess budget in the Commission’s financial account. The Commission determined the excess funds should be utilized to promote ADR practices in the State. The Committee acknowledges the funds are to be used with caution as the Commission does not receive state funding and relies solely on receipts from certified mediators and trainers.

Ad Hoc Cherokee Nation: Mr. Wijewickrama, Chair, from July 1, 2023 – June 30, 2024. This Committee has been tasked to work with the Cherokee Nation to determine the feasibility of providing certification for mediators who mediated in the Cherokee Nation Courts.

Ad Hoc AO Review Committee: Ms. Stinson, Chair, from July 1, 2023 – June 30, 2024. This Committee has been tasked with reviewing the Commission’s 43 Advisory Opinions to determine if they are accurate under the current legislation, rules, and standards. Additionally, the Committee has been asked to review the AOs for consistency.

Ad Hoc Green Book Committee: Mr. Laney, Chair, from July 1, 2023 – June 30, 2024. This Committee has been charged with overseeing the revision of the second edition of the book, *Alternative Dispute Resolution in North Carolina, A New Civil Procedure* (“Green Book”).

9. COMMISSION BUSINESS in FY 2023-2024

The full Commission met in person, with the option of attending via remote technology, three times this fiscal year: August 18, 2023, January 2024, and April 19, 2024. Notice of meeting dates and locations were posted on the Commission’s website in advance of meetings. Minutes from the meetings are also archived on the Commission’s website, www.ncdrc.gov.

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 North Carolina State courts

and mediators. Goals met during this fiscal year and other projects undertaken by the Commission are highlighted below.

A. Mediator Education Provided Statewide.

The Commission, working through the Mediator Certification and Training Committee, reviewed and approved several continuing mediation education courses. The courses were taught all over the state, by a variety of different sponsors. Commission staff also provided several courses for mediators to attend and meet their annual educational requirement. The Commission has approved educational courses to be offered live, via webinars, and by podcasts.

B. Renewal Application and Self-Reporting Continuing Mediator Education (CME).

The Commission adopted a mandatory Continuing Mediator Education Policy during fiscal year 2015-2016, which became effective during the FY 2017-2018 renewal period. The policy requires each active, certified mediator to annually complete two hours of approved CME which relates either to program enabling legislation, the N.C. Supreme Court's program rules, Standards of Professional Conduct for Mediators, grievance procedures of the Commission, and/or updates in case law involving mediation. In FY 2018-19, the NCAOC technology team created a new application that provides each mediator a list of CME courses available for credit. The mediator self-reports their completed course online anytime throughout the year and renew their certification(s) without delay.

C. Advisory Opinions Adopted and Updated.

The Commission adopts Advisory Opinions in response to mediator requests for assistance in resolving ethical dilemmas and rule interpretation questions or upon request of a Commission member. Advisory Opinions may also be issued in situations where discipline has been imposed and the Commission wishes to alert other mediators to the circumstances involved. The Commission did not adopt a new Advisory Opinion this year.

D. Program Rules, Policies, and Guidelines of the Commission Continuously Reviewed.

The Commission completed an extensive review of Rules for the Dispute Resolution Commission, Mediated Settlement Conference Program, Family Financial Settlement Conference Program, Clerk Mediation Program, District Criminal Court Mediation Program, and the Standards of Professional Conduct for Mediators and undertook some

revisions. The proposed Rule revisions were submitted to the North Carolina Supreme Court on June 4, 2024, and are pending before the Supreme Court for consideration.

The Rule revisions presented to the North Carolina Supreme Court this fiscal year include the following:

1. Proposed Amendment to the DRC Rules
 - a. Rule 9(d)(2)(d). The Commission requested a correction to reference the proper MSC Rule.
2. Proposed Amendments to the Standards
 - a. Standard 3(d)(2). The Commission proposes to allow a rule promulgated by an entity created by statute to fall under the exception of confidentiality, allowing a mediator to tender an agreement to a non-participant to the mediation. We have certified mediators who conduct mediations for federal agencies, where the agency's mediation rules require the mediator to tender the agreement to an official.
 - b. Standard 4(c) and 5(e). The Commission proposes amending "discontinue/discontinuing" to "terminate/terminating" for consistency and clarification.
3. Proposed Amendments to MSC Rules
 - a. Rule 2(a) and (b). The Commission proposes separating the Designation Form into two forms, one for the parties to designate their mediator of choice, and the other to request the court to appoint a mediator.
 - b. Rule 4(c). The Commission proposes removing the attorney's requirement to sign the final agreement along with their client.
 - c. Rule 4(c)(4). The Commission proposes to clarify this subsection by changing "attend" to "physically present".
 - d. Rule 7(g). The Commission proposes to include the form name and link used for this rule, similar to Rule 2.
 - e. Rule 8(3). The Commission proposes to include language that would allow an observation of a mediation performed by the NCDOL to qualify for certification purposes.
4. Proposed Amendments to FFS Program Rules.
 - a. Rule 2(a) and (b). The Commission proposes separating the Designation Form into two forms, one for the parties to designate their mediator of choice, and the other to request the court to appoint a mediator.
 - b. Rule 7(c). The Commission proposes to include the form name and link used for this rule, similar to Rule 2.
 - c. Rule 8(a)(1) and 8(a)(5). The Commission proposes to clarify the threshold requirements for certification under this program.

