



NCDRC.GOV

## NEWS AND UPDATES

# DISPUTE RESOLUTION COMMISSION

March 2025

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### Mediation and AI

There are many articles being published about how artificial intelligence (AI) can help litigants mediate their disputes. Information entered into AI may include how to identify objectives, priorities, potential obstacles, and even gauge what may be a “fair resolution”. AI may be used by the parties to help produce an agreement that makes everyone happy. However, AI may not record the conference to create a transcript of the discussion. AI is a tool that receives information and creates content from the information received. AI may not be used during the conference as any recoding of the conference is prohibited under the DRC Rules. Please note, Mediators who conduct remote mediations should check their video conference settings to confirm all AI services are disabled during the conference. Your device may be using the AI feature and you may not even realize it. Advisory Opinion 44 (2022) Mining Metadata and Recording the Conference, Rule 4 (MSC/FFS/Clerk/DCC) No Recoding states “The Rules prohibit recording the conference to enforce the Commission’s goal of pen conversation between the parties, without fear of retaliation. The Commission continues to uphold the principle that information shared in a mediates settlement conference shall be confidential as to the mediator and the exchange of information of the parties shall not be admissible in court, subject to statutory exception. The Commission recognizes that with some electronic remote communication platforms, data or metadata may be recorded without the knowledge or consent of the mediator or the participants and is beyond their control. The Commission cautions the mediator and parties that they may not access such data after the conference is over.” The parties may however use AI without the mediator’s assistance. For example, parties may use AI when the mediator is not present in the room, or they may use AI after the conference has concluded to draft their own agreement.



### The Commission Seeks Comment!

The following item was approved at the February 28, 2025, Commission meeting, and is now Open for Comment until April 15, 2025. All comments will be shared with the full Commission.

Proposed Draft Amendments to Standard 3(d)(10) Confidentiality  
 Proposed Advisory Opinion 46  
 Proposed Advisory Opinion 47

Visit the [Commission Seeks Comment](#) page to view the document.  
 Forward your comments to [DRCMediators@nccourts.org](mailto:DRCMediators@nccourts.org) by April 15, 2025.



### Recessing a Mediation and the Deadline

Can the mediator recess and reconvene the mediation? Yes.

How many times can a mediator recess and reconvene the mediation? As many times as necessary to keep the case moving forward. Some examples of when it is good to call a recess: When you have pro se parties involved in a mediation and want to have the Mediation Summary (AOC-DRC-18) reviewed by an attorney; when there is a pro se party and the agreement, written by the attorney representing a party, wants to have the agreement reviewed by an attorney; State Agency/political subdivision: When dealing with a state agency or political subdivision that requires approval of the agreement (extension of the mediation deadline may be required); a complex business case that requires more time for additional discovery, business valuations, etc.

### Mediator Fees Change Effective February 28, 2025.

DRC Mediator application for certification fees and annual renewal certification fees have not been increased since 2002. At the February 2025 Commission Meeting, the Commission adopted a Fee Schedule to increase the application for certification fees and the certified mediator's annual renewal certification fees. The Dispute Resolution Commission operates 100% from mediator fees and does not receive State funding. The annual renewal certification fees for FY 25-26 are scheduled to increase effective July 1, 2025, moving forward, as follows:

**Single Certification (MSC or FFS): \$200.00**

**Dual Certification (MSC & FFS): \$400.00**

To review the Commission's Fee schedule, visit: [DRC Fee Schedule page](#).



### Newly Adopted Advisory Opinions

At the February 28, 2025, Commission meeting, the Commission adopted two Advisory Opinions:

#### AO 45 (2025)

**A Lawyer Mediator is Prohibited from Assisting a Lawyer in Committing a Violation of The Rules of Professional Conduct.** The mediator may act as a scribe and commit to writing the agreed upon terms for the parties if all parties are represented by counsel. The mediator shall not assist an attorney in violating the N.C. State Bar's Rules of Professional Conduct during a mediation by communicating to the party, or committing to writing a term that is in violation of the N.C. State Bar's Rules of Professional Conduct.

#### AO 44(2025)

#### **Court Appointment Mediator Fees Rule 2(a)(b), 4 & 7**

When a party elects to pay the court-ordered mediator fee by electronic means (Venmo, credit card, PayPal, etc.) the mediator may require the party to cover the delivery or processing fees.

To view all adopted Advisory Opinions please visit [DRC Advisory Opinions and Policy page](#).

## **Guide to Assist NCDRC Mediators with Filing their Reports of Mediator in Odyssey**

To assist certified mediators, NCDRC staff created a Guide to Assist Certified Mediators with Filing their Reports of Mediator in Odyssey. The guide may be found within the Mediator Toolbox located on the Commission's website, [www.ncdrc.gov](http://www.ncdrc.gov); or by visiting: [Guide to Assist NCDRC Certified Mediators with Filing their Reports of Mediator | North Carolina Judicial Branch \(nccourts.gov\)](http://www.ncdrc.gov/mediator-toolbox/guide-to-assist-ncdrc-certified-mediators-with-filing-their-reports-of-mediator-in-odyssey).

Emergency Judges and non-attorney certified mediators must create/register for an "Individual Account in eCourts".

*A special thank you to NCDRC Certified Mediator (MSC/FFS/Clerk) Salim Uqdah who assisted staff with creating the guide.*

### **Have you recently moved? Changed email address?**

**Mediator Profiles** - be sure to keep your profile current with your contact information. You do not want to miss out on any announcements, emails or updates from the Commission.

**eCourts** - Contact information posted on your Mediator Profile is not automatically updated in Odyssey. Staff is working to manually update mediator information weekly, but we encourage you to contact court staff to be sure each district has your correct contact information.



**Listen to the Commission's Three Podcasts "Beyond Neutrality" and receive one-hour of CME credit for each podcast.  
(Only CME Credit - No CLE credit is available.)**

**In each episode listen to Tara Kozlowski and Maureen Robinson discuss ethical questions and concerns from certified mediators regarding Rules, Standards, Forms, and Advisory Opinions.**

**To find a full list of approved CME courses, visit the [DRC CME Page](#).**

### **Did you Know?**

Did you know that the Commission has all program brochures posted on DRC website?  
MSC Brochures: [Mediated Settlement Conference Brochure | North Carolina Judicial Branch](#)  
FFS Brochures: [Family Financial Settlement Brochure | North Carolina Judicial Branch](#)  
Clerk Brochures: [Clerk Mediation Brochure | North Carolina Judicial Branch](#)  
DCC Brochures: [District Criminal Court Mediation Brochure | North Carolina Judicial Branch](#)



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