



Georgia Commission on Dispute Resolution Meeting

Wednesday, February 13, 2019, 2-4 PM

University of Georgia School of Law

Rusk Hall

Larry Walker Room

Please join the meeting from your computer, tablet or smartphone:

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Access Code: 771-090-797

AGENDA

- I. Call to Order: Judge Charles E. Auslander III
- II. Introduction of New Commission Members
- III. Standing Committee Reports:
 - i. Budget and Personnel Committee: Judge C. Andrew Fuller
 - ii. Ethics Committee: Judge Jane C. Barwick
 - iii. Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - iv. Liaison Committee: Mr. Raymond G. Chadwick, Jr., Esq.
- IV. Special Committee Reports:
 - i. Joint Working Group on Mediation Legislation in Georgia: Ms. Mary Donovan, Esq.
 - ii. Committee for DV Rules Implementation: Judge Auslander
 - iii. 25th Anniversary Ad-Hoc Committee: Ms. Edith B. Primm, Esq. & Ms. Johnson
- V. Director's Report: Ms. Johnson
 - i. Data Collection: Mr. Jeffrey Thorpe
 - ii. 2017 Registration Renewal update
 - iii. 2018-20 Project List
 - iv. Past and Upcoming Events
 - a. 2018 ADR Institute: December 7
 - b. ABA Dispute Resolution Spring Conference
 - c. 2019 Southeast Conference on Conflict Management
 - d. AFCC Conference
- VI. Chairman's Report: Judge Auslander
- VII. New Business
 - i. Format for meeting materials
- VIII. Old Business
- IX. Recognition of Retiring Members Stefani Lacour and Vjollca Young: Judge Auslander
- X. Swearing in of new members: Justice Keith R. Blackwell
- XI. Upcoming Commission Dates: May 8, August 21, November 6
- XII. Adjournment

Please join us for a reception immediately following the meeting.



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, February 13, 2019

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

Judge Jane C. Barwick; Justice Keith R. Blackwell; Mary Donovan, Esq.; Judge C. Andrew Fuller; Herbert H. (Hal) Gray, III, Esq.; Timothy Hedeem, Ph.D.; Patrick T. O'Connor, Esq.; Nicole W. Hull, Esq.; Edith B. Primm, Esq.; Vjollca Prroni Young, LL.M.; Judge Renata Turner; and Randall (Randy) Weiland.

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 and Jeffrey Thorpe, Research Analyst

Guests present were: Melissa Dobson, 9th District ADR Program; Sr. Judge Jason Harper, McDonough; Trang Khunt, Student; Dawn Loetscha, Student; Valerie Lyle, 9th District ADR Program; Caitlin Lowther, DeKalb County ADR Program; Shinji Morokuma; Lynn Policaro, ACC Court Administrator; Bonnie Powell, Fulton Co. Landlord/Tenant Program, & daughter Emma Powell; Beth Staton, mediator; Douglas Yarn, GSU Law School; Elizabeth Yates; Vittorio Indovina; and Daniel Young, ACC Corrections. Also present were the Family & co-workers of Nicole W. Hull, Esq: Margaret Arnold; Cornelia Coates; Danielle Greenridge; Keely Hinds; Gregory Hull; Jocko Hull; Kamau Hull; Tristan Hull; Cynthia L. Hull-Shelton; Anita Joyner; Ce'tara Neal; Cedrick Paschal; and Anita-Rae Smith-Pankey. Caroline Brackette, Mercer University; Larry Harton, Fulton County ADR Program; Linda McClellan, 10th 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 2:00 p.m.

II. Introductions

Judge Auslander welcomed and introduced new Commission members Nicole W. Hull, Esq., Judge Renata Turner, and Randall (Randy) Weiland.

Members and guests introduced themselves.