5. Proposed Amendments to the Clerk Rules
 - a. Rule 2(a) and (b). The Commission proposes separating the Designation Form into two forms, one for the parties to designate their mediator of choice, and the other to request the court to appoint a mediator.
 - b. Rule 4(b). The Commission proposes removing the attorney's requirement to sign the final agreement along with their client.

The Commission regularly reviews its policies, procedures, and guidelines for consistency with each other and with statutory and rule amendments and revises them as needed. All policy revisions were posted for comment to the Commission's website.

E. Regulatory Role Fulfilled.

During this fiscal year the Commission addressed a few regulatory concerns, including reviewing certification to individuals whose certification applications raised ethical concerns and investigating complaints. The Commission continues to take seriously its charge to regulate mediator and mediator trainer conduct thereby protecting the public, encouraging ethical conduct on the part of its certified mediators, and ensuring that program rules are being followed, while balancing the due process rights of its certified mediators against whom complaints may be filed.

F. Review of District Criminal Court Program.

During this fiscal year the Commission began an investigation into the viability of the District Criminal Court Program (DCC). The program had been state funded in the past, and currently operates on a defendant-pay based system. The community mediation centers handling DCC cases have reported difficulty in collecting the mediation fees, where cases are continued to multiple court dates and creating excess work for court staff. The Commission began discussions with several community mediation centers and the Mediation Network of North Carolina, to determine all options for reinvigorating this Program. The Criminal Subcommittee continues to work with other stakeholders for a permanent solution for the DCC program. The Commission was awarded a \$100,000 grant through IOLTA, Interest on Lawyers Trust Accounts, to fund district criminal court mediations. With the assistance of these funds, the DRC began operating a Pilot District Criminal Court Mediation Program, where certified centers could participate where the grant funds would pay the \$60/case mediation fee. As of June 30, 2024, the pilot program engaged eleven districts across North Carolina, working with seven Commission certified community mediation centers. The Commission does not retain any funds from the award but acts as a fiscal sponsor of the funds distributed to the centers for mediations performed.

G. Communications and Outreach Improved.

This fiscal year the Commission, working through its New Media Committee, continued to make significant strides in improving communications and outreach. The Committee and Commission staff work regularly with an NCAOC consultant to enhance the Commission's website at www.ncdrc.gov. The Commission utilizes media platforms including Twitter and LinkedIn on a regular basis and has published two episodes for Beyond Neutrality, the Commission's podcast. In addition, staff published a newsletter after each Commission meeting.

The Commission offers one video observation for the MSC Program and one video observation for the FFS Program. The availability of a video observation reduces the number of live observations each prospective mediator must complete to fulfill the application requirements.

The Commission's new logo, designed by a graphic artist with the NCAOC, has been approved as a federal trademark. All Commission material and publications have been updated to reflect the new trademarked logo.

H. Research and Development.

The Long Range Planning Committee continued to work on a project with the Commission's approval to research and investigate Online Dispute Resolution Programs around the country. Commission staff worked in collaboration with staff from the NCAOC to create a questionnaire that was distributed to several jurisdictions around the country who operate ODR program(s). The project revealed the progress ODR programs have made across the county, the benefits to the Courts when offering an ODR program, as well as the rough financial estimate to implement such a program in our Courts. However, the NCAOC does not have the resources of capacity to take on this project during the implementation of eCourts. Once Odyssey has gone live, the project will be taken into consideration.

I. Celebrated Conflict Resolution Week, October 15-21, 2023.

The Commission sponsored a live program on Thursday, October 19, 2023, featuring continuing mediation education and continuing legal education courses, including remarks from Supreme Court Chief Justice Paul Newby, Director of the Administrative Office of the Courts, Judge Heath, and Chair of the Dispute Resolution Commission, Judge Gorham. The Commission is proud to engage in educational outreach about alternatives to litigation for resolving conflicts, including mediation, arbitration, collaborative law, etc.

