

Georgia Commission on Dispute Resolution
MEETING AGENDA
Wednesday, August 20, 2014, 2-3 PM
State Bar of Georgia

I. Call to Order: Judge Charles Auslander

II. May 14, 2014, meeting minutes approved via email.

III. Recognition of Larry Christensen: Judge Auslander

IV. Committee Reports:

- Budget Committee: Shinji Morokuma
 - Ethics Committee: Zan Patorgis
 - Liaison Committee: Ray Chadwick
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V. Special Committee Reports:

- Evaluative Mediation Committee: Tim Hedeem
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VI. Director's Report: Shinji Morokuma

- ADR filing fee statute updated
 - Letter on confidentiality published July 30 in Daily Report.
 - Registrar system update; start renewal season a month early, Oct. 1
 - ADR court program data collection report
 - Court-connected ADR system opt out petition draft
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VII. Chairman's Report: Judge Auslander

- Start of strategic planning, schedule
 - New committee memberships
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VIII. New Business: Judge Auslander

- Renewal terminology change: eliminate "lapsed," change "inactive" to "suspended" -- vote
 - Next Meeting Dates: November 19; February 11, 2015.
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IX. Adjournment

Executive Session: Training appeal hearing

MINUTES: AUGUST 20, 2014, MEETING
GEORGIA COMMISSION ON DISPUTE RESOLUTION

Chair Judge Charles E. Auslander III called the meeting to order. In addition to Judge Auslander, Commission members present were: Melissa Heard; Judge Sara Doyle; Timothy Hedeem, Ph.D.; Judge Stefani Lacour; and Raymond Chadwick, Esq. Judge C. Andrew Fuller and Edith B. Primm, Esq., participated by phone.

AOC staff members present were: Shinji Morokuma, Esq., Director of Certification and Licensing; Zan Patorgis, Esq., contract attorney; and Linda Smith, Education Certification Officer.

1. Visitors:

Judge Auslander welcomed the visitors: Nancy Parkhouse, Clayton County ADR Program; and Jerry Wood, Esq., Fulton County ADR Program.

2. Minutes:

The minutes of the May 14, 2014, Commission meeting were approved prior to the meeting via e-mail vote.

3. Recognition of Larry Christensen

Judge Auslander informed the Commission that member Larry Christensen resigned in May. He notified Chief Justice Hugh Thompson of Mr. Christensen's resignation, but noted that Mr. Christensen had not yet been replaced. A Commission member made a motion that the Commission approach the Supreme Court to sign a proclamation for Mr. Christensen honoring his commitment to the Commission and to the dispute resolution field in Georgia. The motion passed. Mr. Morokuma was given the responsibility of drafting the proclamation, and Ms. Primm promised to provide content.

4. Committee Reports:

Budget and Personnel Committee: Mr. Morokuma for Laurence Christensen

Judge Auslander said he will ask Judge Carlisle J. Overstreet to join the committee and Judge Fuller to succeed Mr. Christensen as committee chair.

Mr. Morokuma reported that the FY15 budget is the same as the FY14 budget and that there are no significant changes anticipated in the future except for adjustments needed to hire a temporary staff member.

Mr. Morokuma also reported that the Commission was \$5,000 under budget for FY14 and came into FY15 with a \$523,000 balance. The Commission is in good financial shape, and through strategic planning it will be able to reinvest to improve customer service, he said.

Ethics Committee: Mr. Patorgis for Mr. Hugh Bell

Mr. Patorgis reported that the committee recently received a complaint against a neutral regarding conduct exhibited during a mediation. He forwarded the complaint to the neutral and expected a response soon.

Mr. Patorgis also reported on a registration appeal that the Commission heard last November from a disbarred attorney who served a federal prison sentence. The Committee had denied the application and imposed three conditions to be met before it would consider a reapplication for registration. The applicant provided proof that he had met the three conditions, and the Committee granted the reapplication.

