

Catawba Valley Paralegal Association

CPE- February 10, 2009
*Catawba County Library,
Newton Branch*
6:15 pm—7:15 pm



“Settlement Procedure / Mediations in North Carolina Equitable Distribution and other Family Financial Cases”

**Presented by: *Lewis E. Waddell, Jr., Attorney at Law*
Certified Family Financial Mediator, Arbitrator
Lewis E. Waddell, Jr. Law Office, PLLC
P. O. Box 206, Newton, NC 28658**

1. Overview of Mediation 5 minutes
 - a. Purpose of mandatory settlement procedures
 - b. Scope of the settlement proceedings
 - c. G.S.: 7A-38.4A, 50-20(d), 52-10.1, 52 B, 50-21(d)

2. Selection of Mediator 5 minutes
 - a. Selection by agreement
 - b. Appointment by the Court
 - c. List of Mediators
 - d. Disqualification

3. The Mediated Settlement Conference 5 minutes
 - a. Location
 - b. Date and time
 - c. Extension of deadline
 - d. Recess

- | | | |
|-----|--|------------|
| 4. | Duties of Parties, Attorneys and Others | 7 minutes |
| | a. Attendance, scheduling | |
| | b. Finalizing the Agreement | |
| | c. Payment of Mediator's fee | |
| 5. | Sanctions for Failure to Attend | 2 minutes |
| 6. | Duties and Authority of Mediator | 15 minutes |
| | a. Control of conference | |
| | b. Private consultation | |
| | c. Duties | |
| | d. Disclosure | |
| | e. Impasse | |
| | f. Reporting requirements | |
| | g. Informational brochure | |
| | h. Evaluation form | |
| 7. | Compensation of the Mediator, Sanctions | 13 minutes |
| | a. By agreement | |
| | b. By Order of the Court | |
| | c. Changing mediators | |
| | d. Payment of compensation | |
| | e. Inability to pay | |
| | f. Postponement, fees | |
| | g. "Good cause" | |
| | h. Sanctions for failure to pay | |
| 8. | Mediator Certification and Decertification | 5 minutes |
| | a. Training, experience | |
| | b. Licensed to practice law, member of State Bar | |
| | c. Neutral observer | |
| | d. Good moral character | |
| | e. Submit proof and pay fees | |
| 9. | Comments from the Dispute Resolution Commission | 1 minute |
| 10. | Questions and Answers | 2 minutes |