III. Standing Committee Reports:

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

Budget documents were included with meeting materials. Judge Fuller reported that the budget is in good condition, with revenue collection projected to exceed that from the previous fiscal year. In part, he credited positive connections with local court ADR programs as impacting the increase in neutral registrations [thus increasing revenue]. Any surplus in revenue will allow implementation of new and ongoing projects. Expenditures are within budget parameters, but Judge Fuller would like to find a solution to reduce fees collected for electronic payments. Judge Auslander advised that the FY2020 budget will be presented at the May 8 Commission meeting.

b. Ethics Committee: Judge Jane C. Barwick

The Ethics Committee also met on February 13, prior to the full meeting. Judge Barwick turned over discussion to Alison Lerner, who reported that the Committee has dismissed one (1) complaint against a neutral, with three (3) remaining- two (2) that are toward the end of the complaints process and one (1) that is in the investigation stage. An additional matter concerning one (1) registration applicant was discussed and approved through at said meeting, and seven (7) others are still in the pipeline to be considered.

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

Tim Hedeem delivered the report on behalf of Ms. Heard. Dr. Hedeem outlined highlights from the Committee's recent work:

Review has been done of the new domestic violence screening procedures, which were created in a special joint committee with the Georgia Commission on Family Violence and other stakeholders and will be effective on January 1, 2021.

The Committee thanked Ms. Lerner for her work on Appendix B, as she continues to refine the language prior to the Committee's re-review of substantive training qualification information. The updated Appendix B will include the new rules for mediating cases involving domestic violence.

Ms. Heard and Ms. Johnson are gathering information to determine possible revision to the structure of approval for domestic relations mediation training courses and what role Association of Conflict Resolution (ACR) guidelines will play moving forward.

No new appeals or review requests regarding training have been brought before the Committee.

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

Ms. Johnson reported on behalf of Mr. Chadwick.

Ms. Johnson advised that a holiday card was published in December, as well as a newsletter on January 11. The newsletter featured the 2018 ADR Institute, 25th Anniversary CE events, and neutral registration renewal. The next newsletter is scheduled to be sent in March, which is in line with completing four (4) this year.

On January 17, the Committee met by phone to discuss the 2017 registration renewal survey, completed by at-will participating neutrals immediately following the registration process. Of the participants, 90% reported satisfaction with the renewal process. Comments were made regarding difficulty entering continuing education (CE) hours and confusion over what type of CE is considered for approval. The Office is exploring solutions through the registration website by simplifying the process and adding reference text. The Committee is also researching information regarding possible identification cards in response to a survey participant request.

IV. Special Committee Report:

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

Since the last report in November, the Joint Working Group went back before the State Bar of Georgia Advisory Committee for Legislation (ACL) on November 27, 2018. The ACL had some questions and had asked the working group to reach out to the General Trial Practice section of the State Bar. The working group reported to the ACL at the November meeting that the General Trial Practice section had been contacted and did endorse the UMA. Members of the ACL voted to approve the UMA legislation for submission to the Board of Governors (BOG).

Shelby Guilbert, Hal Gray, Ms. Donovan, and Ms. Johnson attended the BOG meeting in Macon on January 12, 2019. Members voted to support the UMA.

Mr. Guilbert, Stacey Mitchener, and Ms. Johnson met with House Judiciary Chairman Barry Fleming who agreed to have the bill, as presented by Mr. Guilbert, drafted into bill format. Judge Auslander, Ms. Johnson, Rusty Sewell, and Tyler Mashburn met with House Rules Chairman Jay Powell, who agreed to support the bill. At Mr. Sewell's request, House Judiciary Non-Civil Chairman Chuck Estration agreed to sponsor the bill.

Currently, the process is at an impasse as the group is working through some of the recent changes made by legislative counsel.

Ms. Donovan thanked all of those who had been involved in the process, Mr. Guilbert, Mr. Gray, Ms. Johnson, Ms. Mitchener, Mr. Sewell, Christine Butcher Hays and also acknowledged Pat O'Connor, Judge Auslander, John Sherrill, Wayne Thorpe, and Doug Yarn for their efforts in reaching out and securing

additional support of the legislation. She said that this had been a terrific experience and a shining example of great teamwork.

b. Committee for DV Rules Implementation: Judge Auslander

Judge Auslander outlined the Committee's newly created charge to provide oversight on the implementation and on-going evaluation of the Rules for Mediating Cases Involving Issues of Domestic Violence (the new Rules). The group objectives are to: monitor and participate in the new Rules; collaborate with and provide support to all stakeholders to ensure practical implementation; assist with the development of training for mediators and program staff, as well as education for a number of stakeholders; and review and evaluate the progress of the plan and implementation of these rules.