J. Worked in conjunction with the North Carolina State Bar.

The Commission worked closely with the NC State Bar on several matters, including the Commission's request for a formal ethics opinion regarding the mediator's ability to act as a scrivener for the parties, specifically when the parties propose a term that may be in violation of the Rules of Professional Conduct. The Commission also worked toward drafting a form containing boiler plate language on confidentiality for pro se parties.

10. PLANS & GOALS FOR FISCAL YEAR 2024-2025

In FY 2024-2025, the Commission will focus on the following projects, among others:

A. Engage in Long Range Planning. In an effort to maintain the Commission's place in promoting ADR across the State, the Commission intends to continue its focus on long range planning in FY 24-25.

B. Celebrate Conflict Resolution Day, October 17, 2024. The Commission is honored to sponsor a celebration of Conflict Resolution Day on October 17, 2024. The Commission will provide two hours of continuing mediation education and continuing legal education, including two hours of ethics credit. The program will be held remotely due to construction at the Judicial Center and will be recorded and posted for future views.

C. Continue Website Overhaul. The Commission and its staff will continue to work with NCAOC website designers and consultants to fully overhaul, update the appearance, streamline content, and enhance the functionality of the Commission's website, www.ncdrc.gov.

D. Expand outreach through social media and other channels. The Commission will embrace and expand its outreach to Commission stakeholders and the public through the Commission's Twitter and LinkedIn accounts. The Commission hopes to record and disseminate videos and public service announcements about NC's mediation programs, the Commission, and mediation as an effective conflict resolution process.

E. Continue efforts to introduce legislation of importance to the Commission. The Civil and Criminal District Court Subcommittees will continue to work with NCAOC to address concerns and introduce rule modifications and new legislation as necessary to move the Commission forward.

F. Encourage certification of all mediators working in the District Criminal Court Program. The Commission will continue to work with the Mediation Network of North Carolina (MNNC), local community mediation centers, local district attorneys, and chief district court judges to encourage local community mediation centers to adopt the NC Supreme Court Rules for the District Criminal Court Mediation Program and seek mediator certification of mediators affiliated with the centers from the Commission to conduct mediations in cases in the District Criminal Court Program. Currently eleven (11) community mediation centers require their mediators to be certified by the Commission. By encouraging certification, certified mediators serving the district criminal courts will be bound by the enabling legislation, DCC Program Rules and the N.C. Supreme Court's Standards of Professional Conduct for Mediators, thereby insuring uniformity among programs, and accountability of center mediators.

G. Ensure informative, accessible, and affordable CME opportunities. The Commission and its staff will continue to work in partnership with the North Carolina Bar Association, the NCAOC, the NC State Bar, and other organizations and individuals to ensure that a wide variety of CME approved programs are available which are accessible and affordable to certified mediators who must comply with the Commission's Mandatory CME Policy.

H. Submit approved amendments to the Commission Rules, Program Rules, and the Standards of Professional Conduct to the NC Supreme Court for review and adoption. The Commission hopes to adopt, post for comment, review comments, and finalize all such amendments for submission to the Supreme Court of NC during the 2024-2025 fiscal year.

I. The Commission will continue to interface and work with 1) other agencies and organizations with mediation programs; 2) the NC State Bar; and 3) the Dispute Resolution Section of the NCBA, and others as necessary to promote dispute resolution in North Carolina and the programs that the Commission helps to support.

J. Continue regulatory oversight. The Commission shall continue to ensure 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.

K. Continue Commission operations. The Commission and its staff shall continue to operate the Commission's office efficiently and cost-effectively while serving the needs of mediators, court personnel, attorneys, and the public, as those needs relate to North Carolina's mandatory court mediation programs.

L. Communicate regularly with mediators. The Commission and its staff shall continue to inform the Commission’s certified mediators about amendments to enabling legislation, program rules, Standards, newly adopted advisory opinions, case law involving mediation, and other matters relevant to their service as mediators to our courts, through its newsletter, email announcements, website postings, potential social media channels, and the like.

M. The Commission will continue to work towards integrating the Commission’s Mediator Application into Odyssey. The Commission and its staff have been working diligently with the AOC’s tech team to integrate its programs into the new eCourts filing system, Odyssey. This has been a work in progress as we continue to move forward by updating our programing and operational systems.

11. CONCLUSION

As it has done every year since its creation in 1995, Commission members and staff worked diligently this fiscal year 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. In the coming fiscal year, the Commission pledges to continue its work to make the mediation process responsive to the changing needs of North Carolina State’s court system and its citizens through innovation and thoughtful re-evaluation of the mediation process and the role and work of mediators.

