



Public Sanctions Imposed

Mediator: Emily Tyler, Esq.
Sanction: Public Admonishment
Date: February 6, 2020

The Commission's Grievance and Disciplinary Committee met on December 11, 2019, to consider the renewal application submitted by Ms. Emily Tyler for the FY 2016-17 and her disciplinary record with the NC State Bar. The Revised Rules of the NC Supreme Court for the Dispute Resolution Commission (hereinafter "DRC Rules"), Rule IX.C.(1), 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. Tyler provided false information to the Commission by failing to acknowledge that at the time she submitted her renewal application she was currently subject to disciplinary action by the NC State Bar.

The Revised Rules Implementing Statewide Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions (hereinafter "MSC Rules"), Rule 8.E, states that, "[o]nce certified, a mediator shall report to the Commission within (30) days of receiving notice any subsequent criminal conviction(s); any disbarment(s) or revocation(s) of a professional license(s), other disciplinary complaint(s) filed with or action taken by, a professional licensing or regulatory body; and judicial sanction(s); any tax lien(s); any civil judgment(s) or any filing(s) for bankruptcy".

The Rules Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases (hereinafter "FFS Rules"), Rule 8.F, states that, "[o]nce certified, a mediator shall report to the Commission within 30 days of receiving notice any subsequent criminal conviction(s); and disbarment(s) or revocation(s) of a professional license, other disciplinary complaints filed with, or actions taken by, a professional licensing or regulatory body; any judicial sanction(s); any tax lien(s); any civil judgment(s) or filing(s) for bankruptcy".

Ms. Tyler failed to disclose a pending grievance from the NC State Bar on her FY 2016-17 certification renewal application, failed to disclose a pending grievance filed with the NC State Bar in 2016, that was subsequently dismissed, and failed to timely report a pending grievance in 2019 as required by MSC Rules, Rule 8.E., FFS Rules, Rule 8.F, and the DRC Rules, Rule VII.

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. Tyler's lack of candor to the Commission by failing to report the pending grievances on her renewal application and failure to report multiple pending grievances filed against her with the NC State Bar. Therefore, the Committee determined to sanction Ms. Tyler by imposing a public admonishment.

Ms. Tyler 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. Tyler of a public, written admonishment, pursuant to DRC Rule IX.E(10)(b) stands.

You are hereby admonished by the North Carolina Dispute Resolution Commission for your violation of DRC Rules, Rule VII, MSC Rules, Rule 8.E, and FFS Rules, Rule 8.F. 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.