



THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

GUIDELINES

Guidelines Amplifying Rules for Certification 6-Hour N.C. Legal Terminology, Court Structure and Civil Procedure Training Programs

(Adopted by the Commission on November 19, 2021.)

These Guidelines are intended to amplify Rule 8(a)(2)(b) of The Rules for Mediation Settlement Conferences and Other Settlement Procedures in Superior Court in Civil Actions Implementing Mediation and Rule 8(a)(3) of the Rules for Settlement Procedures in District Court Family Financial Cases. All trainers seeking such certification should review The [NC Rules of Civil Procedure](#) and [The NC Judicial System Booklet](#). Trainers seeking certification must submit a packet to the Dispute Resolution Commission containing the following:

- A. a detailed agenda identifying topics to be covered, and time frames allocated to each topic;
- B. a list of trainers who will cover each topic, with each trainer's resume;
- C. the amount of time allocated to each topic as well as the total number of hours for the program (training programs must total at least six hours); and
- D. a complete copy of all materials to be distributed to participants as handouts, including copies of any articles or texts to be used.

Any questions should be directed to the Commission's office at (919) 890-1415.

1. IN PERSON OR REMOTE INSTRUCTION. The training course may be offered in-person or through remote instruction. The platform used to provide remote training shall be at the trainer's discretion. All remote training shall be conducted live, and participants must appear by video throughout the entire training. The trainer(s) shall control "host" functions or "maintain control" over platform functions at all times. For both methods of training, participants must be able to interact with the trainer during the presentation, i.e. participants can ask questions and receive answers during the live training session.

2. TIME FRAMES. The training program must total at least six hours, exclusive of breaks and a lunch period, except that a working lunch may count toward the six-hour total. Trainers are encouraged, if they believe it is necessary in order to cover all the topics listed below, to provide training beyond the 6-hour minimum.

3. CLASS SIZE AND ACCOMMODATION. At no time shall the number of participants exceed 40 for in-person courses and 15 for remote courses. The number of remote participants is limited to the trainer's ability to see all participants on the same computer screen during the training. Trainers must provide sufficient numbers of faculty and other training staff to ensure that participants have a meaningful training experience, including individual attention and an opportunity to actively participate in discussion. Trainers must ensure that the training site is spacious enough to accommodate participants and offer an environment substantially free of distractions and other impediments to learning.

4. NATURE OF THE TRAINING. Individuals who are non-attorney MSC applicants are required to attend the 6-hour NC Legal Terminology, Court Structure, and Civil Procedure course as a pre-requisite to the 40-hour MSC Training course (MSC Rule 8(a)(2)(b)). Individuals who are non-attorney FFS applicants are required to attend the 6-hour NC Legal Terminology, Court Structure, and Civil Procedure course prior to applying for certification (FFS Rule 8(a)(3)).

5. PROGRAM CONTENT. Trainers are required to devote at least the following minimum amounts of time to each of the curriculum topics set forth below and to discuss at least the concepts mentioned below in association with each curriculum requirement listed:

A. Introduction - Origins of the Law, Burden of Proof, Criminal Guilt vs. Civil Liability, Role of the Judge and Jury.

B. Basic NC Court Structure - Court Divisions, Jurisdiction, Court Personnel.

C. Common Legal Issues in Mediation – Torts, Negligence, Contracts, Property, Employment, landlord/Tenant.

D. Remedies – Breach of Contract, Special Damages, General Damages, Speculative Damages, Statutory Damages, Punitive Damages, Mitigation.

E. Civil Court Procedure - Pleadings, Discovery, Jury Selection, Trial, Rules of Evidence, Motions.

F. Unauthorized Practice of Law - NC Statute 84-4 and 84-5 and NC State Bar Rule 5.5.

6. ENSURING THE QUALITY OF THE FACULTY. An experienced, qualified faculty is essential to the success of any training program. An applicant shall specify those individuals who will serve as the primary faculty. The application material shall include a resume for each primary faculty member describing in detail the member's experience and education in mediation and other relevant experience. The primary faculty member must have significant experience litigating civil cases in the superior courts of North Carolina as well as a detailed understanding of the mediated settlement conference statute and rules as adopted in North Carolina. Resumes need not be supplied for those who provide such observation and feedback if they are not also primary trainers.

7. ENSURING THE QUALITY OF THE COURSE MATERIALS. To be certified, a training program must include quality written materials that adequately cover all aspects of the required curriculum, including materials relating to the North Carolina statutes, rules, and Standards of Conduct. The applicant must submit a final draft of the program materials that will be used in conjunction with the training program.

8. EVALUATION OF TRAINING PROGRAM. Each training program must include an opportunity for participants to evaluate the program. The DRC may provide a standard evaluation form to be completed by each participant with the results forwarded to the DRC. In addition, each certified trainer must provide a participant list to permit the DRC to conduct follow-up interviews with participants regarding the program's quality. Upon request, each trainer must also agree to supply copies of completed participant evaluation forms to the Commission and to permit a DRC representative to attend the program for purposes of quality assurances.

9. RESPONSIBILITY TO KEEP COMMISSION UPDATED. Following certification, all trainers shall advise the Commission immediately of any revisions to the agenda, changes in the identity of principal trainers, and any significant revisions to the contents of course notebooks or other handouts. Trainers shall not conduct any additional training sessions until the Commission has approved any such changes. The Commission reserves the right to at any time seek additional information from trainers.

10. ADVERTISING AND REGISTRATION MATERIALS. All materials advertising certified training programs to the public must identify the Dispute Resolution Commission as the body responsible for mediator certification in North Carolina. In addition, the materials must supply a telephone number for the Commission and direct interested parties to the Commission for further information regarding qualifications for certification. Such materials must also contain a disclaimer that successful completion of the program alone is not a guarantee of certification.

11. RECORDED TRAINING. Unlike other mediator training programs that are focused primarily on process, this training is focused largely on substantive information and court procedure. This substantive material lends itself more toward a lecture and panel presentation format. Since “hands-on” participation is not a required element of this training, the Commission has determined that it may be offered by recording.

Trainers who offer a recording must encourage participants to watch the recording in its entirety and use available technologies in an effort to ensure that they do, *e.g.*, imbedding a code at the end of the recording and requiring a viewer to report the code in order to receive credit. Trainers must also advise those purchasing recordings that the Commission is very concerned about stale training and anticipates that viewers will watch the tape in its entirety within six months of purchase or rental and that those who apply after that period, may be denied certification. That certification may be denied if the applicant does not apply within six months, must be prominently noted in the material accompanying the recording.

Trainers who elect to offer a recording may only offer the recording for a two-year period from the date the recording is initially approved by the Commission. For the recording to be offered to potential applicants beyond that time frame, a trainer must apply to the Commission and demonstrate the recording’s content remains current.