

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 112

Short Title: Nonattorneys May Mediate.

(Public)

Sponsors: Representatives Balmer; Gardner and Grady.

Referred to: Judiciary III.

February 10, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NONATTORNEYS TO BE INCLUDED TO SERVE AS MEDIATORS IN COURT ORDERED, MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT CIVIL ACTIONS.

Whereas, G.S. 7A-38 provides for a pilot program for court ordered, mediated settlement conferences in superior court civil actions; and

Whereas, G.S. 7A-38(d) authorizes the Supreme Court of North Carolina to adopt rules concerning mediated settlement conferences to implement the provisions of G.S. 7A-38; and

Whereas, G.S. 7A-38 should be amended to permit nonattorney mediators who have five years experience in mediation and who have completed 40 hours of a mediator training program for certification to fully participate in the pilot program and to appear in the list of certified mediators in the Administrative Office of the Courts, which list is submitted to the superior court judges; and

Whereas, any fees charged to applicants who seek approval as mediators or who apply to mediator training programs should be the same for attorneys and qualified nonattorneys; and

Whereas, any rules previously adopted by the Supreme Court of North Carolina to implement G.S. 7A-38 should be amended by the Supreme Court of North Carolina to conform to this act; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-38(i) reads as rewritten:

"(i) Standards for mediators. The Supreme Court ~~is authorized to~~ may establish standards for the qualification and conduct of mediators and mediator training

1 programs. These standards shall provide that a mediator is not required to be an
2 attorney and that a nonattorney who has successfully completed a minimum of 40 hours
3 of a mediator training program certified by the Administrative Office of the Courts and
4 who has five years experience in mediation shall be eligible for certification as a
5 mediator under this section. An administrative fee may be set by the Administrative
6 Office of the Courts to be charged to applicants for approval as mediators and mediator
7 training programs. A fee for an attorney and a nonattorney shall be the same."

8 Sec. 2. The Supreme Court of North Carolina shall amend any rules
9 previously adopted to implement G.S. 7A-38 to conform to this act.

10 Sec. 3. This act becomes effective October 1, 1993.