

**THE NORTH CAROLINA
DISPUTE RESOLUTION COMMISSION**



**ANNUAL REPORT
FISCAL YEAR 2015-2016**

**Post Office Box 2448
Raleigh, North Carolina 27602
(919) 890-1415
www.ncdrc.org**



State of North Carolina

DISPUTE RESOLUTION COMMISSION

THE HONORABLE GARY S. CASH, CHAIR
LYNN GULLICK, VICE CHAIR
THE HONORABLE CHARLES T. L. ANDERSON
LUCAS A. ARMEÑA
THE HONORABLE JESSE B. CALDWELL, III
THOMAS CLARE
LORRIE L. DOLLAR
THE HONORABLE YVONNE MIMS EVANS
THE HONORABLE SUSAN A. HICKS
RICHARD G. LONG, JR.

September 5, 2016

THE HONORABLE J. DOUGLAS MCCULLOUGH
ROBERT A. PONTON, JR.
DIANN SEIGLE
W. MARK SPENCE
THE HONORABLE WILLIAM A. WEBB
THE HONORABLE TERESA HARPER VINCENT

LESLIE RATLIFF,
EXECUTIVE DIRECTOR

HARRIET HOPKINS,
DEPUTY DIRECTOR

Ladies and Gentlemen:

I am pleased to present the N.C. Dispute Resolution Commission's Annual Report for Fiscal Year (FY) 2015 – 2016.

Commission members and staff are keenly aware of the important role with which we have been entrusted, and are committed to the faithful execution of the Commission's statutory charge to certify and regulate the conduct of mediators and mediator trainers who are serving North Carolina's court-ordered Mediated Settlement Conference, Family Financial Settlement Conference, Clerk Mediation and District Criminal Court Mediation Programs. This Report details the exemplary work of the Commission and its staff in the discharge of those statutory obligations during the last fiscal year.

The Commission undertakes its work in order to educate and raise awareness about North Carolina's court-ordered mediation programs, to ensure that our mediators are highly ethical people of good moral character, and to maintain the public trust and confidence in and integrity of our certified mediators and our state's court-ordered mediation programs.

The Report also discusses the Commission's goals for FY 2016-2017. Please feel free to contact me if there are questions or concerns you would like the Commission to address, or comments you would like to make. With best wishes,

Sincerely,

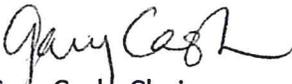

Gary Cash, Chair
jgarycash@yahoo.com

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I. INTRODUCTION

The North Carolina Dispute Resolution Commission (Commission) was established in 1995 by N.C. Gen. Stat. § 7A-38.2. The Commission is charged primarily with administering mediator and mediator training program certification and with regulating the conduct of mediators and mediator training program personnel. The Commission also helps to support mediated settlement conference programs operating in North Carolina's courts, including: the superior courts' Mediated Settlement Conference (MSC) Program, the district courts' Settlement Procedures in Equitable Distribution and Other Family Financial Cases (FFS) Program, the district courts' District Criminal Court Mediation (DCC) Program, the Clerk Mediation (CMP) Program, and the Pre-litigation Farm Nuisance Mediation (Farm) Program. In addition to certifying and regulating mediators and providing program support, the Commission also recommends policy, rules, and rule revisions relating to dispute resolution to the Alternative Dispute Resolution Committee of the State Judicial Council and the Supreme Court; seeks to promote mediator education and skills development; interfaces with and serves as a resource for other state agencies offering mediation services or seeking to provide such services; and serves as a clearinghouse for dispute resolution information.

Mediation has now become institutionalized in our courts and plays an integral role in helping with case management. The programs the Commission helps to oversee enjoy wide support among judges, court staff, attorneys, and the public. Moreover, the programs are cost-effective in that they do not rely on taxpayer funding. Rather, the programs are funded exclusively by mediator certification fees. The programs operate on a "party-pay" model, in which the parties to the mediation share the costs of mediation equally, or as agreed to by the parties in the mediation. Mediators waive fees for indigent parties.

This annual report, which is the 21st submitted by this body, describes the activities and accomplishments of the Commission for the period July 1, 2015, through June 30, 2016.

II. MEMBERSHIP

A. Commission Members

The Commission is a sixteen-member body. In accordance with N.C. Gen. Stat. § 7A-38.2, its membership consists of: five judges, including two superior and two district court judges; a clerk

of superior court; five mediators, including two who are certified to conduct family financial settlement conferences in district court, two who are certified to conduct mediated settlement conferences in superior court, and one who is certified to conduct criminal district court mediations; two practicing attorneys not certified as mediators, one of whom shall be a family law specialist; and three citizens knowledgeable about mediation. Members who were serving as of June 30, 2016, and their appointing authorities are listed below.

The Honorable Charles T.L. Anderson (Pittsboro), district court judge, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015. Reappointed by the Chief Justice on October 1, 2015, for a term expiring September 30, 2018.

Lucas Armeña (Fletcher), knowledgeable citizen member, appointed by the Governor, for a term expiring September 30, 2016.

