

District Criminal Court Rules
Approved November 8, 2007

RULE 7. MEDIATOR CERTIFICATION AND DECERTIFICATION.

The Dispute Resolution Commission may receive and approve applications for certification of persons to be appointed as district criminal court mediators. For certification, an applicant shall:

- A.** At the time of application, be affiliated with a Community Mediation Center established pursuant to G.S. 7A-38.5 as either a volunteer or staff mediator and have received the Center's endorsement that he or she possesses the training, experience, and skills necessary to conduct district court criminal mediations.
- B.** Have the following training and experience:
 - (1)** Have both:
 - (a)** Attended at least 24 hours of training in a district criminal court mediation training program certified by the Dispute Resolution Commission, and
 - (b)** Have a four-year degree from an accredited college or university; or have four years of post high school education through an accredited college, university or junior college or four years of full-time work experience, or any combination thereof; or have two years experience as a staff or volunteer mediator at a Community Mediation Center, or
 - (2)** Be a Mediated Settlement Conference or Family Financial Settlement mediator certified by the North Carolina Dispute Resolution Commission or be an Advanced Practitioner Member of the Association for Conflict Resolution.
- C.** Observations and Mediation Experience:
 - (1)** Observe at least two court-referred criminal district court mediations conducted by a mediator certified pursuant to these rules or, for a one year period following the initial adoption of these rules, observe any mediator who is affiliated with a Community Mediation Center established pursuant to G.S. 7A-38.5 and who has mediated at least ten (10) criminal district court cases.
 - (2)** Co-mediate or mediate at least three court-referred district criminal court mediations under the observation of staff affiliated with a Community

Mediation Center whose criminal district court mediation training program has been certified by the Dispute Resolution Commission pursuant to Rule 9 of these Rules.

- D.** Demonstrate familiarity with the statutes, rules, and practice governing district criminal court mediations in North Carolina.
- E.** Be of good moral character, submit to a criminal background check within one year prior to applying for certification under these Rules, and adhere to any standards of practice for mediators acting pursuant to these Rules adopted by the Supreme Court. Applicants for certification and re-certification and all certified district criminal court mediators shall report to the Commission any criminal convictions, disbarments, or other disciplinary complaints and actions or any judicial sanctions as soon as the applicant or mediator has notice of them.
- F.** Commit to serving the district court as a mediator under the direct supervision of a Community Mediation Center authorized under §7A-38.5 for a period of at least two years.
- G.** Comply with the requirements of the Dispute Resolution Commission for continuing mediator education or training.
- H.** Submit proof of qualifications set out in this Section on a form provided by the Dispute Resolution Commission.

Community Mediation Centers participating in the program shall assist the Dispute Resolution Commission in implementing the certification process established by this Rule by:

- (1) Documenting sections A-F for the mediator and Commission;
- (2) Reviewing its documentation with the mediator in a face-to-face meeting scheduled no less than 30 days from the mediator's request to apply for certification;
- (3) Making a written recommendation on the applicant's certification to the Dispute Resolution Commission; and
- (4) Forwarding the documentation for sections A-F and its recommendation to the Dispute Resolution Commission along with the mediator's completed certification application form.

Through December 31, 2008, an applicant may be certified pursuant to these rules without compliance with Rules 7 B,C,D,E,F,G or H above provided that he or she is certified by and affiliated with a Community Mediation Center established

pursuant to G.S. 7A-38.5 at the time of his/her application and is endorsed by the Center as possessing the training, experience and skills necessary to conduct district criminal court mediations. However, such certification shall be for the period of one year only and it is expected that during the course of that year that the mediator will work toward complying with all the requirements established by Rule 7.

Certification may be revoked or not renewed at any time it is shown to the satisfaction of the Commission that a mediator no longer meets the above qualifications or has not faithfully observed these rules or those of any district in which he or she has served as a mediator. Any person who is or has been disqualified by a professional licensing authority of any state for misconduct shall be ineligible to be certified under this Rule. Certification renewal shall be required every two years.

A Community Mediation Center may withdraw its affiliation with a mediator certified pursuant to these rules. Such disaffiliation does not revoke said mediator's certification. A mediator's certification is portable and a mediator may agree to be affiliated with a different Center. However to mediate under this program in the district criminal court, a mediator must be affiliated with the Community Mediation Center providing services in that court. A mediator may be affiliated with more than one center and provide services in the county served by those centers.