



Georgia Commission on Dispute Resolution Meeting

Wednesday, May 9, 2018, 1-4 PM*

Open meeting begins at 2:00 p.m.

State Bar of Georgia, Room #1

Conference Call Information:

877-273-4202

Conference Room#: 7260376

AGENDA

- I. Call to Order: Judge Charles E. Auslander III
- II. Executive Session (1:00 – 2:00 p.m.)
- III. Introductions
- IV. Meeting Minutes from January 31, 2018: Approved via email
- V. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Judge Jane C. Barwick
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Liaison Committee: Mr. Raymond G. Chadwick, Jr., Esq.
- VI. Special Committee Report:
 - Joint Working Group on Mediation Legislation in Georgia: Ms. Mary Donovan, Esq.
 - Guidelines for mediating cases with domestic violence: Ms. Raye Rawls
 - 25th Anniversary Ad-Hoc Committee: Ms. Edith B. Primm, Esq.
- VII. Director's Report: Ms. Johnson
 - Registration Renewal update
 - Registrar Update: New Trainer Component
 - 2016 & 2017 Data Collection
 - Atlantic Judicial Circuit program visit
 - Past and Upcoming Events
 - 2018 ADR Institute: December 7
 - 2018 Program Directors' Conference: September 19-21
- VIII. Chairman's Report: Judge Auslander
 - Judicial Council Standing Committee on Access to Justice Appointment
- IX. New Business
 - Consideration of Recommendation of Joint Working Group on Mediation Legislation in Georgia support legislative efforts to enact the UMA.
(UMA: http://www.uniformlaws.org/shared/docs/mediation/uma_final_nc.doc)
- X. 2018 Commission Dates: August 22, November 13
- XI. Old Business
- XII. Adjournment

Next Meeting Date: August 22, 2018



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, May 9, 2018

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

Judge Jane C. Barwick; Emily S. Bair, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Herbert H. (Hal) Gray, III, Esq.; Melissa Heard, MSSW; Timothy Hedeem, Ph.D.; and Judge M. Cindy Morris. Stefani R. Lacour, Esq., and Vjollca Prioni Young, LLM participated by phone.

Tracy Johnson, Executive Director, and Karlie Sahs, Program Coordinator, Office of Dispute Resolution

JC/AOC staff members present were: Alison Lerner, Esq., Legal Compliance Officer; Tyler Mashburn, Legislative Liaison; and Jeffrey Thorpe, Research Analyst

Guests present were: Valerie Lyle, 9th District ADR Program; Stacey L. Mitchener, Esq.; and Raye Rawls, University of Georgia Fanning Institute and School of Law. Rita Carroll, Carroll County ADR Program; Linda McClellan, Tenth Judicial Administrative District ADR Program; Liesl Owen, 6th District ADR Program; and Laura Lynn Swafford, Gwinnett County ADR Program observed by phone.

I. Meeting called to order

Judge Auslander called the meeting to order at 1:00 p.m. The Commission immediately went into Executive Session.

II. Executive Session (1:00 – 2:00 p.m.)

- a. Ethics Committee Appeal
- b. Budget & Personnel Committee Matters
- c. Training Approval Matter

III. Introductions

Members and guests introduced themselves.

IV. Minutes

The minutes of the January 31st Commission meeting were approved prior to the meeting via e-mail vote on February 15, 2018.

V. Standing Committee Reports:

a. Budget and Personnel Committee: Judge C. Andrew Fuller

Budget and Personnel Committee matters were discussed during an earlier Committee meeting, and then presented during the Executive Session. Judge Fuller reported that all budget matters are in order.

b. Ethics Committee: Judge Jane C. Barwick

Judge Barwick reported that there are currently six pending complaints against neutrals. One was set for a hearing in April but was continued due to witness unavailability and will be reset for fall. The remaining complaints are in the process of being reviewed.

The Committee last met on April 11, where six neutral applicants under ethics review were considered for registration. Several actions were taken: one applicant for renewal was approved, one seeking ethics pre-certification was denied, and two applicants for initial registration were denied. The remaining two applications were tabled in order to seek additional information. Currently, there are eight total pending registrants pending ethics review, four of which have been received in the last month.

c. Training and Credential Committee: Ms. Melissa C. Heard, MSSW

Ms. Heard reported that the Committee is still actively working on Appendix B, having last met on March 27. The section on Domestic Relations has been completed, and the group is currently reviewing the areas of Early Neutral Evaluation and Arbitration. The Committee is reviewing comparable rules from other states to determine best practices for neutral registration requirements.