The Honorable Jesse B. Caldwell, III (Gastonia), superior court judge, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015. Reappointed by the Chief Justice on October 1, 2015, for a term expiring September 30, 2018.

The Honorable Gary S. Cash (Asheville), certified FFS mediator, appointed by the Chief Justice on October 1, 2012, for a term expiring September 30, 2015. Appointed Chair by the Chief Justice on October 1, 2014, for a term expiring September 30, 2016. Reappointed to the Commission by the Chief Justice for a term expiring September 30, 2018.

Thomas M. Clare (Raleigh), knowledgeable citizen member, appointed by the President Pro Tem of the Senate on October 1, 2014, for a term expiring September 30, 2017.

Lorrie L. Dollar (Cary), knowledgeable citizen, appointed by the Speaker of the House for a term expiring September 30, 2015. Reappointed by the Speaker on October 1, 2015, for a term expiring on September 30, 2018.

The Honorable Yvonne Mims Evans (Charlotte), superior court judge, appointed by the Chief Justice for a term expiring September 30, 2016.

Lynn Gullick (Greensboro), certified superior court mediator, reappointed by the Chief Justice on July 2, 2013, for a term expiring on September 20, 2016. Elected Vice-Chair on May 15, 2015.

The Honorable Susan A. Hicks (Carthage), Clerk of Moore County, appointed by the Chief Justice on February 24, 2012, for a term expiring September 30, 2014, re-appointed by the Chief Justice for a term expiring September 30, 2017.

Richard G. Long, Jr. (Monroe), certified family law mediator, appointed by the Chief Justice on October 1, 2012, for a term expiring on September 30, 2015. Reappointed by the Chief Justice on October 1, 2015, for a term expiring on September 30, 2018.

The Honorable J. Douglas McCullough (New Bern), Judge, NC Court of Appeals, appointed by the Chief Justice on February 21, 2013, for a term expiring September 30, 2014. Reappointed by the Chief Justice for a term expiring on September 30, 2017.

Robert Ponton (Raleigh), practicing attorney not certified as a mediator, family law specialist, appointed by the NC State Bar President for a term expiring September 30, 2016.

Diann Seigle (Raleigh), district criminal court mediator, appointed by the Chief Justice on May 16, 2013, for a term expiring on September 30, 2014, re-appointed on October 1, 2014, for a term expiring September 30, 2017.

W. Mark Spence (Manteo), practicing attorney not certified as a mediator, appointed by the State Bar President on October 1, 2014, for a term expiring September 30, 2017. Mr. Spence retired from the practice of law and has resigned his seat on the Commission effective July 1, 2016.

The Honorable Teresa H. Vincent (Greensboro), district court judge, appointed by the Chief Justice on October 12, 2012, for a term expiring on September 30, 2015. Reappointed by the Chief Justice on October 1, 2015, for a term expiring on September 30, 2018.

The Honorable William A. Webb (Raleigh), superior court mediator, appointed by the Chief Justice for a term expiring September 30, 2017.

B. Ex Officio Members

A number of *ex-officio* and former members also attend Commission meetings. Although former and ex-officio members do not vote on matters before the full Commission and its committees, they actively participate in committee and Commission meetings. Serving as *ex-officio* members through June 30, 2016, were:

M. Ann Anderson (Pilot Mountain), former member, Attorney and Mediator

Robert A. Beason (Durham), former member, Mediator and Member, State Judicial Council's ADR Committee

LeAnn Nease Brown (Chapel Hill), Attorney and Mediator

Jacqueline M. Clare (Raleigh), former member, Attorney and Mediator

Tina Estle, (Fayetteville), Director, Cumberland County Dispute Resolution Center

Tueresa Hayden (Statesville), Trial Court Coordinator, District 22A

Frances Henderson (Carrboro), Director, Orange County Dispute Settlement Center

Rick Igou (Durham), Chair, NC Bar Association's Dispute Resolution Section

Frank Laney (Cary), Mediator, Fourth Circuit Court of Appeals; Chair, ADR Committee of the State Judicial Council

Judge W. David Lee (Monroe), Retired Senior Resident Superior Court Judge, Chair Emeritus

J. Anderson "Andy" Little (Chapel Hill), Mediator, Chair Emeritus

Stephanie Nesbitt (Raleigh), Court Management Specialist, NCAOC Court Programs and Management Services Division

Ellen Rose (Raleigh), Family Court Administrator, District 10 (resigned mid-year)

John Schafer (Cary), Deputy Commissioner, NC Industrial Commission

Judge Donna Stroud (Raleigh), Judge, NC Court of Appeals and Liaison for the Court of Appeal's Mediation Program

Judge Joseph E. Turner (Greensboro), former member, Retired Superior Court Judge and Mediator

STATE ETHICS COMMISSION REVIEW. The Dispute Resolution Commission is a covered agency under the North Carolina State Government Ethics Act. During FY 2015-2016, Commission members complied with all State Ethics Commission (SEC) requirements pertaining to training and the filing of Statements of Economic Interest (SEI) with the SEC. Following review of each SEI filed, the SEC found no conflicts of interest on the part of any member of the Commission.

