



THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

Public Sanctions Imposed

Mediator: Michele Pennington, Esq.

Sanction: Public Admonishment

Date: September 12, 2024

The Commission’s Grievance and Disciplinary Committee met on April 30, 2024, to consider the renewal applications submitted by Ms. Michele Pennington for the FY 2023-2024. The Rules of the Dispute Resolution Commission (hereinafter “DRC Rules”), Rule 9(b)(2), provides, in part, that certain matters regarding a mediator’s moral character, conduct, or fitness to practice shall be forwarded directly to the Grievance and Disciplinary Committee for review.

Ms. Pennington’s applications provided false information by failing to acknowledge that at the time she submitted her renewal application she had been sanctioned by the NC State Bar.

The Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions (MSC Rules), MSC Rule 8(a)(5), and the Rules for Settlement Procedures in District Court Family Financial Cases (FFS Rules), FFS Rule 8(a)(7) provides “[t]he applicant must be of good moral character and adhere to the Standards of Professional Conduct for Mediators when acting under these rules. On his or her application(s) for certification or application(s) for certification renewal, an applicant shall disclose any:

...

e. closed grievances or complaints filed with a professional licensing, certifying, or regulatory body, whether in North Carolina, another state, or another country;

f. disciplinary action taken against him or her by a professional licensing, certifying, or regulatory body, whether in North Carolina, another state, or another country, including, but not limited to, disbarment, revocation, decertification, or suspension of any professional license or certification, including the suspension or revocation of any license, certification, registration, or qualification to serve as a mediator in another state or country, even if stayed;

...

If a matter listed in subsections (a)(5/7)(a) through (a)(5/7)(h) of this rule arises after a mediator submits his or her initial or renewal application for certification, then the mediator shall report the matter to the Commission no later than thirty days after receiving notice of the matter.

Ms. Pennington failed to disclose she received a sanction of a private admonishment from the NC State Bar on her FY 2023-2024 certification renewal application as required by MSC Rules, Rule 8(a)(5),

FFS Rules, Rule 8(a)(7), and the DRC Rules, Rule 7.

Pursuant to the DRC Rules, the Grievance and Disciplinary Committee deliberated and determined probable cause existed to believe that the applicant's conduct was inconsistent with professional behavior, and in violation of the DRC Rules, the MSC Rules, and the FFS Rules.

The Grievance and Disciplinary Committee was concerned about Ms. Pennington's lack of candor to the Commission by failing to report the sanction received on her renewal application and determined to sanction Ms. Pennington by imposing a public admonishment.

Ms. Pennington declined to appeal the Grievance and Disciplinary Committee's decision to issue a sanction to the full Commission. Therefore, the Grievance and Disciplinary Committee's determination to impose a sanction on Ms. Pennington of a public, written admonishment, pursuant to DRC Rule 9(d)(3)(c) stands.

You are hereby admonished by the North Carolina Dispute Resolution Commission for your violation of DRC Rules, Rule 7, MSC Rules, Rule 8(a)(5), and FFS Rules, Rule 8(a)(7). The Commission trusts that you will heed this admonishment, that it will be remembered by you, that it will be beneficial to you and that you will never again allow yourself to depart from adherence to the high ethical standards established for mediators serving in North Carolina.