

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 770*

Short Title: Community Mediation Centers.

(Public)

Sponsors: Senators Rand, Ballantine; Allran, Clodfelter, Cooper, Foxx, Gulley, Hartsell, Miller, Reeves, Soles, and Wellons.

Referred to: Judiciary I.

April 6, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE COMMUNITY MEDIATION CENTERS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Article 5 of Chapter 7A of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 7A-38.5. Community mediation centers.**

7 (a) The General Assembly finds that it is in the public interest to encourage the
8 establishment of community mediation centers, also known as dispute settlement centers
9 or dispute resolution centers, to support the work of these centers in facilitating
10 communication, understanding, reconciliation, and settlement of conflicts in
11 communities, courts, and schools, and to promote the widest possible use of these centers
12 by the courts and law enforcement officials across the State.

13 (b) Community mediation centers, functioning as or within nonprofit organizations
14 and local governmental entities, may receive referrals from courts, law enforcement
15 agencies, and other public entities for the purpose of facilitating communication,
16 understanding, reconciliation, and settlement of conflicts.

17 (c) Each chief district court judge shall encourage mediation for any criminal or
18 civil district court action pending in the district for which the judge determines that
19 mediation is an appropriate alternative."

1 Section 2. G.S. 84-2.1 reads as rewritten:

2 **"§ 84-2.1. "Practice law" defined.**

3 The phrase "practice law" as used in this Chapter is defined to be performing any legal
4 service for any other person, firm or corporation, with or without compensation,
5 specifically including the preparation or aiding in the preparation of deeds, mortgages,
6 wills, trust instruments, inventories, accounts or reports of guardians, trustees,
7 administrators or executors, or preparing or aiding in the preparation of any petitions or
8 orders in any probate or court proceeding; abstracting or passing upon titles, the
9 preparation and filing of petitions for use in any court, including administrative tribunals
10 and other judicial or quasi-judicial bodies, or assisting by advice, counsel, or otherwise in
11 any legal work; and to advise or give opinion upon the legal rights of any person, firm or
12 corporation: Provided, that the above reference to particular acts which are specifically
13 included within the definition of the phrase "practice law" shall not be construed to limit
14 the foregoing general definition of the term, but shall be construed to include the
15 foregoing particular acts, as well as all other acts within the general definition. The
16 phrase "practice law" does not encompass the drafting of memoranda of understanding or
17 resolution agreements by mediators at community mediation centers authorized by G.S.
18 7A-38.5."

19 Section 3. Chapter 8 of the General Statutes is amended by adding a new
20 Article to read:

21 **"ARTICLE 15.**

22 **"MEDIATION NEGOTIATIONS.**

23 **"§ 8-110. Inadmissibility of negotiations.**

24 (a) Evidence of statements made and conduct occurring during a mediation at a
25 community mediation center authorized by G.S. 7A-38.5 shall not be subject to discovery
26 and shall be inadmissible in any proceeding in the action or other actions on the same
27 claim. However, no evidence otherwise discoverable shall be inadmissible merely
28 because it is presented or discussed during mediation.

29 (b) No mediator or staff at a community mediation center authorized by G.S. 7A-
30 38.5 shall be compelled to testify or produce evidence concerning statements made and
31 conduct occurring during mediation at the community mediation center in any legal
32 proceeding, except as to communications in furtherance of a crime or fraud. Nothing in
33 this subsection shall be construed to permit a person to obtain immunity from prosecution
34 for criminal conduct or as excusing an individual from the reporting requirements of G.S.
35 7A-543 or G.S. 108A-102."

36 Section 4. This act is effective when it becomes law.