III. COMMISSION'S OFFICE

During FY 2015-2016, the Commission's office operated with three staff: Executive Secretary **Leslie Ratliff**, Deputy Director **Harriet S. Hopkins**, and Administrative Assistant, **Maureen McCarthy Robinson**. Office staff supports the work of the Commission and its committees; processes applications and application renewals for mediator certification and certification of mediator training programs; reviews complaints; and supports court staff, judges, and mediators in implementing North Carolina's mandatory mediated settlement conference programs. Staff maintains the Commission's website, which can be accessed at www.ncdrc.org and publishes its newsletter, *The Intermediary*, usually three times per year. The Commission's office is in the North Carolina Judicial Center located at 901 Corporate Center Drive in Raleigh, NC.

IV. INTERFACE WITH OTHER AGENCIES AND PROGRAMS

In addition to North Carolina's state courts, dispute resolution programs and services are also operating in many other venues within the state. Though the Commission was established under the Judicial Department and is largely a creature of the courts, it has not hesitated to respond to requests for assistance from agencies and offices housed and working outside the courts. The NC Industrial Commission (mediation of workers' compensation claims); the NC Office of Administrative Hearings; the Federal Eastern, Middle, and Western Districts of North Carolina; the NC Office of State Personnel; the NC Department of Insurance (disaster mediation); the United States Department of Agriculture's Mediation Program (targeting farmers and lending institutions); and a number of smaller state and federal agencies all operate established mediation programs with assistance, in part, from mediators and trainers certified by the Commission.

V. BUDGET

Commission revenues are deposited in N.C. Administrative Office of the Court's (NCAOC) Fund 1715. Fees collected from mediators and mediation training programs for certifications and certification renewals constitute the Commission's sole source of revenue. FY 2015-2016 collections for certifications and renewals totaled \$221,552.00. This fiscal year, as in all past fiscal years, the Commission fulfilled its charge to fund its operations **without authorization or expenditure of any tax dollars.**

VI. CERTIFICATIONS ISSUED

The total number of outstanding certifications by program as of June 30, 2016, were as follows: 1,305 active Mediated Settlement Conference Program certifications, 340 active Family Financial Settlement Conference Program certifications, 147 active Clerk Mediation Program certifications (to conduct guardianship and estate mediations), and 40 active District Criminal Court certifications.* In addition, there were 90 inactive MSC, 21 inactive FFS, and 13 inactive CMP certifications. **

- * These numbers reflect total certifications outstanding and not the total number of mediators. The number of mediators is less than the total number of certifications in that a number of mediators hold dual certifications, *i.e.*, both MSC and FFS certification or multiple certifications.
- ** Inactive mediators may not conduct mediated settlement conferences and their names do not appear in the Commission's mediator database accessible at www.ncdrc.org. However, they

continue to receive information and updates from the Commission and may reactivate their certifications on request.

VII. PROGRAM STATISTICS

The NCAOC FY 2015-2016 Statistical and Operations Reports provide data as to the implementation and efficacy of the MSC and FFS Programs. In the MSC Program, 3,692 cases were mediated, and of those, 2,162 cases, or 58.6% were resolved at a mediated settlement conference. If one includes cases that were reported as settled prior to mediation or during a recess in that computation, the percentage of resolved cases rises to 64.7%. The Commission considers this latter percentage, i.e., 64.7%, to be more representative of the true impact of the MSC Program, believing that the order to mediate serves as a catalyst for these early settlements. In addition, research conducted in 2012 suggests that settlement rates are likely higher in that many cases which impasse at the table go on to settle in the days and weeks ahead as attorneys and parties continue to discuss offers made at mediation.

In the FFS program, 1,479 cases were mediated, and 1,015 cases, or 68.2% were resolved in whole or in part at the mediated settlement conference. If one also considers, as above, cases resolved after referral but prior to a conference, 70.8% of FFS cases were resolved. These settlement rates are very close to the percentages of mediated cases that settled in FY 2014-15. The Reports track data by individual judicial district as well as provide statewide totals, and are attached as Appendices to this Annual Report.

VIII. COMMISSION STRUCTURE

In this fiscal year, the Commission operated with six standing committees. The committees undertake the work of the Commission and make recommendations to the full body. Committees meet as needed, generally at least once per quarter, usually by conference call.

A. Standing Committees

Executive/Operations Committee: Judge Cash, Chair. This Committee is charged with considering matters relating to legislation, budget, and personnel.

Standards and Advisory Opinions Committee: Ms. Gullick, Chair. This Committee is responsible for reviewing matters relating to the Standards of Professional Conduct for Mediators, including suggesting amendments to the Standards; assisting staff in responding to inquiries regarding ethics; and drafting Advisory Opinions for consideration by the Commission.

Grievance and Disciplinary Committee: Judge Anderson, Chair. This Committee reviews character, conduct, and fitness matters, including matters self-reported by mediators

at any time during the year and matters disclosed by applicants or otherwise discovered by Commission staff in the context of mediator certification and certification renewal applications. This Committee also investigates and reviews complaints filed by court staff, litigants, attorneys, and others related to mediator moral character, conduct, or fitness to practice.

