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MEMORANDUM

TO: N.C. Bar Association Board of Governors
FROM: Jim D. Cooley, Chair, Dispute Resolution Section
DATE: January 13, 2023
RE: Information Report for NCBA's Winter Meeting

INFORMATION REPORT: DISPUTE RESOLUTION SECTION

During the first half of 2022-23, the Dispute Resolution Section (DRS) has focused on two major objectives: (1) increasing communications with the Section membership and collaborating with other NCBA Sections/Divisions; and (2) setting in motion a study group to evaluate the future of dispute resolution in N.C., or what we have been referring to with the short-hand phrase "Beyond Court-Ordered Mediation," along with the work of our CLE Committee and our Race & Equity Committee, efforts which, taken together, put the DRS in the forefront of thought leadership in this vital practice area

- **Communication and Collaboration:** In order to create a better value proposition for growing the Section, DRS has significantly increased the level of communications to its members. Under the guidance of Steve Dunn, it has published monthly edition of a one-page digital newsletter called "D.R. Dispatch." A link to the 4th edition of the Dispatch is [here](#). Because it is sometimes difficult for section members to navigate the NCBA website in order to find information about their particular "community," the DRS, under the leadership of Deanna Lindquist and Amy Cox-Gruendel, has put together a "Welcome Packet" for new members of DRS. Our initial publication of the Welcome Packet will be to all current members of DRS; thereafter, it will be sent to new members immediately upon joining. You can see the packet [here](#). DRS has been much more active in publishing blogposts on topics of interest to our community, some



examples of which you can view here. Thanks in part to Family Law Section Chair Ketan Soni, also a DRS member, we have worked with that section to provide comments to its proposed revisions to Rule 53 of the Rules of Civil Procedure and we are currently working with Family Law on developing a study committee to look at whether the Child Custody and Family Mediation programs should be expanded to other areas of family law. Through the efforts of our YLD Liaison and Section member Pete Singh, we have agreed to present a program on “So, You’re Going to Your First Mediation: What Should You Expect?” Long-time DRS members Jackie and Tom Clare will make that presentation, and a second presentation is in the planning stage. And DRS continues to regularly work with the N.C. Dispute Resolution Commission. Executive Director Tara Kozlowski attends DRS Council meetings to provide updates on the work of the Commission, and I attend meeting of the Commission. Interesting and challenging issues of ethics and best practices are discussed. DRS is actively involved in NCBA’s Pro Bono Committee and will soon send two of our members to the Law Student Networking event. Finally, we experimented with an in-person regional gathering of DRS members in the Charlotte area. On a cold, rainy evening in late November, we had 19 DRS members gather at the Miles Mediation office in Charlotte’s South Park area. Miles donated the space and the food, so the expense of the event was minimal. We may try another regional gathering in the spring.

- **Thought Leadership:** At our CLE program at the Bar Center on March 10, 2023, we will provide advanced training on breaking through impasse and dealing with volatile matter; some more basic training in breakout sessions on arbitration and collaborative law practice, and navigating sticky (ethical) issues which frequently arise. Following on the heels of Ken Feinberg’s intriguing presentation at last year’s CLE, our keynote speaker will be Scott Partridge, the recently retired General Counsel of Monsanto and of Bayer (US). Scott will explore his groundbreaking work on dispute avoidance and how lessons learned in avoiding business disputes or resolving them without litigation can have a broader application for DR professionals. Building on a white paper (“Beyond Court-Ordered Mediation: A Task Force to Evaluate Future Dispute Resolution Needs of North Carolinians”) presented to the DRS Council last summer, the Council was surveyed regarding possible areas for thought leadership outlined in the white paper. Based on that survey and discussion at its December 7, 2022 meeting, the DRS Council has formed a Committee on Task Force Organization (a) to recommend which topics should be pursued, and (b) to recruit interested persons, within and outside the DRS, to participate. The four areas, as currently defined are:
 - What Have We Learned from Covid: Possible Rule Changes and the Need for Technology Training;



- Pre-Litigation and On-Line Dispute Resolution: Understanding the New World of DR and the Role of Certified Mediators In It;
- Continuing Relationship Mediation: The Role of the Mediator/Ombudsman in Preserving Institutions (Business and Nonprofit) Facing Significant Internal Conflict;
- Are There Federal Court Dispute Resolution Services That Could Be Improved?

In addition to these initiatives, our Race & Equity Committee continues to develop and actively pursue its “Try Someone New” campaign aimed at expanding opportunities in dispute resolution for DR professionals of color.

If you have questions about any of these activities and initiatives of DRS, NCBA Board of Governors member Will Oden, who also serves as Vice-Chair of the DRS, will be present at the Winter Meeting and would be happy to discuss with you any of the above.

Respectfully Submitted,

Jim D. Cooley
Chair
January 13, 2023