Georgia Commission on Dispute Resolution
Meeting Minutes
Wednesday, November 2, 2016

Chair Judge Charles E. Auslander III called the meeting to order. In addition to Judge Auslander, Commission members present were:

Chief Justice Hugh P. Thompson; Judge Jane Barwick; Emily S. Bair, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Chief Judge Sara L. Doyle; Timothy Hedeen, Ph.D.; Judge Amanda H. Mercier; Patrick O'Connor, Esq.; Chief Judge Carlisle Overstreet; Edith B. Primm, Esq.; Vjollca Young; and Stefani R. Lacour, Esq. participated by phone.

Tracy Johnson, Executive Director, Office of Dispute Resolution

AOC staff members present were: Cynthia Clanton, Director; Bianca Bennett, Project Coordinator; Tynesha Manuel, Operation Manager; Shinji Morokuma, Esq., Program Director,; Zan Patorgis, Esq., Legal Compliance Officer; Linda Smith, Education Certification Officer; Jeffery Thorpe, Research Analyst.

Guests present were: Patti Anderson, Cobb County ADR Program; Joe Risby, Fulton County ADR Program; Jerry Wood, Fulton County ADR Program. Caitlin Lowther, 7th Administrative District ADR Program; Irene McCall, Atlantic Judicial Circuit Juvenile Court ADR Program; and Jody Overcash, 7th District Court Administrator, participated by phone.

I. Meeting called to order

Judge Auslander called the meeting to order. Judge Auslander introduced new Commission Members, Judge Jane Barwick and Judge Amanda Mercier. Members and guests introduced themselves.

II. Minutes

a. November 2, 2016 Minutes

The minutes of the August 24, 2016, Commission meeting were approved prior to the meeting via e-mail vote.

III. Committee Reports:

a. Budget Committee: Judge C. Andrew Fuller

Commission members were provided copies of the FY 2017 year-to-date budget summary. All expenses, with the exception of the "Transfer" line item, are in line with the budgeted amounts. The "Transfer" line item is a lower than where it

should be because the Commission has not yet been billed for the months of September and October. These expenses will be reflected in November's report.

b. Liaison Committee: Raymond G. Chadwick, Jr., Esq.

No further feedback or comments have been received on the Evaluative Mediation Task Force Report. There have been some questions regarding Early Neutral Evaluation. While it is a registration category provided in the rules, there is no current training being offered. Historically there may not been have been any interest and there is question of whether there may be interest now.

Other items reported include the process of revamping the newsletter and the desire of neutrals for additional CE opportunities outside the metro-Atlanta area.

V. Director's Report: Tracy Johnson

Registration Renewal Update: Renewal registration period opened on October 1, 2016. The first reminder emails were sent out via the Georgia Court Registrar on November 1, 2016. Subsequent emails will be sent December 1, December 12, December 19, and December 29; with only neutrals who have not yet renewed will receive a reminder. As of October 31, 2016, 168 neutrals have completed the renewal process, 54 have started the renewal process, and close to 2000 have not yet renewed.

Registrar Update: The Georgia Courts Registrar system now has a single sign-on functionality for all court professionals (court interpreters, court reporters, judges, and clerks). Tynesha Manual was credited for her hard work towards that endeavor. There will be customer service survey sent out in January and next year's plans include surveying neutrals as soon as they register for real-time feedback.

Ethics Opinion 6 Update: Ethics Opinion 6 was distributed to program directors, neutrals, and trainers in the beginning of September and the office has received positive feedback.

FY2016 Annual Report: The CODR FY 2016 Annual Report will be included in the Judicial Council's Administrative Office of the Courts Annual Report. The Commission will have its own section and will be included as a JC/AOC supported entity. Only 19 of the 44 programs responded to the request for data and that information will be reflected as reported data and not statewide. Mr. Thorpe was recognized for his hard work in compiling the data. Next year the Commission will produce a stand-alone report.

Program Director's Retreat: There are 25 program directors and staff signed up to attend the retreat. The retreat will be held at Lake Lanier on November 30 – December 2, 2016. All CODR members are invited to attend.

Guidelines on Mediation in Domestic Violence Cases Update: The research team met in Athens on October 17, 2016, to look at national research on intimate partner violence and abuse (a broader term for what was formerly known as domestic violence). The team has reviewed the guidelines to determine where revisions needed to be made and is in the process of updating the guidelines for Commission review. Program Directors will be surveyed at the upcoming retreat to collect information needed to develop a better screening tool.