Mediator Certification and Training Committee: Judge McCullough, Chair. This Committee considers issues that arise in connection with mediator training programs and mediator certification or certification renewal applications which relate to an applicant's education, training, and/or professional experience. This Committee also makes recommendations on rule changes regarding certification requirements for mediator and mediator training programs. This Committee is also responsible for overseeing the Commission's continuing mediator education reporting requirement and with making recommendations on certification fees.

Superior Court (MSC) Program Oversight Committee: Judge Caldwell, Chair. This Committee is charged with helping to ensure that the Mediated Settlement Conference, Clerk Mediation, and Farm Nuisance Mediation Programs operate effectively and efficiently, and with recommending amendments to program statutes and rules to achieve that end.

District Court Oversight Committee: Richard Long, Chair. This Committee is charged with helping to ensure that the Settlement Procedures in Equitable Distribution and Other Family Financial Cases and District Criminal Court Mediation Programs operate effectively and efficiently and with recommending amendments to the statutes and rules to achieve that end.

B. Ad Hoc Committees

From time-to-time, the Commission also establishes ad hoc committees to address specific matters or issues that arise. Two ad hoc committees were at work during FY 2015-2016.

Ad Hoc District Criminal Court Mediation Committee: Ms. Seigle, Chair. The Committee was given both a specific charge to review fee collection practices occurring within the context of that Program and also a broader charge to revisit the Program in general and assess how it is working and whether any statutory or rule changes are recommended. This ad hoc committee was established as the result of three complaint(s) filed with regard to conduct of a certified district criminal court mediator. One complaint alleged that the mediator had pocketed dismissal fees that, in accordance with program statutes and rules, should have been paid to the Clerk of Superior Court. He also took restitution payments and failed to provide them to victims in a timely manner. In a related matter, his conduct also resulted in a defendant being arrested for a failure to appear at a subsequent court date. Upon completing a careful investigation of the matter, the Commission decertified the mediator in question. The Center with which he was affiliated fired him. The committee drafted legislation to address the issue of collection of fees in the courtroom. The legislature amended it slightly, and the bill was ratified by the General Assembly. (Senate Bill 508).

Ad Hoc New Media/Social Media Committee: Mr. Armeña, Chair. The Commission's website is packed with information about the Commission's work, program rules, ethics opinions, mediator practice aids, and information for pro se parties. www.ncdrc.org. The Commission has, however, received feedback that information can be difficult to access and the process sometimes cumbersome. The chair established this committee to assess the efficacy of the website and in addition, explore the possible implementation of social media channels. The Commission notes that the changing demographics of the population, the universality of social media, and changes made by other organizations (N.C. State Bar and N.C. Bar Association, for example) in their outreach efforts and educational platforms, support an exploration of these issues.

IX. COMMISSION BUSINESS in FY 2015-2016

The full Commission met face-to-face four times this fiscal year: August 14-15, 2015, in Asheville; November 6, 2015, in Raleigh; February 26, 2016, in Raleigh; and May 20, 2016, in Raleigh. Notice of meeting dates and locations is posted on the Commission's website well in advance of meetings and the public is invited to attend. Minutes from Commission meetings are also archived on the DRC website, www.ncdrc.org.

During this fiscal year, the Commission and its Committees undertook a number of projects designed to improve operations of the Mediated Settlement Conference (MSC), Family Financial Settlement (FFS), Clerk (Clerk), Farm Nuisance (Farm), and District Criminal Court (DCC) Mediation Programs and to facilitate the work of our State's courts and mediators. Goals met during this fiscal year and other projects undertaken by the Commission are highlighted below.

A. Proposed legislation supported.

Several bills of importance to the Commission have been introduced in long and short sessions over the last several years. As previously mentioned the Commission helped draft Senate Bill 508 which addressed the procedures used in the court room by mediators in the District Criminal Court Program for handling any costs, fees, restitution, or any other fee required by law and ordered by the court. Senate Bill 508 also eliminated the administrative fee that mediation centers had previously been authorized by statute to collect. Senate Bill 508 was ratified within the last minutes of the legislative session which adjourned July 1, 2016.

Two other bills died in committee. Sections of House Bill 303 established minor amendments to each Program's enabling legislation, provided for a separate account (Dispute Resolution Fund) within the Judicial Department over which the Commission has sole control, and afforded the Commission the authority to issue cease and desist orders for persons who falsely hold themselves out as mediators certified by the Commission. Section 2(c) of Senate Bill 349 established mediation as a settlement procedure in district civil court actions (other than family financial cases which are subject to the FFS Program rules) in the discretion of the chief district court judge.

