

NC DISPUTE RESOLUTION COMMISSION NEWS AND UPDATES



To: All Certified MSC, FFS, and Clerk Mediators
From: Tara L. Kozlowski, Executive Director NCDRC
Re: North Carolina Supreme Court amendments to the NCDRC Rules and Standards

The North Carolina Supreme Court approved the DRC’s proposed Rule and Standard amendments on December 11, 2024. The final orders are now posted on the Supreme Court’s website under “Recent Orders” for each amended rule and standard set. The amended rules and standards will be **effective on January 6, 2025**. Please review a brief description of the amendments made, below, and reach out to staff with any questions.

1. [Order Amending the Standards of Professional Conduct for Mediators](#)

Standard 3(d)(2). The amendment is an exception to confidentiality and allows a mediator to testify, give an affidavit, or tender an agreement, if required by a statute or a mediation rule promulgated by a state or federal agency.

Standard 4 and Standard 5. The amendment inserts the word “terminate” in place of “discontinue” for consistency purposes.

2. [Order Amending the Rules of the Dispute Resolution Commission](#)

Rule 9(d)(2)(d). Correcting a typo in the first line to reference the proper Rule, Rule 8(a)(5).

3. [Order Amending the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions](#)

Rule 2(a)&(b). The process of assigning a mediator to a case has been divided into two forms. One form is solely used to designate a mediator by party selection, AOC-CV-812. The other form is used to request a court-appointed mediator, or to be filed by court staff appointing a mediator to the case, AOC-CV-840. All time standards remain the same.

Rule 4(c) and Rule 10(c)(9)(b). The requirement for the attorney to sign the final agreement along with their client has been removed.

Rule 4(c)(4). This section has been updated to clarify a designee may sign on the party's behalf if the party does not attend the conference "in person", and all other requirements are met under this Rule. This matches the Commission's intent in the related [Advisory Opinion, AO 42](#).

Rule 7(c). The form used to file a request to substitute the mediator by consent of all parties has been linked to this paragraph, AOC-CV-836.

Rule 8(a)(3). The language was updated for consistency and to allow for observations of Department of Labor mediations for certification purposes.

4. [Order Amending the Rules for Settlement Procedures in District Court Family Financial Cases.](#)

Rule 2(a) & (b). The process of assigning a mediator to a case has been divided into two forms. One form is solely used to designate a mediator by party selection, AOC-CV-825. The other form is used to request a court-appointed mediator, or to be filed by court staff appointing a mediator to the case, AOC-CV-841. All time standards remain the same.

Rule 7(c). The form used to file a request to substitute the mediator by consent of all parties have been linked to this paragraph, AOC-CV-836.

Rule 8(a)(1) & (a)(5) The language was updated to clarify the threshold requirements for certification under this program.

5. [Order Amending the Rules of Mediation for Matters Before the Clerk of Superior Court](#)

Rule 2(a) & (b). The process of assigning a mediator to a case has been divided into two forms. One form is solely used to designate a mediator by party selection, AOC-G-302. The other form is used to request a court-appointed mediator, or to be filed by court staff appointing a mediator to the case, AOC-G-314. All time standards remain the same.

Rule 4(b). The requirement for the attorney to sign the final agreement along with their client has been removed.

The new forms listed under MSC, FFS, and Clerk Rules, Rule 2, will be posted for use by January 6, 2025. Please note, the rules require all parties to agree to the designation of the mediator. The Designation forms have been updated for the filing party to list all parties and attorneys who have agreed to the designation.

Please reach out to DRC Staff with any questions.

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Happy Holidays!