

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 924\*

Short Title: Community Mediation Centers.

(Public)

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Sponsors: Representatives Nesbitt, Neely (Primary Sponsors); Alexander, Baddour, Bridgeman, Buchanan, Cansler, Cole, Cunningham, Easterling, Esposito, Hackney, Hensley, Hill, Hurley, Insko, Kiser, Luebke, McMahan, Miller, Morris, Oldham, Owens, Redwine, Setzer, Sherrill, Teague, Thompson, Tucker, Wainwright, Walend, C. Wilson, and Womble.

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Referred to: Judiciary I.

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April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COMMUNITY MEDIATION CENTERS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

5 **"§ 84-2.1. "Practice law" defined.**

6 The phrase "practice law" as used in this Chapter is defined to be performing any legal  
7 service for any other person, firm or corporation, with or without compensation,  
8 specifically including the preparation or aiding in the preparation of deeds, mortgages,  
9 wills, trust instruments, inventories, accounts or reports of guardians, trustees,  
10 administrators or executors, or preparing or aiding in the preparation of any petitions or  
11 orders in any probate or court proceeding; abstracting or passing upon titles, the  
12 preparation and filing of petitions for use in any court, including administrative tribunals  
13 and other judicial or quasi-judicial bodies, or assisting by advice, counsel, or otherwise in  
14 any legal work; and to advise or give opinion upon the legal rights of any person, firm or  
15 corporation: Provided, that the above reference to particular acts which are specifically  
16 included within the definition of the phrase "practice law" shall not be construed to limit  
17 the foregoing general definition of the term, but shall be construed to include the  
18 foregoing particular acts, as well as all other acts within the general definition. The  
19 phrase "practice law" does not encompass the drafting of memoranda of understanding or  
20 resolution agreements by mediators at community mediation centers authorized by G.S.  
21 7A-38.5."

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

24 **"ARTICLE 15.**

25 **"MEDIATION NEGOTIATIONS.**

26 **"§ 8-110. Inadmissibility of negotiations.**

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

32 (b) No mediator or staff at a community mediation center authorized by G.S. 7A-  
33 38.5 shall be compelled to testify or produce evidence concerning statements made and  
34 conduct occurring during mediation at the community mediation center in any legal  
35 proceeding, except as to communications in furtherance of a crime or fraud. Nothing in  
36 this subsection shall be construed to permit a person to obtain immunity from prosecution  
37 for criminal conduct or as excusing an individual from the reporting requirements of G.S.  
38 7A-543 or G.S. 108A-102."

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