B. Mandatory Continuing Mediator Education Policy adopted.

During the last several fiscal years, the Commission has noticed an upturn in complaints filed against mediators which reveal a lack of understanding about or knowledge of program rules, Standards of Professional Conduct for Mediators and appropriate ethical conduct. For many years, the Commission urged the voluntary completion of three hours annually of eligible continuing mediator education by its certified mediators. Mediators were required to report on their annual certification renewal applications what CME activities, if any, they completed since their last renewal application. Voluntary compliance with the policy fell to an all-time low with only 30% of mediators reporting completion of three hours of CME on their renewal applications for FY 2015-2016. In response, the Commission determined to implement a mandatory CME policy to become effective during the FY 2017-2018 renewal period. The policy requires each active, certified mediator to annually complete two hours of eligible CME which relates either to program enabling legislation, the N.C. Supreme Court's program rules, Standards of Professional Conduct for Mediators, grievance procedures of the Commission, and/or updates in case law involving mediation. The focus is on conduct, ethics, and case management duties of mediators rather than on mediation theory or techniques. The Commission is working with the NCBA, NCAOC, and others to develop affordable and accessible programs that will meet the narrow eligibility requirements of the policy.

C. Project initiated to update website and explore the implementation of social media.

The Commission's website is embedded within the NCAOC's website, www.ncdrc.org. As mentioned above, the Commission has been interested in updating its site and exploring the possible use of social media channels such as Twitter to communicate with its stakeholders. The NCAOC is also in the process of exploring the same issues. The ad hoc committee on new/social media is working with the NCAOC Communications Department on this project. The Commission engaged the voluntary services of a summer intern to explore and research these issues. The project began in late FY 2015-2016, and a complete and thorough report with short and long-term recommendations was presented by Mr. Sutton to the Commission at its August 19, 2016, meeting.

D. Advisory Opinion adopted.

The Commission adopts Advisory Opinions in response to mediator requests for assistance in resolving ethical dilemmas and rule interpretation questions and upon request of a Commission member. Advisory Opinions may also be issued in situations where discipline has been imposed and the Commission wishes to alert other mediators to the circumstances involved. Only one Advisory Opinion was issued this fiscal year.

Advisory Opinion 31 (2015) addresses the mediator's duty when a party is unrepresented and another party is represented and the parties wish to execute an agreement at the end of a successful mediated settlement conference. The Opinion holds that in a case where one party is represented by counsel and one is pro se, the mediator may not prepare an agreement for the parties to sign. In addition, when an attorney at the mediation drafts a proposed settlement agreement for the pro se party to sign at the conference, the opinion sets out specific information that the mediator shall convey to the pro se party prior to his/her signing the agreement. Consistent with Standard VIII, the opinion also requires the mediator to read any proposed agreement and raise questions with the party(ies) and or attorney if the agreement does not include the terms discussed in the presence of the mediator or are misstated, and facilitate their discussions and negotiations to reach a complete and accurate agreement.

E. FFS Benchbooks published and disseminated.

Recognizing that many judges and court staff will be leaving the court system over the next decade as baby boomers retire, the Commission wrote, published, and disseminated Benchbooks on the MSC Program for judges and court staff during FY 2014-2015. During FY 2015-2016, Benchbooks for the FFS Program were published and disseminated. There are separate Benchbooks for the chief district court judge and court staff. The Commission is confident that the new Benchbooks will help expedite the learning curve for newly elected/appointed chief district court judges and their newly hired court staff as they work to keep the FFS Program on track and running smoothly.

F. Regulatory role fulfilled.

Unfortunately, this fiscal year the Commission had to address a large number of regulatory concerns, including denying certification to individuals whose certification applications raised ethical concerns and addressing complaints, some of which were serious and required the Commission to take strong disciplinary action, including decertification. Two hearings were scheduled before the full Commission on appeals from sanctions imposed by the Grievance and Disciplinary Committee. One hearing was held and the respondent withdrew his request for hearing in the second matter. The Commission continues to take very seriously its charge to regulate mediator and mediator trainer conduct thereby protecting the public, encouraging ethical conduct on the part of its certified mediators, and ensuring that program rules are being followed, while balancing the due process rights of its certified mediators against whom complaints may be filed.

X. GOALS FOR FISCAL YEAR 2016-2017

In FY 2016-2017, the Commission will focus on the following projects, among others:

- A.** Build on the research and recommendations of DRC Summer Intern, Scott Sutton, to update the appearance, streamline content, and enhance the functionality of the Commission's website, www.ncdrc.org. Work with AOC Communications' personnel to

implement Scott's short-term recommendations. Over the longer-term work with AOC website designers and consultants to fully overhaul the Commission's website and its content in keeping within parameters established for the redesign and update of the AOC website, www.nccourts.org. This work will be accomplished through the Commission's recently established New Media Committee.