Liaison Committee: Mr. Chadwick

Mr. Chadwick reported that he has appointed several program directors to the committee to focus on goals of communication and customer service. He noted that they plan some joint discussions soon and that they already had some suggestions for the Commission.

The first suggestion was to have a mission statement for the committee put on the website. The second suggestion was to use an email blast to elicit comments and recommendations. Mr. Chadwick mentioned that plans for reviving the newsletter were on hold. Assisting local court programs in offering CE for their rosters was another suggestion. He said he and Judge Auslander should review the results of the 2013 customer service survey and try to find more effective ways to gather customer feedback.

5. Special Committee Report – Evaluative Mediation Committee: Dr. Hedeem

Dr. Hedeem reported that he was in the process of convening a conference call to further discuss evaluative mediation practice. He expected to provide the Commission with a report from the committee by the next meeting.

6. Director's Report: Mr. Morokuma

ADR Filing Fee Statute Update: Mr. Morokuma reported that HB 438 passed both chambers and was signed by Governor Deal. The new statute and filing fee cap took effect on July 1. He thanked Commission Member Rep. Jay Powell for his stewardship of the bill through the legislature.

Letter on Confidentiality: A letter to the editor on confidentiality in mediation was published on July 30, 2014, in the Daily Report. The letter, based on Advisory Opinion 8, was signed by Judge Auslander and Mr. Morokuma.

Registrar System Update: The AOC's new custom database will allow customers of certification and licensing agencies to manage their accounts online. The new Registrar will be used for renewal this year, and neutrals were recently emailed their first notice about the new system. The Registrar staff suggested that renewal start a month early to allow time for the large number of renewing neutrals to create accounts in the new

system. The rules specify an end date for renewal, but not a start date, Mr. Morokuma said. He requested the Commission's permission to start the renewal process on October 1, 2014. The Commission granted permission.

ADR Data Collection Report: Mr. Morokuma reported the results of caseload data submitted by court programs for calendar year 2013. About 78% of the solicited programs responded with data that could be compared to the 2006 fiscal year, the last time such data was collected. Although the research department warned that data comparison would not be useful given the lack of recent data, it noted that there was a general decline in ADR caseloads over the years.

Opt-Out Petition Draft: Mr. Morokuma said he has drafted a petition that allows parties ordered to mediation to opt out of the court-connected ADR system while being fully informed of the rights and benefits they waive by doing so. He said the petition would be completed soon and he would request the Commission's feedback at that time.

7. Chairman's Report: Judge Auslander

Strategic Planning: Judge Auslander reported that he was pleased with the suggestions that arose during the Commission's first strategic planning session, which was held just prior to the Commission meeting. He hoped to hold a much longer session on the day of the November 19 Commission meeting.

New Committee Memberships: In addition to his recent appointment of Judge Overstreet to the Budget Committee and of Judge Fuller as budget committee chair, Judge Auslander said he has appointed Judge Lacour and Mr. Chadwick to the Training and Credentials Committee and Mr. Chadwick as chair of the Liaison Committee.

8. New Business

Renewal Terminology Change: Mr. Morokuma presented a proposal to amend renewal terminology in the ADR Rules to match that used by other certification and licensing agencies in the new Registrar system. The specific amendments were for the elimination of "lapsed" status to be replaced by "late renewal"; "inactive" status to be replaced by "suspended"; and "archived" status to be replaced by "revoked." Commission members expressed concern that the terms "suspended" and "revoked" connoted disciplinary action rather than mere administrative process when applied to law and other professions. The Commission voted unanimously to deny the proposal.

Next Meeting Dates: Judge Auslander reported that the next meeting will be on November 19, 2014, at 2 pm. He hoped to hold a strategic planning session that day beginning at 10 am.

The meeting was adjourned at 3 pm, and the Commission went into Executive Session.

[Minutes prepared by Detrachia Neely, AOC; Zan Patorgis, AOC; and Shinji Morokuma, AOC]