



Georgia Commission on Dispute Resolution Meeting

Wednesday, August 23, 2017, 2-4 PM

*Open meeting will begin at 2:30 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 (2:00 – 2:30 p.m.)
 - Trainings and Credentials Committee – Appeal
 - Budget Committee: FY18 Special Project Budget
- III. Introductions
- IV. Introduction of Karlie Sahs, GODR Program Coordinator
- V. Meeting Minutes from May 3, 2017: Approved via email
- VI. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Mr. Hugh J. Bell, Jr., Esq.
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Liaison Committee: Mr. Raymond G. Chadwick, Jr., Esq.

Special Committee Report:

 - Revision of Guidelines in Domestic Violence Cases Subcommittee: Judge Auslander and Ms. Tracy Johnson
- VII. Director's Report: Ms. Johnson
 - Current projects and updates
 - Conferences and trainings
 - Outreach campaign
- VIII. Chairman's Report: Judge Auslander
 - Uniform Mediation Act
 - New Commission Members
 - History of dispute resolution project
- IX. New Business: Judge Auslander
 - Vote Item (1): ABA Mediation Week
 - Vote Item (2): Record Retention policy for ADR files
- X. 2018 Commission Dates: January 31; May 9
- XI. Old Business
- XII. Adjournment

Next Meeting Date: November 8, 2017



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, August 23, 2017

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

Emily S. Bair, Esq.; Judge Jane Barwick; Hugh J. Bell, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Melissa C. Heard, M.S.S.W.; Timothy Hedeem, Ph.D.; Judge Carlisle Overstreet; Edith B. Primm, Esq.; and Vjollca P. Young. Justice Britt C. Grant and Patrick O'Connor, Esq. participated by phone.

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

AOC staff members present were: Shinji Morokuma, Esq., Program Director; Zan Patorgis, Esq., Legal Compliance Officer; Jeffrey Thorpe, Research Analyst; and Bianca Bennett, Project Coordinator

Guests present were: Jerry Wood, Fulton County ADR Program; Patti Anderson, Cobb County ADR Program; Kathleen Sterne, Clayton Judicial Circuit ADR Program; Doug Yarn, Georgia State University College of Law and his students: Ryan Castellon, Carolyn Cremen, Andrew Prater, Renate Walker, Malissa C. Barger, and Marvin Hopkins. Valerie Lyle, Ninth Judicial Administrative District ADR Program; Laura Lynn Swafford, Gwinnett County ADR Program; Linda McClellan, Tenth Judicial Administrative District ADR Program; Charlatte Smith, Henry County Juvenile Court ADR Program; and Jill Cheeks, The Mediation Center, Savannah observed by phone.

I. Meeting called to order

Judge Auslander called the meeting to order at 2:00 p.m. The Commission immediately went into Executive Session.

II. Executive Session (2:00 – 2:30 p.m.)

- a. Trainings and Credentials Committee - Appeal
- b. Budget Committee: FY18 Special Project Budget

III. Introductions

Members and guests introduced themselves.

IV. Introduction of Karlie Sahs, GODR Program Coordinator: Tracy Johnson

Ms. Tracy Johnson officially introduced Karlie Sahs, new Program Coordinator to the Office of Dispute Resolution, to Commission members. Ms. Johnson also briefed the Commission on Ms. Sahs' activity since hired.

Commission members welcomed Ms. Sahs, and there were no questions posed.

V. Minutes

The minutes of the May 3rd Commission meeting were approved prior to the meeting via e-mail vote on May 23, 2017.

VI. Standing Committee Reports:

a. Ethics Committee: Mr. Hugh J. Bell, Jr., Esq

Mr. Bell reported the Office has two complaints pending. The first complaint involves a program's alleged failure to provide adequate notice to a party about a scheduled mediation. The Office is awaiting the program's response.

The second complaint alleges a program's standard mediation agreements contains a provision that may extend beyond the scope of what the ADR Rules require.

Mr. Bell advised that the Office has no registration or renewal issues at this time.

There were no further questions or comments.