- B. Build on the research and recommendations of DRC Summer Intern, Scott Sutton, to establish a social media presence for the Commission. Collaborate with AOC Communications' personnel in implementing channels and establishing policies and procedures for their management. This work will be accomplished through the Commission's recently established New Media Committee.
- C. Work with the Commission's New Ad Hoc District Criminal Court Committee to review statutes relating to community mediation centers and district criminal court mediation and recommend amendments where appropriate. The Committee will also review and recommend amendments where appropriate to the District Criminal Court Mediation Program Rules.
- D. Work with the Mediation Network of North Carolina (MNNC), local community mediation centers, local district attorneys, and chief district court judges to encourage local community mediation centers to adopt the N.C. Supreme Court Rules for the District Criminal Court Mediation Program and seek mediator certification of mediators affiliated with the centers from the Commission to conduct mediations in cases in the District Criminal Court Program. Currently only six community mediation centers require their mediators to be certified by the Commission. By encouraging certification, certified mediators serving the district criminal courts will be bound by the enabling legislation, DCC program rules and the N.C. Supreme Court's Standards of Professional Conduct for Mediators, thereby insuring uniformity among programs, and accountability of center mediators.
- E. Work in partnership with the NCBA, the NCAOC, the NC State Bar and other organizations and individuals to ensure that sufficient CME programs are available which are accessible and affordable to certified mediators seeking to comply with the DRC's new Mandatory CME Policy. The policy is effective beginning with fiscal year 2017-2018.
- F. The Clerk Mediation Program was established by statute in 1995. Unfortunately, it has never taken hold. In light of the changing demographics of the population, in particular, the aging of the baby boomer generation, it can be anticipated that matters before the Clerk may well increase in the years to come. In an effort to revive the Program, the Commission will work with the NC Conference of Clerks of Superior Court, local clerks, and the Dispute Resolution Section of the NCBA, to encourage clerks (in two or three targeted counties) to refer cases, such as guardianship, estates, and partition cases, to mediation under the currently underutilized Clerk Mediation Program. If successful, this effort will be extended to other counties.

- G.** Continue to draft, propose, and monitor proposals to amend statutes relating to mediation programs and the Commission's operations for submission for adoption by the N.C. Supreme Court, and work with NCAOC and the NC General Assembly on such matters;
- H.** Continue to draft proposed amendments to program rules and Standards of Professional Conduct for Mediators for submission for adoption by the N.C. Supreme Court.
- I.** Continue to interface and work with 1) other agencies and organizations with mediation programs, 2) the NC State Bar, 3) the Dispute Resolution Section of the NCBA, and others as necessary to promote dispute resolution in North Carolina and the programs the Commission helps to support;
- K.** Continue to insure that only qualified individuals of good moral character become certified as mediators, and to investigate and promptly address complaints regarding mediator conduct, character, and fitness to practice.
- L.** Continue to operate the Commission's office efficiently and cost-effectively while serving the needs of mediators, court personnel, attorneys, and the public, as those needs relate to North Carolina's mandatory court mediation programs.
- M.** Continue to inform the Commission's certified mediators about amendments to enabling legislation, program rules, Standards, newly adopted advisory opinions, case law involving mediation, and other matters relevant to their service as mediators to our courts, through its newsletter, email announcements, website postings, potential social media channels, and the like.

XI. CONCLUSION

As it has done every year since its creation in 1995, the Commission worked hard this fiscal year to ensure that the Mediated Settlement Conference, Family Financial Settlement, Clerk, Farm, and District Criminal Court Mediation Programs operated effectively and efficiently. The Commission strives to meet its charge of ensuring effective and ethical mediator performance through its consistent application of the rules regarding certification and by insisting on high ethical standards through its regulatory authority. In the coming fiscal year, the Commission pledges to continue its work to make the mediation process responsive to the changing needs of our State's court system and its citizens through innovation and thoughtful re-evaluation of the mediation process and the role and work of mediators. ◆