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

Mr. Chadwick reported that the group last met on March 2, and discussed the annual continuing education requirement and some ambiguity regarding what courses were acceptable. Verbiage has been drafted to clarify GODR's acceptance of other professional CE's to satisfy the yearly requirement. This is published on the website and will be included in any correspondence on CE's.

The Committee discussed the possibility of offering free CE's each year. Since the 25th Anniversary Committee is planning a number of CE events this year, the Liaison Committee will revisit the idea later this year.

The latest newsletter was published in February, which is consistent with the group's goals to send out a newsletter after each Commission meeting, in addition to special bulletins.

VI. Special Committee Report:

a. Joint Working Group on Mediation Legislation in GA: Mary Donovan, Esq.

Ms. Donovan reported that the joint working group studying the potential enactment of the Uniform Mediation Act (UMA) in Georgia has completed its work and a summary was included in the meeting materials. The goal of the group was to assess the UMA and advise on how it may compliment or contrast with the Supreme Court ADR rules. The group found that adoption will ensure all mediations are afforded protections enlisted in the UMA, a measure that is aimed to benefit all Georgians.

Judge Auslander clarified that the group is seeking only the Commission's endorsement, which will then be reviewed by the Judicial Council with the assistance of the JC/AOC. He noted that it may bring outside parties into Georgia to mediate, and it could encourage neutrals to apply and maintain registration once UMA protections are applied.

Tyler Mashburn briefed the group on the legislative process, including deadlines for proposals. The Judicial Council's Legislative Committee will meet twice before bringing prospective matters to full Council. The deadline to submit for Committee review is June 29. Both Mr. Mashburn and Ms. Tracy Mason from JC/AOC will assist the Commission in submitting a proposal.

The group had a brief discussion regarding jurisdiction of the UMA rules as they relate to local court rules.

Following the discussion, Judge Cindy Morris motioned that the Commission support proposed legislation to enact the UMA and follow the process outlined for presenting it for consideration by the Judicial Council of Georgia. Mr. Gray seconded her motion. All voted in favor.

b. Guidelines for mediating cases with domestic violence: Ms. Raye Rawls

Ms. Rawls presented the Commission with background details regarding the guidelines for mediating cases with domestic violence. Rules were first adopted in 1995, then overhauled in 2003 and amended in 2005. She explained the complexities in these cases and noted the importance of the partnership with the Georgia Commission on Family Violence (GCFV). The new guidelines will provide clarity in both the definitions of what constitutes domestic violence (also referred to as intimate partner violence and abuse) and the roles of court programs and mediators. If adopted, training will be instituted to support use of the new guidelines.

Judge Auslander thanked the program directors for their feedback and suggestions as they relate to the guidelines. He reinforced the importance of the partnership with GCFV, and advised that timing is appropriate with the rewriting of the domestic violence section of the bench book.

Members and guests shared discussion regarding to what cases the guidelines would apply as well as how the new guidelines would benefit both the courts and victims.

Judge Auslander then asked permission from the Commission to present the new guidelines, as provided in the meeting materials, to GCFV at their next meeting in June. Dr. Tim Hedeem motioned to allow for presentation, and Judge Cindy Morris seconded. All voted in favor. Judge Auslander will report back results from GCFV review at the August 22 meeting.

c. 25th Anniversary Ad-Hoc Committee: Edith B. Primm, Esq.

Ms. Johnson reported on behalf of Ms. Primm. To celebrate the Commission's 25th Anniversary, the Ad-Hoc Committee is publishing a history of CODR, planning free continuing education events, and offering limited scholarships to neutrals for the ADR Institute and 2018 Neutrals Conference. A proposed budget was approved by the Budget and Personnel Committee, and work is being done by the Office to complete the Committee's goals. Ms. Karlie Sahs is working on completing an introduction to the History, which will be sent to the JC/AOC Communications Department for editing before being sent to the publisher.