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

Ms. Heard reported the Committee received and reviewed five registration appeals, all of which were denied. One of those applicants filed an appeal, which was heard by Commission Members in the Executive Session. The remaining four applicants who were denied registration have not filed an appeal.

Ms. Heard reported the Committee is continuing their work on an overall review of Appendix B, neutral qualification and education requirements. The Committee's goal is to have a draft of all proposed changes for presentation to the Commission within the next year.

Judge Auslander outlined the importance of the Training and Credential committee and commended the committee on its hard work.

There were no further questions or comments.

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

Mr. Chadwick reported no issues are currently before the Committee. Submissions for the e-newsletters have continued to be received, and the Committee has received positive feedback.

There were no further questions or comments.

d. Budget and Personnel Committee: Judge Auslander

Judge Auslander reported on behalf of Judge Fuller. Commission members were provided copies of the budget reports for the month of June (FY 2017) and the month of July (FY2018). Judge Auslander pointed out that the revenues for last year's fiscal year exceeded expenditures.

Judge Auslander referred members to the year-to-date summary explaining 8% of the budget has been spent and the funds are well in line with the yearly budget.

There were no further questions or comments.

e. Revision of Guidelines in Domestic Violence Cases Subcommittee: Judge Auslander and Ms. Tracy Johnson.

Ms. Johnson reported a draft of the new guidelines would be provided to program directors for feedback at the upcoming directors' conference.

There were no further questions or comments.

VII. Director's Report: Tracy Johnson

a. New Projects:

1. Improved Data Collection: Working with the JC/AOC IT Department, the Office will be rolling out an online reporting portal to replace the previous years' excel spreadsheet. The goal is to make the task to report data easier for programs. There is no cost for the portal. Ms. Johnson asked Mr. Jeffrey Thorpe, Research Analyst at AOC, to elaborate further on details regarding the project.

Mr. Thorpe reported that the data collection portal is modeled after an existing system utilized by trial courts. The portal is currently in the testing phase for functionality. Mr. Thorpe will be onsite at the upcoming Director Conference in September, where he will be teaching program directors how to use the portal. Personnel forms will also be distributed to ADR directors, which will allow them to access the portal for data distribution.

There was discussion as to what data was being collected. Mr. Thorpe advised that data will include mediations [handled through the court], open sessions enrolled, and any cases settled before or after the ADR process. He reported that criminal and civil sections will be distinguished, and juvenile data will be collected next year. He also added that the collection of data will help to show the role of ADR in the court, actualize the amount of resources being saved, and remain in line with a strategic plan to evaluate court ADR process in the State.

2. Program Director Conference: The Program Directors' Conference is scheduled for September 13-15. A copy of the agenda was provided in the meeting materials. Twenty-four program directors and staff have registered to attend, and four Commission Members have committed to attend. Ms. Johnson thanked members for support, especially the Planning Committee.
3. Reviewing Training Guidelines: The Office and Training and Credential Committee are commencing the renewal process for pre-approved trainings in stages. All 28-hour general civil mediation trainings (not including academic programs) will be first. Notices were sent out to training programs, and the renewal process will begin in October. The initiative is synchronized with new updates to the Georgia Courts Registrar, which will include a new training component.
4. Georgia Courts Registrar: Testing for new features will begin on September 1, with implementation scheduled for the start of the registered neutral renewal season on October 1. The updates are aimed at making registration a more self-guided process. Updates will include an integrated survey of user experience, which will allow comparison to user experience prior to system updates.
5. Surveys: Surveys were distributed to all inactive and archived neutrals. The Office and AOC research are still drafting a report with the results, which is expected for dissemination to the Commission at the November meeting.
6. Ms. Sah's Projects: The new Program Coordinator has been learning and observing. She has been vetting the current website for improvements, creating new materials, and assisting with the Program Directors' Conference as well as the Commission meeting.

b. Conferences and Training:

1. Past Conferences/Trainings attended:
 1. CE Conference in Augusta, May 5
 2. Southeast Conference on Conflict Management, Nashville, TN, May 10
 3. NACM Annual Conference, July 22-26, Washington D.C.
2. Upcoming conferences:
 1. GCCA Fall Conference, October 23-25, Jekyll Island

2. Southeastern ADR Fall Regional Conference, October 25-27, Charleston, SC.

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

a. Uniform Mediation Act

Judge Auslander briefed the Commission on an earlier meeting with members of ATLAS (Atlanta International Arbitration Society). The group met to discuss ATLAS' efforts on legislation for an international arbitration act, and also consider the Uniform Mediation Act (UMA).

