



Georgia Commission on Dispute Resolution Meeting

Wednesday, February 1, 2017, 2-4 PM
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. Introduction of New Commission Members Justice Keith R. Blackwell and Justice Britt C. Grant: Judge Auslander
- III. Swearing In of New Commission Members: Judge Auslander
- IV. Meeting Minutes from November 2, 2016: Approved via email
- V. 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:

 - Strategic Plan Research Subcommittee: Mr. Tim Hedeem, Ph.D.
- VI. Director's Report: Ms. Tracy Johnson
 - ADR Institute – December 9, 2016
 - Registration Renewal Update
 - Program Directors Retreat
 - Annual Report
 - Current projects
- VII. Chairman's Report: Judge Auslander
 - Update: Proposed Seals for Commission, Registered Neutrals, and Firms
 - JC/AOC Policies
 - Neutral satisfaction surveys
 - a. 2016 Inactive/Archived Neutrals
 - b. 2016 Integrated Survey for renewals
- VIII. Adjournment

Next Meeting Date: May 3, 2017



Georgia Commission on Dispute Resolution Meeting Minutes Wednesday, February 1, 2017

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

Justice Britt C. Grant; Judge C. Andrew Fuller, Esq.; Judge Jane C. Barwick; Emily S. Bair, Esq.; Hubert J. Bell, Jr., Esq.; Raymond G. Chadwick, Jr., Esq.; Ms. Melissa C. Heard, M.S.S.W.; Mary Donovan, Esq.; Timothy Hedeem, Ph.D.; Judge Amanda H. Mercier; Judge Carlisle Overstreet; and Vjollca Young. Stefani R. Lacour, Esq. and Edith B. Primm, Esq. by phone.

Tracy Johnson, Executive Director, Office of Dispute Resolution

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

Guests present were: Patti Anderson, Cobb County Superior Court ADR Program; Anne Gordon, Cobb County Magistrate ADR Program. Participating by phone were Laura Lynn Swafford, Gwinnett County ADR Program; Brenda Sutton, Houston and Macon Judicial Circuits ADR Program; and John Paul Berlon, Chatham County Juvenile Court ADR Program.

I. Meeting called to order

Judge Auslander called the meeting to order. Judge Auslander introduced new Commission Member, Justice Britt C. Grant. Members and guests introduced themselves.

II. Swearing in of New Commission Members: Judge Charles E. Auslander III

Judge Auslander administered an oath to new Commission Member Justice Grant.

III. November 2, 2016 Meeting Minutes

The minutes of the November 2, 2016, Commission meeting were approved prior to the meeting via e-mail vote.

IV. Committee Reports:

a. Budget Committee: Judge C. Andrew Fuller

Commission members were provided copies of the December 2016 monthly reports. Judge Fuller reported the revenues for the FY 2017 are comparable with the revenues collected in previous years and collection of revenues over the past years has exceeded expenditures. It was noted that revenues collected from the month of December will be reflected in January.

Judge Fuller referred members to the FY 2017 year-to-date summary page in the budget materials explaining that 50% of the budget has been spent which is as expected.

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

Mr. Bell reported that the Committee currently has no pending actions. Committee members recently denied registration for two applicants. Mr. Patorgis notified the applicants of the Committee's decision and option to appeal.

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

Ms. Heard reported that the Committee examined Appendix B, Rule 1 regarding the requirement for domestic relations mediators to have a baccalaureate degree. The Committee looked into whether the rule should be amended to allow for a waiver of the degree requirement for applicants who have equivalent education or experience. The Committee met in January and decided not to amend the rule but to continue to review applicants on a case by case basis. Ms. Heard reported that the Committee intends to conduct an overall review of Appendix B, including education requirements for all registration categories.

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

Mr. Chadwick broached several topics for discussion by the Commission. He inquired about the possibility of the Commission providing continuing education assistance by recruiting neutrals who are willing to travel to locations outside of Metro Atlanta to offer live continuing education courses. Ms. Johnson outlined some of the Commission efforts towards continuing education outreach; noting that the ADR Institute conference was offered via web-stream and also in Tifton as well as online continuing education courses offered on the Dispute Resolutions website and free continuing education videos. Information on these opportunities were noted in the most recent newsletter.

Mr. Chadwick also discussed the idea of mediation in appellate court cases and the possibility of creating an experimental program for the Court of Appeals in which a panel decides if a case is appropriate for mediation. Concerns over jurisdiction issues, time constraints brought on by the two-term rule, and difficulty of implementation were raised. Judge Auslander recommended that the Commission revisit the idea after contacting the National Center for State Courts and surveying whether other states are utilize appellate mediation.

Mr. Chadwick reported that the Augusta Judicial Circuit under the leadership of Judge Overstreet adopted a Standing Order for Mediation in Civil Cases. The order has received favorable feedback. The order could serve as a good form for court programs to review and consider.

e. Strategic Plan Research Subcommittee: Dr. Tim Hedeem, Ph.D.