Addendum 1: MSC Program Statistics Fiscal Year 2015-2016

MSC Statewide Totals	# OF CASES PENDING AT BEGINNING OF THE FISCAL YEAR	# OF CASES ORDERED TO MSC (AOC-CV- 811) OR SENT BY LOCAL RULE (OMSC)	# OF CASES WHICH VOLUNTARILY SUBMITTED TO MSC (VMSC) new as of 1/1/2012	# OF CASES ORDERED/ SUBMITTED TO OTHER SETTLEMENT PROCEDURE such as Neutral, Summary Trial, Arbitration, or Other (AOC-CV-818)	DO NOT FILL IN	# OF CASES IN WHICH MOTION TO DISPENSE/ EXEMPT CASE FROM MSC WAS ALLOWED (SUPREME COURT RULE 1.C.6)	# OF CASES REPORTED SETTLED PRIOR TO OR DURING RECESS OF ADR (Report 806, 813 or 817). RELIABLE REPORT THAT CASE SETTLED OUTSIDE/WITHO UT ADR	# OF CASES FULLY RESOLVED IN ADR (Report 806, 813 or 817 indicates the parties reached an "Agreement on all Issues") SETTLED	# OF CASES NOT RESOLVED (Report 813 indicates the parties reached an "IMPASSE")	# OF CASES DISPOSED WITHOUT ATTENDING ADR (Dismissal, Trial, or other type of disposition) CLOSED/ MOOT	DO NOT FILL IN	DO NOT FILL IN
A	B	C	D	E	F	G	H	I	J	K	L	M
County	Begin Pending*	Ordered or Sent to Mediated Settlement Conference (OMSC)	Voluntarily Submitted to Mediation Settlement Conference (VMSC)	Ordered or Submitted to Other Settlement Procedure (MEDO)	Total Caseload for Fiscal Year	Ordered Exempted from ADR (MEDE)	Reported Settled Prior To or During ADR Recess (MEDS)	Reported All Issues Resolved at ADR (MEDA)	Reported Impasse (not resolved) at ADR (MEDJ)	Disposed Without ADR Session (MEDB)	Cases Completing Process	End Pending
District 1 Total	110	74	9	0	193	0	0	17	11	0	28	165
District 2 Total	144	54	0	0	198	0	0	15	16	12	43	155
District 3A Total	103	111	8	1	223	3	34	42	40	28	147	76
District 3B Total	501	66	0	0	567	0	0	37	27	2	66	501
District 4A Total	15	13	6	0	34	0	0	20	11	3	34	0
District 4B Total	80	124	5	1	210	0	1	24	10	49	84	126
District 5 Total	394	0	3	2	399	2	5	69	56	175	307	92
District 6A Total	56	43	0	7	106	0	3	4	7	18	32	74
District 6B Total	72	19	0	4	95	0	0	7	0	0	7	88
District 7A Total	60	42	13	0	115	1	5	7	4	1	18	97
District 7B Total	171	124	0	1	296	6	6	71	24	14	121	175
District 8A Total	58	38	0	0	96	1	6	15	8	20	50	46
District 8B Total	158	123	0	1	282	6	8	23	20	64	121	161
District 9 Total	95	88	0	0	183	2	0	42	13	26	83	100
District 9A Total	88	31	0	0	119	1	0	7	7	0	15	104
District 10 Total	404	239	1	0	644	15	71	191	103	17	397	247
District 11A Total	312	92	7	1	412	1	4	39	41	28	113	299
District 11B Total	680	219	0	0	899	14	0	66	29	7	116	783
District 12 Total	81	253	0	0	334	25	76	71	43	0	215	119
District 13A Total	208	78	0	0	286	0	3	29	12	30	74	212
District 13B Total	126	112	0	0	238	0	6	8	11	54	79	159
District 14 Total	496	248	0	0	744	1	16	84	40	91	232	512
District 15A Total	146	97	0	2	245	0	0	26	29	15	70	175
District 15B Total	325	127	1	1	454	0	8	34	14	50	106	348
District 16A Total	32	61	4	2	99	1	13	25	18	7	64	35
District 16B Total	33	14	0	0	47	0	1	27	17	2	47	0
District 17A Total	76	31	1	0	108	0	2	9	7	0	18	90
District 17B Total	349	50	2	0	401	0	3	8	10	8	29	372
District 18 Total	309	500	0	0	809	0	0	159	102	145	406	403
District 19A Total	67	108	1	0	176	2	22	38	39	29	130	46
District 19B Total	61	99	1	0	161	2	21	25	14	19	81	80
District 19C Total	58	96	0	0	154	0	14	31	23	26	94	60
District 19D Total	424	51	0	0	475	0	0	18	10	16	44	431
District 20A Total	51	21	3	0	75	0	0	8	4	6	18	57
District 20B Total	73	155	8	6	242	2	0	54	45	62	163	79
District 21 Total	2,227	619	6	13	2,865	0	0	70	65	32	167	2,698
District 22A Total	211	143	0	0	354	3	20	45	41	38	147	207
District 22B Total	367	84	3	0	454	0	6	43	28	2	79	375
District 23 Total	96	69	2	0	167	0	8	19	15	12	54	113
District 24 Total	134	105	21	1	261	4	2	28	17	39	90	171
District 25A Total	366	54	0	0	420	0	0	19	13	8	40	380
District 25B Total	294	91	6	2	393	6	9	37	22	10	84	309
District 26 Total	434	1,022	49	21	1,526	8	241	325	324	72	970	556
District 27A Total	301	136	0	0	437	1	0	64	46	34	145	292
District 27B Total	82	92	6	0	180	1	0	34	23	25	83	97
District 28 Total	457	157	15	1	630	3	17	57	23	55	155	475
District 29A Total	188	33	4	0	225	0	0	6	0	8	14	211
District 29B Total	266	76	4	0	346	0	9	21	24	19	73	273
District 30A Total	153	83	0	0	236	2	0	20	19	9	50	186
District 30B Total	337	83	0	0	420	1	0	24	5	10	40	380
FY 15-16 MSC TOTAL	12,329	6,448	189	67	19,033	114	640	2,162	1,530	1,397	5,843	13,190