Judge Auslander informed the Commission that he had asked Dr. Hedeem, Ms. Donovan, and Ms. Johnson to serve as representatives from CODR in a working group with members of ATLAS and the State Bar Dispute Resolution Section of to compare the UMA with the Supreme Court ADR Rules and procedures.

b. New Commission Members

Judge Auslander welcomed former State Bar President Pat O'Connor to the Commission as the State Bar President's designee.

Judge Auslander asked for nominations for upcoming member vacancies

c. Request from Dr. Yarn for assistance with research

Judge Auslander noted that this item was not previously listed on the agenda but needed the Commission's attention. Dr. Doug Yarn had made a request to publish in the GODR newsletter information on his current research project and solicit volunteers. The project, as explained, regards mediator behavior and developing best practices based on survey feedback. If approved, the survey would be available via a survey monkey link embedded in the newsletter.

Judge Auslander stated that while the Commission was supportive of research in the dispute resolution field, there had never been a request to assist with research. Judge Auslander noted there was no current policy on how the Commission was to handle such requests and had asked Dr. Yarn and Dr. Hedeem to create such a policy to elicit the following: 1) legitimacy of research entity and validity of research; 2) full explanation of scope of project (submission process, methodology, sample, target audience); 3) evaluation and alignment with CODR Rules and Strategic Plan; 4) plan for insulation of CODR and GODR.

There were no further questions or comments.

d. History of Dispute Resolution Project

Judge Auslander reported Mr. Morokuma's latest draft of the History of Dispute Resolution in Georgia was close to its final product. The draft was emailed to

Commission Members prior to the meeting and a few copies were available at the meeting for viewing. Mr. Morokuma was asked to speak regarding the project.

Mr. Morokuma outlined the project and shared various positive feedback received from stakeholders. He reported that the project is in the final stages of drafting.

Judge Auslander advised there will be full and abridged versions, and he asked Commission members to review and submit any feedback.

There were no further questions or comments.

IX. New Business: Judge Charles E. Auslander III

a. ABA Mediation Week

Ms. Johnson explained mediator Dennis Burdette had approached her about how the Commission and Office could support the ABA mediation week campaign. Working with Bob Berlin, Chair of the State Bar Dispute Resolution Section, a proclamation for dispute resolution week was presented to the Commission for review. Upon their approval, it would be sent to the Supreme Court for review and then to the Governor for signature.

Mr. Bell suggested the word “mediation” be replaced with “ADR”. Dr. Hedeem asked if dispute resolution may be more appropriate.

Judge Overstreet made the motion to approve the proclamation. Mr. Chadwick seconded. A vote was taken with all in favor; Justice Grant abstained.

August 29 update: Justice Grant and Justice Blackwell approved the submission of the proclamation with a minor revision to the Governor.

b. Record Retention Policy for ADR Files

Ms. Johnson presented a draft policy on record retention for court-administered files, including those for programs. The proposed policy had been vetted by the program directors and, upon approval by the Commission, would be submitted to the Judicial Council Ad Hoc Committee on Records Retention.

- a. Ms. Primm made the motion to approve the policy and Dr. Hedeem seconded. A vote was taken with all in favor; Justice Grant abstained.

X. 2018 Commission Meeting Dates:

Scheduled 2018 meeting dates are: January 31 and May 9. All meetings are scheduled for 2:00 p.m. in Room #1, State Bar of Georgia.

XI. Old Business: Judge Charles E. Auslander III

Shinji Morokuma was presented with the Distinguished Service Award in recognition of and in gratitude for his dedication and leadership to the Commission, Georgia Office of Dispute Resolution, and Dispute Resolution in Georgia.



XII. Adjournment

The meeting was adjourned at approximately 4:00 p.m.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email September 8, 2017]