Dr. Hedeem highlighted a previous study of the Subcommittee wherein a survey of various ADR stakeholders had netted approximately 500 responses on what topics most beneficial for the Subcommittee to research for the betterment of the field. Of those responses time savings, cost savings, and how to make best use of your roster were the most prevalent requests.

Dr. Hedeem, Ms. Johnson, and Mr. Thorpe have been meeting regularly to discuss data collection and ways to make data collection easier for program colleagues. As a result, Dr. Hedeem has assigned a graduate assistant the task of surveying other states on what data is collected and how it is collected.

As a broader part of the strategic plan initiatives regarding research, the Subcommittee is working on ways to determine how to research existing and innovative new programs. Dr. Hedeem mentioned summary jury trials and their effectiveness in resolving cases more quickly and efficiently.

V. Director's Report: Tracy Johnson

- a. ADR Institute – The 23rd Annual ADR Institute and 2016 Neutrals' Conference was held Friday, December 9, at the State Bar of Georgia. There were 228 attendees in total. New this year was the web streaming option. Douglas H. Yarn, Esq., Professor of Law at Georgia State University College of Law, received the 2016 Chief Justice Harold G. Clarke Award. Registrar staff was also onsite and assisted approximately 50 attendees with registration renewal.
- b. Program Directors Retreat - The 2016 ADR Program Directors Conference was held November 30 - December 2, at Lake Lanier Island Resort. There were 22 program directors/coordinators present for the two-day retreat. The Commission had approved a budget of \$14,500. Total costs for the retreat were \$11,500. Feedback was overwhelming positive and directors expressed their desire for a yearly event.
- c. Annual Report – Information on the Georgia Office of Dispute Resolution's work in 2016 was included in the JC/AOC annual report. A copy was distributed to all Commission Members.
- d. Current projects:
 1. Registrar – Discussions are underway with the developer of the Registrar system on ways to make the process more user friendly.
 2. Options Case Management System – JC/AOC Research and IT Department are working to identify possible case management systems.
 3. GCIC access – Program directors were surveyed to determine how many had access to the GCIC TPO registry. Of those that responded, 15 program directors indicated a need for GETS access necessary to access the TPO registry with two programs needing multiple accounts. Next steps include creating accounts and managing access.
 4. Record Retention Schedule Committee – ADR is not currently mentioned in the current retention policies. As the committee begins its work on revisions to the existing policies, retention of ADR documents and files will be addressed.
 5. Domestic Violence Guidelines – Ms. Raye Rawls and Dr. Llewellyn Cornelius were present at the directors' retreat and administered the survey on screening methods to those who were present. Since that time, all program directors have been contacted about completing the survey. A meeting of the group is currently being scheduled.
 6. Outreach – Program visits since December include the Coweta Judicial Circuit

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

- a. Professional part-time employee - Judge Auslander reported that the Budget and Personnel Committee had discussed the option of a part-time professional to assist Ms. Johnson on some of the larger projects and publications. The AOC is currently under contract to provide assistance with some of the broader tasks but there is a need for some more targeted assistance. Judge Auslander has requested Ms. Primm chair a committee with the assistance

of Dr. Hedeem, Ms. Lacour, and Ms. Heard to provide the Commission with a tentative description of the position and how it can operate within the current budget. They will present the description at the next meeting in May.

- b. JC/AOC Policies- Judge Auslander and Judge Overstreet have been reviewing the JC/AOC personnel policies to determine how ODR staff will operate under those policies with the Commission being an independent entity. They will bring their recommendations to the Commission at May meeting.
- c. Neutral satisfaction surveys- Judge Auslander reported that there are two surveys in the works for this year. First, all inactive and archived neutrals will be surveyed in May to seek feedback on why they did not renew. A second survey is being developed to survey all neutrals as they renew. This will be integrated in the Registrar system so that it is sent out automatically upon registration. A draft of this survey is expected in August. Judge Auslander asked Commission members if they would assist in the review of the surveys.
- d. History of the GODR- Ms. Primm has agreed to chair a committee to document the history of the Georgia Office of Dispute Resolution. Judge Auslander requested that Mr. Morokuma have a draft ready for presentation to the Commission at the meeting in May.
- e. Proposed Seals for Commission and Registered Neutrals - At the last meeting the Commission agreed that both proposed seals should be presented to the Supreme Court for review and approval. It is expected that the seals will be presented to the Supreme Court in the next month to six weeks.

VII. 2017 Meeting Dates

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

VIII. Adjournment

The meeting was adjourned at approximately 2:54 p.m.

[Minutes prepared by Bianca Bennett and Tracy Johnson]

[Minutes approved via email February 17, 2017]