**Addendum 2: FFS Program Statistics
Fiscal Year 2015-2016**

FFS Statewide	# OF CASES PENDING AT BEGINNING OF THE FISCAL YEAR	# OF CASES ORDERED TO FFS MSC (AOC-CV-824) OR SENT BY LOCAL RULE (MSC)	# OF CASES WHICH VOLUNTARILY SUBMITTED TO MSC (VMSC) new as of 1/1/2012	# OF CASES ORDERED TO JUDICIAL SETTLEMENT CONFERENCE (AOC-CV-826, SIDE 2)	# OF CASES ORDERED TO OTHER SETTLEMENT PROCEDURE (e.g., Family Law Arbitration, Collaborative Law) (AOC-CV-826, SIDE 1)	DO NOT FILL IN	# OF CASES IN WHICH MOTION TO EXEMPT CASE FROM FFS WAS ALLOWED	# OF CASES REPORTED SETTLED PRIOR TO OR DURING RECESS OF ADR (Report 827, 834); RELIABLE REPORT THAT CASE SETTLED	REPORT 827 OR 834 INDICATES THE PARTIES REACHED "AN AGREEMENT ON ALL ISSUES"	REPORT 827 OR 834 INDICATES PARTIES REACHED "AN AGREEMENT ON SOME ISSUES"	REPORT 827 OR 834 INDICATES PARTIES REACHED "AN IMPASSE"	# OF CASES DISPOSED WITHOUT ATTENDING ADR (Dismissal, Trial, or other type of disposition) CLOSED/ MOOT	DO NOT FILL IN	DO NOT FILL IN
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
County	Begin Pending*	Ordered to Mediation Settlement Conference (MSC)	Voluntarily Submitted to Mediation Settlement Conference (VMSC)	Ordered to Judicial Settlement Conference (JSC)	Submitted to Other Settlement Procedure (OSP)	Total Case/Load for Month	Ordered Exempted from ADR (ADRE)	Reported Settled Prior to or During ADR Recess (ADRT)	Reported All Issues Resolved at ADR (ADRS)	Reported Partially Resolved at ADR (ADRP)	Reported Impasse (not resolved) at ADR (ADRI)	Disposed Without ADR Session (ADRW)	Cases Completing Process	End Pending
District 1 Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
District 2 Total	31	21	0	0	0	52	3	0	6	1	6	5	21	31
District 3A Total	18	50	0	0	0	68	0	0	23	1	23	21	68	0
District 3B Total	1,717	381	0	0	0	2,098	18	43	30	3	16	484	594	1,504
District 4 Total	61	1	79	1	0	142	5	1	35	2	6	1	50	92
District 5 Total	373	262	0	0	0	635	0	0	71	0	15	177	263	372
District 6 Total	1	13	0	1	1	16	0	0	7	0	5	0	12	4
District 7 Total	0	0	9	0	0	9	0	0	5	1	1	1	8	1
District 8 Total	13	18	0	0	0	31	1	1	10	0	4	3	19	12
District 9 Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
District 9A Total	4	3	0	0	0	7	0	1	4	0	0	0	5	2
District 10 Total	189	301	14	13	0	517	5	1	88	7	60	166	327	190
District 11 Total	176	203	0	0	0	379	2	2	22	4	18	127	175	204
District 12 Total	263	332	0	1	0	596	41	0	55	13	32	198	339	257
District 13 Total	1	0	0	0	0	1	0	0	0	0	0	0	0	1
District 14 Total	95	36	0	0	0	131	0	0	4	9	3	0	16	115
District 15A Total	0	0	4	0	0	4	0	0	0	0	0	0	0	4
District 15B Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
District 16A Total	10	20	0	0	0	30	0	3	4	1	7	1	16	14
District 16B Total	91	36	0	0	0	127	0	0	4	7	3	0	14	113
District 17A Total	21	34	0	0	0	55	0	0	15	2	4	8	29	26
District 17B Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
District 18 Total	479	241	4	0	0	724	3	7	57	12	11	171	261	463
District 19A Total	4	27	30	0	0	61	0	0	21	8	22	8	59	2
District 19B Total	62	96	5	38	0	201	6	40	49	4	25	4	128	73
District 19C Total	4	29	3	0	0	36	0	0	18	0	9	4	31	5
District 20A Total	14	29	0	0	0	43	0	0	18	0	6	12	36	7
District 20B Total	133	156	0	0	0	289	0	0	131	0	0	65	196	93
District 21 Total	0	396	25	0	0	421	8	0	24	8	26	147	213	208
District 22A Total	0	2	52	0	0	54	0	0	19	5	30	0	54	0
District 22B Total	108	1	2	0	0	111	0	0	5	3	1	0	9	102
District 23 Total	2	40	1	0	0	43	3	4	7	2	12	15	43	0
District 24 Total	104	39	2	0	0	145	0	1	20	0	12	11	44	101
District 25 Total	198	127	10	0	0	335	5	2	22	5	31	60	125	210
District 26 Total	771	42	2	79	0	894	1	0	25	1	27	4	58	836
District 27A Total	132	0	10	0	0	142	0	0	3	1	0	21	25	117
District 27B Total	23	75	0	3	0	101	0	0	12	0	0	71	83	18
District 28 Total	31	107	1	0	0	139	0	0	38	1	11	70	120	19
District 29A Total	27	43	0	0	0	70	1	0	4	1	10	12	28	42
District 29B Total	133	8	7	21	0	169	0	0	11	2	22	33	68	101
District 30 Total	0	58	2	7	1	68	0	7	35	9	6	6	63	5
Total FY 2015-16	5,289	3,227	262	164	2	8,944	102	113	902	113	464	1,906	3,600	5,344