Outreach Campaign October 1-November 2: Visits included: Henry County Juvenile ADR Court Program, Dublin Judicial Circuit ADR Program, and Cordele Judicial Circuit ADR Program. Presentations included: Blue Ridge Bar Association in Cherokee County for Mediation Week and Georgia State University on ethical considerations and the work of the Commission.

ADR Institute: The ADR Institute will take place at the State Bar of Georgia on Friday, December 9, 2016. It will also be remotely broadcast at the Tifton State Bar and available via web stream.

VI. Chairman's Report: Judge Charles E. Auslander III

Ms. Linda Smith was congratulated on her new position as Grant and Contract Coordinator with the AOC, and acknowledged for her dedication and support to the Commission. Ms. Smith thanked Judge Auslander and the Commission stating that it was a pleasure serving the Commission and working closely with the Training and Credentials Committee.

CODR members were referred to the two proposed seals. Seal one was created for Commission use only. Mr. Chadwick motioned that it be presented to the Supreme Court to request permission for it to be used by the Commission. Chief Judge Doyle seconded. The motion passed with no opposition. Seal two was created for the use of registered neutrals. There was discussion on whether this seal should be presented to the Supreme Court alongside the Commissions, as they are very similar. Ms. Young motioned for both seals to be presented to the Supreme Court for permission to use. Ms. Bair seconded. The motion passed with no opposition. It was asked if the seal could be extended to training programs. Judge Auslander requested Ms. Johnson create a third seal to be used by training programs, that will be voted on via email, to see if it can also be submitted to the Supreme Court for approval. Judge Auslander tabled the discussion until February's meeting after the seals are reviewed by the Supreme Court.

Since the GODR Executive Director operates as an independent employee of the Commission, there are potential areas that the JC/AOC policies may not cover. The Budget and Personnel Committee has agreed to review all of the JC/AOC's polices, the Commissions relationship with the JC/AOC , and the management of the Executive Director, to suggest if there needs to be any additions made to the policy. Any suggestions will be brought before the Commission for review.

VII. New Business: Judge Charles E. Auslander III

Advisory Opinion 9

Judge Auslander had asked Judge Cynthia Wright to chair a committee to review the Court of Appeals decision in *Wright vs. Burch* and determine what action, if any, was needed by the Commission. The Committee determined that an advisory opinion was necessary to educate neutrals on the issues in the case. Ms. Bair, a member of the Committee, gave a brief summary. There was discussion regarding the opinion. Mr. O'Connor motioned to approve the advisory opinion. Judge Fuller seconded. The motion passed with eight (8) in favor and two (2) in opposition. Advisory Opinion 9 will be posted on the Commission's website.

Carrol County ADR Program: Request for Approval of Program and Rules

Chief Judge John Simpson of Carroll County Superior Court submitted to the Commission a request for Carroll County to operate as an independent ADR Program outside of the Coweta Judicial Circuit ADR Program beginning January 1, 2017. He also requested that the Commission waive its approval requirements for new programs as it has operated as part of the Coweta Judicial Circuit ADR since the early 1990's. Ms. Johnson reported to the Commission that Carroll County has its own Board of Trustees, established community support, and funding. She reported that their submitted rules are in line with the model rules, with no deviations, and include the guidelines for Domestic Violence Mediation. Ms. Johnson recommended that the Commission approve the Carroll County ADR Program as well as approve their rules. The motion passed with no opposition.

Conflict of Interest Questionnaire: Judge Charles E. Auslander III

Members were asked to complete a Conflict of Interest Questionnaire.

2017 Meeting Dates:

2017 meetings dates will take place on February 1; May 3; August 23; and November 8. All meetings are scheduled for 2:00 p.m. in Room #1, State Bar of Georgia.

VIII. Recognition of Retiring Members Chief Justice Hugh P. Thompson, Chief Judge Sara Doyle, and Judge Gregory A. Adams: Judge Charles E. Auslander III

Chief Judge Thompson was presented with the Distinguished Service Award in recognition of and in gratitude for his wise counsel to the Commission and his outstanding contributions to dispute resolution in Georgia. Chief Judge Doyle and Judge Adams were also recognized and thanked for their dedication and years of service to the Commission.

IX. Swearing in of New Commission Members: Chief Justice Hugh P. Thompson

Chief Justice Hugh P. Thompson administered oaths to new Commission Members Judge Jane Barwick and Judge Amanda Mercier.

X. Adjournment

The meeting was adjourned at approximately 3:50 p.m.

[Minutes prepared by Bianca Bennett and Tracy Johnson]

[Minutes approved via email November 18, 2016]