

NORTH CAROLINA  
AGRICULTURAL MEDIATION PROGRAM  
([www.ncamediation.org](http://www.ncamediation.org))

Portions of  
Annual Report  
FY 2008

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## I. INTRODUCTION

### A. Background

The North Carolina Agricultural Mediation Program (NCAMP) was founded in July of 2006 as the thirty-third certified state mediation program. Governor Easley has recertified NCAMP in each subsequent year as the USDA's certified mediation provider for North Carolina.

### B. Program Characteristics

#### 1. NCAMP Staff

- a. Executive Director, Jayne Zanglein
- b. Assistant Executive Director, Betty Mayo
- c. Mediation Director, Bob Holbert (through October 25, 2008)

#### 2. Mediators

NCAMP maintains a panel of more than 20 certified agricultural mediators from across North Carolina who are available to conduct NCAMP mediations. To be certified to conduct agricultural mediations, mediators must complete the 40-hour North Carolina Court mediation training (either in Mediated Settlement Conference for Superior Court or Family Financial Settlement for District Court) plus a 20-hour basic agricultural mediation program conducted by NCAMP. Agricultural mediators must be recertified each year and one of the requirements for recertification is the completion of 20 additional hours of agricultural mediation training every two years.

#### 3. Advisory Council

NCAMP's Advisory Committee was formed in 2008. The 11-member Advisory Committee is composed of representatives from diverse occupations, industries, professions and institutions from across the state. NCAMP is fortunate to have a committed and active Advisory Committee with a breadth of experience and knowledge. The Advisory Committee meets twice a year at various sites throughout the state. Members serve alternating two-year terms with the opportunity to be reappointed. At the first meeting, April 4, 2008, a chairperson and vice-chairperson were elected. For continuity, these positions will rotate each year with staggered committee member terms as dictated by the Advisory Committee Policy.

4. IDR location (Institute for Dispute Resolution)

NCAMP is housed in the College of Business at Western Carolina University in Cullowhee, NC. Western is a member institution of the University of North Carolina system. NCAMP is considering opening a branch in the eastern part of the state to better serve agricultural communities there.

II. REVIEW OF MEDIATION SERVICES PROVIDED IN FY 2008

4. Training, Notification and Public Education

Training:

NCAMP provided its annual 10-hour Agricultural Mediation training program on May 12 - 13, 2008 in Sylva, NC. Representatives from local agricultural agencies, the state capital of Raleigh, NC, and the national offices in Washington, D.C. presented educational programs. We unveiled new mediator policies that were written to insure the quality, integrity, and consistency of NCAMP mediators. We also introduced a new procedure for certification of mediators with follow-up for an annual re-certification process.

In 2008, NCAMP implemented a confidential procedure to debrief mediators following mediation. This effort was initiated to fill a need to ensure the quality of mediations and to learn from mediation experiences. Information gained from debriefing is generalized and then incorporated into training to build value-added skills and knowledge without compromising confidentiality.

Notification and Public Education:

NCAMP has advertised the availability of mediation services to agency partners, agricultural associations, potential clients, the university, and general public through newsletters, news releases, brochures, and presentations. We have made in-house presentations on NCAMP to approximately 25 percent of the USDA Service Centers in North Carolina. We plan to continue this outreach effort to cover all 73 of the service centers in the state.

One of NCAMP's most comprehensive initiatives has been the development of a new website ([www.ncmediation.org](http://www.ncmediation.org)). This website is user friendly, easy to navigate, and contains time sensitive and appropriate material of interest to the NCAMP target market and the general public. It

is video rich, interactive and educational. The site will be continually updated and refreshed to provide first time as well as returning users with access to the most current information available.

In September 2008, NCAMP provided a one-day training and brainstorming session with two local land trusts. We plan to continue to develop our relations with these land trusts, with the hope that this will lead to increased mediations.

In September 2008, NCAMP participated as an exhibitor at the Small Business Summit in Elizabeth City, N.C., sponsored by the FDIC. This Small Business Summit was attended by entrepreneurs including farmers and producers.

An NCAMP representative made a formal presentation at the FSA State Employees Association Annual Convention in Atlantic Beach, N.C., in May and answered individual inquiries about NCAMP.

Using Students Mediators as NCAMP Interns:

We have continued to promote mediation on campus, in an effort to expose students to agricultural mediation and conflict resolution skills. We have hired three graduate assistants to assist with NCAMP's record-keeping responsibilities. In addition, students have worked with NCAMP on specific projects such as the revision of mediation procedures, the website, the newsletters, and research on land trust issues.

Participation in CAMP:

NCAMP is a participating member of the Coalition of Agricultural Mediation Programs (CAMP). Staff members attended the 2008 meeting in Milwaukee, Wisconsin and plan to attend the 2009 meeting in Vermont. NCAMP has also offered to host the 2010 session of the national CAMP meeting.

#### 5. Increasing Resolution Rates

Twenty percent (20%) of the cases this year reached settlement during mediation. 70% of cases did not settle but resulted in restored relationships and increased understanding. The overall success rate of mediations was 90% in 2008.

#### 6. Obtaining Program Funding from New Sources

It has become increasingly evident to NCAMP that as farm principals age out, the shifting family dynamics can affect quality of life and the overall

health and wealth of previously predictable family structure and routine. To help assist families with aging issues, NCAMP applied for additional grant funding from the American Bar Association's Partnership in Law and Aging Program (PLAP). NCAMP was not awarded the PLAP grant this cycle. NCAMP will reapply for the grant, however, because it is NCAMP's opinion that this is a growing concern that can be mitigated by early mediation intervention.