VII. Director's Report: Tracy B. Johnson

a. Registration Renewal Update:

1. Ms. Johnson reported that late registration for neutrals ended on April 30, and she thanked Ms. Tynasha Manuel for the Registrar team's efforts. As of April 30, there were 2096 neutrals who have completed renewal, 38 neutrals in Active-Pending Approval status, 0 in Active-Needs Renewal status, 261 in Inactive 1 status (they did not renew this year), and 288 new neutrals in approved status. Ms. Johnson pointed out that a greater number of neutrals are being retained.

b. Registrar Update: New Trainer Component:

1. The new training component to the Registrar has been completed and is currently being tested. Ms. Johnson met with administration at the Justice Center of Atlanta (JCA), where suggestions were made and changes subsequently met by the developers. She will return to JCA to test the changes, which will prepare the component to go live in one month.
2. The Office will be reviewing training applications on a 3-year cycle in a tiered format, beginning with General Civil Mediation trainings on June 1.

c. 2016 & 2017 Data Collection:

1. The Office is caught up on collecting data from the court ADR Programs. A shift was made to an online portal, where 2016 data was recently collected. Mr. Jeffrey Thorpe reported that 80 of 93 counties with established ADR programs reported data, including number of mediations and those disposed or that reached agreement/impasse. Other special case characteristics were also collected, including cases of domestic violence, self-represented litigants, and whether or not an interpreter was utilized. Ms. Johnson noted that not all court ADR Programs can collect special case characteristics, but this will improve moving forward.
2. Currently, the portal is open for 2017 data collection and will close at the end of May. As a precursor for more data, two maps were provided to the Commission in the materials, which show the number of neutrals and the registration categories across the state. This will help to assess gaps and plan for continuing education events. Neutral data will be collected in future months in order to assess demographic profile. Real-time neutral satisfaction survey results will also be presented to the Commission in August, after the Liaison Committee reviews and recommends changes.

d. Atlantic Judicial Circuit Program Visit:

1. Ms. Johnson visited with Judge Tuten in the Brunswick Judicial Circuit ADR Program on April 26, as she had been asked to review their current rules and procedures and make suggestions for improvements.

e. Past and Upcoming Events:

1. Ms. Johnson has been active in attending events for education and outreach. Recent events include: UGA Law's ADR Society and Career Development Mix & Mingle on March 7; the opening ceremony for the School of Conflict Management, Peacebuilding and Development at Kennesaw State University on March 15 (Ms. Sahs also attended); the American Bar Association Annual Conference on April 4-7; and the Augusta Bar Association CLE event on May 4.
2. Ms. Johnson is also planning to attend the upcoming 2018 Southeast Conference on Conflict Management in Nashville on May 17-18.

f. 2018 ADR Institute: December 7:

1. The ADR Institute had a planning meeting on April 24. Some of the participants included Mr. Chadwick, Mr. Hal Gray, Ms. Johnson, Ms. Sahs, and Ms. Stacey L. Mitchener, Esq., the Vice Chair of the Dispute Resolution section of the State Bar. The meeting was productive, and the agenda is being developed.

g. 2018 Program Directors' Conference: September 19-21

1. The Conference will be held on September 19-21 in Athens. Topics being considered include the Uniform Mediation Act and ethics. Ms. Rawls has also agreed to present. Ms. Johnson encouraged all Commission members attend the event.

h. Updates

1. Ms. Johnson closed her report by advising the Commission that a LinkedIn page has been established for GODR. A web link will be provided by email. Additionally, updated Commission, Committee, and member contact lists were distributed for review. Commission members were asked to send any updates to information.

VIII. Chairman's Report: Judge Auslander

a. Judicial Council Standing Committee on Access to Justice Appointment

1. Judge Auslander received notice from the Supreme Court that the Committee on Access, Fairness, Public Trust, and Confidence has been reconstituted as the Judicial Council Standing Committee on Access to Justice. A member of the Commission has been added to the list of standing members for appointment. Judge Auslander requested that any commission members that had a passion or interest in this particular area let him know.

IX. New Business

- a. Consideration of Recommendation of Joint Working Group on Mediation Legislation in Georgia support legislative efforts to enact the UMA – see special committee report**

X. 2018 Commission Dates: August 22, November 13

XI. Old Business

There was no old business to report.

XII. Adjournment

The meeting was adjourned at 3:20 P.M.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email May 25, 2018]