MEDIATION SETTLEMENT CONFERENCE ACTIVITY:Q4: 01JUL2023 – 30JUN2024 (COMPILED 11JUL2024)													
(NO EVENTS DATES PRIOR TO 01JUL2017 ARE CONSIDERED)													
DISTRICT	BEGIN PENDING	ENTRIES	ORDERED OR SENT TO MEDIATED SETTLEMENT CONFERENCE	VOLUNTARILY SUBMITTED TO MEDIATION SETTLEMENT CONFERENCE	ORDERED OR SUBMITTED TO OTHER SETTLEMENT PROCEDURE	CASES COMPLETING PROCESS	ORDERED EXEMPTED FROM ADR	REPORTED ALL ISSUES RESOLVED AT ADR	REPORTED IMPASSE (NOT RESOLVED) AT ADR	REPORTED SETTLED PRIOR TO OR DURING ADR RECESS	DISPOSED WITHOUT ADR SESSION	REPORTED PARTIALLY RESOLVED AT ADR	END PENDING
01*	5	19	19	0	0	5	0	5	0	0	0	0	19
02*	133	52	51	1	0	26	0	16	4	0	6	0	159
03	75	92	83	9	0	104	0	41	34	21	8	0	63
04	465	110	110	0	0	85	0	42	34	0	9	0	490
05	202	186	176	10	0	78	0	49	21	2	6	0	310
06	526	376	374	2	0	366	0	68	40	6	252	0	536
07A	134	18	18	0	0	18	1	8	0	1	8	0	134
07B	56	6	6	0	0	4	0	4	0	0	0	0	58
08A	125	55	52	3	0	90	1	21	30	20	18	0	90
08BC	263	151	142	9	0	113	0	2	27	75	9	0	301
09A	76	38	38	0	0	87	0	13	11	3	60	0	27
09B	113	158	152	0	6	136	0	28	12	10	86	0	135
10*	746	874	874	0	0	487	3	200	114	3	166	1	1133
11*	85	92	91	1	0	74	0	26	20	0	28	0	103
12*	222	35	35	0	0	10	0	6	4	0	0	0	247
13*	1094	247	247	0	0	130	56	32	27	0	14	1	1211
14	412	187	187	0	0	220	24	67	37	39	53	0	379
15A	62	69	69	0	0	49	0	19	5	9	16	0	82
15B	825	228	228	0	0	171	0	31	22	1	117	0	882
16*	402	246	237	6	3	164	4	68	39	34	19	0	484
17*	101	80	80	0	0	62	1	24	21	0	16	0	119
18*	74	110	103	4	3	75	0	25	15	6	28	1	109
19	259	143	143	0	0	71	0	41	30	0	0	0	331
20	71	38	38	0	0	59	0	31	18	10	0	0	50
21	79	66	65	1	0	79	2	26	17	9	25	0	66
22	105	24	24	0	0	4	0	2	2	0	0	0	125
23	79	70	60	10	0	12	0	5	4	2	1	0	137
24*	924	371	371	0	0	255	1	113	59	74	1	7	1040
25	333	177	177	0	0	6	0	2	4	0	0	0	504
26*	2068	1397	1369	8	20	854	1	400	218	46	184	5	2611
27	84	78	76	2	0	97	0	40	19	27	11	0	65
28	30	37	31	6	0	40	0	13	22	1	4	0	27
29	323	75	72	2	1	280	0	66	32	19	163	0	118
30	99	174	163	11	0	162	0	62	47	0	53	0	111
31	1089	360	360	0	0	90	29	37	12	0	12	0	1359
32	161	218	218	0	0	148	0	47	39	10	52	0	231
33	171	145	143	1	1	154	0	45	33	52	24	0	162
34	102	104	100	4	0	85	1	21	25	2	36	0	121
35	120	77	70	7	0	85	1	23	24	1	36	0	112
36	290	74	74	0	0	1	0	1	0	0	0	0	363
37	104	64	44	20	0	141	1	31	18	21	70	0	27
38	130	138	138	0	0	4	0	2	2	0	0	0	264
39	217	89	89	0	0	67	0	44	13	1	9	0	239
40	598	116	114	2	0	87	1	42	43	1	0	0	627
41	237	54	54	0	0	16	0	10	3	3	0	0	275
42	111	97	95	1	1	108	0	30	47	10	21	0	100
43A	165	54	54	0	0	44	0	17	10	0	17	0	175
43B	56	76	76	0	0	40	1	20	12	0	7	0	92
Total	14201	7745	7590	120	35	5543	128	1966	1270	519	1645	15	16403

*Data generated from Enterprise Justice (Odyssey)
 Begin pending data are based on end pending numbers reported at the end of the Q3 report for FY23-24.