In addition, NCAMP applied additional funding from the N.C. legislature. The request is pending.

## **B. Quantitative Summary**

### **1. Comparison of FY 2008 to Prior Years**

Mediation requests have increased 250% for 2008

NCAMP is still relatively new as this was our second full year of operation. This year we refined our mediation procedures, forms, and publications.

NCAMP executed Memoranda of Understanding with all four principal USDA agencies in North Carolina: Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), Risk Management Agency (RMA), and Rural Development (RD).

### **2. Mediation Services Provided**

Total Program Activity

In FY2008, NCAMP provided mediation services to three USDA agencies, up from two in the previous year.

Total Mediation Caseload By Agency

The Farm Service Agency remains the agency with most participation in mediation. NCAMP processed 11 FSA cases, with 8 cases going to mediation in 2008. The Natural Resources Conservation and Rural Development agencies each had one case this year.

FSA Mediation Cases

NCAMP received FSA mediation requests from participants in the Farm Loan Division as well as the program side of FSA operations. From the Farm Loan Division we received: 3 requests for creditors' meetings, 1 dispute involving denial of primary servicing, 1 refusal to accept farm loan

payment, 1 denial of homestead exemption, and 1 refusal to release property. On the program side, we received mediation requests for 2 disputes in the Crop Disaster Program and 2 disputes in the Non-Insured Assistance Program.

#### NRCS Mediation Cases

NCAMP mediated its first case with NRCS this year. An agreement was reached in this case. This case involved a conservation program dispute.

#### Rural Development Cases

NCAMP mediated one case with RD in 2008 involving a loan for a single-family dwelling. While agreement was not reached, the borrower gained a better understanding of the loan process and stipulations on participation. As a result of the mediation, a cooperative relationship between the local RD representative and the borrower was preserved.

#### Risk Management Agency

An MOU with the Risk Management Agency has recently been executed. Crop insurance participants did not submit any requests this year.

### 3. Overall Program Resolution Rate

NCAMP's success rate increased from 79% in FY 2007 to 90% in FY 2008. Twenty percent of cases resulted in settlement agreements this year, and 70% resulted in a better understanding or improved relations.

## III. ASSESSMENT OF PERFORMANCE AND EFFECTIVENESS

### IV. RECOMMENDATIONS

#### A. **Increasing responsiveness to need for mediation**

NCAMP has been diligent in outreach efforts. Outreach requires a re-education of a traditional NAD process and/or litigation mind-set. NCAMP's desire is to continue to present mediation as a cost effective, win-win dispute resolution alternative. NCAMP recognizes that the support and partnership of USDA agencies is critical to this re-education process. It is our goal to mediate all North Carolina disputes that have an effect on any relationship with USDA and NCAMP welcomes the support and partnership of USDA agencies.

**B. Promoting increases in resolution rates**

We hope to encourage partner agencies to honor their appeals regulations, encourage and support the mediation process, and come to mediation in good faith with a sincere desire to resolve conflicts.

With agency support and good faith, mediations preserve relationships and are a cost effective alternative to the NAD process. The agency's good faith partnership is a critical link to increasing resolution rates.

NCAMP plans to help our mediators navigate the complicated world of USDA agencies and their programs through continuing education programs. The new partnership with Coop Extension will help borrowers to become better prepared for mediation with the confidence that they have a full and complete picture of their financial position.

**C. Improving assessments of training needs**

By confidentially debriefing our mediators following mediation, we can gain insight into issues encountered during the mediation, agency cooperation, participant cooperation, and complications. We are able to extrapolate the information we learn from these debriefings and use them to develop training material.

**D. Improving delivery of training**

In response to requests from our mediators who are not from western North Carolina, our 2009 annual training will be held at a central location. Also we plan to double the hours of training to 20 hours in the coming year. This will allow those mediators short on recertification hours to achieve re-certification and remain on the panel of mediators.

**E. Reducing cost per mediation**

NCAMP has focused its efforts this year on outreach, with the hope that increased awareness will lead to additional cases. By increasing our caseload we expect to decrease the per case mediation cost.

**F. Other recommendations to reduce costs in the program**

As caseload increases, NCAMP will need additional mediators. In choosing additional mediators, we plan to recruit mediators who are geographically diverse. This will allow us to reach out to potential clients in underrepresented areas such as the eastern region of North Carolina. In addition, it will reduce travel costs and overall time of involvement in the mediation process.

NCAMP incurred start-up costs that will not need to be duplicated in the future. These start-up costs included the production of forms, brochures, stationary, banners, as well as general structural and functional costs of implementing a new program.

## V. **Other/optional**

### Goals FY 2009

NCAMP is continually reassessing and refining goals and direction based on the evident needs of the agricultural community. NCAMP's goals in FY 2009 are to:

- Increase and expand mediation opportunities
- Reach out to traditionally underserved populations
- Provide quality training for NCAMP mediators
- Provide quality trained agricultural mediators
- Insure the integrity of the tenets of mediation
- Educate and re-educate through outreach the benefits of mediation
- Keep website information fresh, engaging, and educational
- Build relationships with USDA agencies and their clientele to gain confidence in the mediation process
- Provide ease of accessibility and availability for mediations
- Reduce cost and efficiently provide service delivery of mediations
- Seek additional funding
- Be flexible and adapt to the changing agricultural environment and the contributing factors that impact that environment