FAMILY FINANCIAL ACTIVITY: Q4:01JUL2023 -- 30JUN2024 (COMPILED 11JUL2024)

(NO EVENTS DATES PRIOR TO 01JUL2017 ARE CONSIDERED)

DISTRICT	BEGIN PENDING	ENTRIES	ORDERED TO MEDIATION SETTLEMENT CONFERENCE	SUBMITTED TO OTHER SETTLEMENT PROCEDURE	VOLUNTARILY SUBMITTED TO MEDIATION SETTLEMENT CONFERENCE	ORDERED TO JUDICIAL SETTLEMENT CONFERENCE	CASES COMPLETING PROCESS	REPORTED ALL ISSUES RESOLVED AT ADR	ORDERED EXEMPTED FROM ADR	REPORTED SETTLED PRIOR TO OR DURING ADR RECESS	REPORTED PARTIALLY RESOLVED AT ADR	REPORTED IMPASSE (NOT RESOLVED) AT ADR	DISPOSED WITHOUT ADR SESSION	END PENDING
01*	0	6	4	2	0	0	0	0	0	0	0	0	0	6
02*	28	8	8	0	0	0	6	3	0	0	0	2	1	30
03	65	40	40	0	0	0	18	12	0	0	0	6	0	87
04	36	124	124	0	0	0	113	2	2	97	2	2	8	47
05	155	10	0	0	10	0	40	18	1	1	3	11	6	125
06	451	237	237	0	0	0	210	80	1	0	2	14	113	478
07	26	4	4	0	0	0	2	1	0	0	0	1	0	28
08	0	4	0	0	4	0	4	1	0	0	0	3	0	0
09	43	23	23	0	0	0	13	9	0	1	0	3	0	53
10*	794	274	272	1	1	0	81	43	0	0	11	26	1	987
11*	1	1	1	0	0	0	0	0	0	0	0	0	0	2
12*	739	270	270	0	0	0	210	58	9	5	2	28	117	799
14	245	232	232	0	0	0	225	72	6	24	21	28	74	252
15	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16*	94	68	30	0	3	1	48	23	0	0	7	14	4	114
17*	0	3	3	0	0	0	4	4	0	0	0	0	0	0
18*	0	1	1	0	0	0	0	0	0	0	0	0	0	1
20	225	33	33	0	0	0	0	0	0	0	0	0	0	258
21	8	25	24	0	1	0	19	12	1	0	0	1	5	14
22	27	6	5	0	1	0	3	1	0	0	1	0	1	30
23	82	63	63	0	0	0	64	11	2	0	1	1	49	81
24*	326	184	183	0	1	0	49	49	0	0	12	10	140	461
25	153	2	1	0	0	1	0	0	0	0	0	0	0	155
26*	142	6	0	6	0	0	0	0	0	0	0	0	0	148
27	23	34	34	0	0	0	33	21	0	2	1	8	1	24
28	13	36	36	0	0	0	32	10	0	0	4	7	11	17
29	142	92	92	0	0	0	109	77	0	14	2	7	9	125
30	515	137	137	0	0	0	15	10	0	0	2	3	0	637
31	370	80	79	0	1	0	79	78	0	0	0	1	0	371
32	0	71	12	0	59	0	71	40	0	0	7	24	0	0
33	12	7	2	0	5	0	8	5	0	0	1	2	0	11
34	68	59	59	0	0	0	44	14	2	17	0	7	4	83
35	57	6	6	0	0	0	12	8	0	1	0	3	0	51
36	359	143	143	0	0	0	24	7	0	0	1	8	8	478
37	22	58	38	0	0	20	49	20	2	19	2	6	0	31
38	3	0	0	0	0	0	0	0	0	0	0	0	0	3
39	249	0	0	0	0	0	193	3	0	0	0	0	190	56
40	85	73	73	0	0	0	84	20	1	0	2	14	47	74
41	43	29	29	0	0	0	45	14	3	0	3	5	20	27
42	138	71	12	1	42	16	60	14	0	2	0	17	27	149
43	69	57	53	0	2	2	55	16	0	4	0	16	19	71
STATEWIDE	9423	4276	2230	14	224	78	3591	714	16	118	50	256	672	10109

*Data generated from Enterprise Justice (Odyssey)

Begin pending data are based on end pending numbers reported at the end of the Q3 report for FY23-24.