Judge Auslander noted that the Committee has established a timeline, which includes development of an online screening tool that can be practically implemented and monitored by a sub-committee. The Committee will also update curriculum for domestic violence training and the domestic violence section of the domestic relations training. The training will be developed by September 1, and materials will be provided to trainers for free. The special projects budget has been amended to account for financial needs.

The new Rules will be effective January 1, 2021.

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

Ms. Primm spoke on the importance of preserving the Commission's history and how the History publication tied into celebrating its 25th year. She expressed gratitude for its roots and believes the History will serve as a wonderful educational tool.

Ms. Johnson thanked trainers, ADR court program directors, UGA law school, and all others who provided space and support in making the continuing education events a success. She then turned the reporting over to Karlie Sah.

Ms. Sah summarized two documents provided in the meeting materials: a 25th anniversary cost overview and final analysis. The Commission set out to celebrate by publishing a History of the Commission and Office, providing free regional CE events to neutrals & stakeholders, and offering scholarships to the 2018 ADR Institute and Neutrals' Conference. The History is a 52 page publication that was sent to 4,223 judges, neutrals, and all other stakeholders. Seven (7) total regional CE events were executed with attendance totaling 450 participants. Participants were provided a survey, which outlined very positive feedback. Survey results are available for review upon request. Finally, deviation was made to the ADR Institute scholarships, whereas the Office instead provided five (5) GODR Registration fee waivers- valued at \$125 each- to randomly-chosen participants onsite (or at a remote live location).

The total amount budgeted for all commemorative events was \$25,000, and the final cost was \$23,933.71 (under budget by \$1,066.29). A portion of the remaining amount was allocated toward a retractable banner that will be used at future events.

V. Director's Report: Ms. Johnson

a. Data Collection: Mr. Jeffrey Thorpe

Materials were provided in the meeting binder. A map of programs and type of court was also provided with the materials for reference.

Mr. Thorpe shared that 26 programs reported data for 2017. This number is underrepresented, as some programs reporter under an umbrella (e.g. Fulton County). The original timeline was extended to allow for increased submission.

Since the traditional excel format has been eliminated, submissions were performed electronically and covered two generalized case categories: civil and criminal. A total of 25,631 civil cases referred to mediation or arbitration yielded 43% (12,771) reaching full agreement. A total of 915 criminal cases (mainly juvenile delinquency cases) yielded 77% (729) reaching full agreement.

The Office is currently collecting data from 2018, and reporting is open from January 17 through March 15.

Brief discussion clarified data points, and Mr. Thorpe outlined how the ADR process is defined in reporting. The Office hopes to expand generalized reporting categories into more detailed categories in upcoming reporting years.

b. 2017 Registration Renewal Update:

The first renewal notice was sent to registered neutrals on October 1. Six (6) total reminders were sent over the renewal period. In total, 2099 neutrals renewed on time – 45 more than last renewal period. Total on-time renewals continue to increase annually. The late renewal period is open until April 30; 85 total late renewals have been received as of February 12. A total of 239 neutrals were changed to archived status on January 1, which is down 68 from 2017.

Like last year, an optional experiential survey is available to those who complete the registration renewal period. The 2018 survey will close on April 30.

c. 2018-20 Project List:

An updated copy of the Office project list was provided with the meeting materials. Ms. Johnson briefly went over the updated status for each project, as outlined on the document. Suggestion was made that the Office expand the Social Media project by starting a Twitter account and link to the new website (another item on the project list)

Ms. Johnson also thanked program directors, Commission members, and AOC staff for participating in the 2018 ADR Program Directors' Conference.

d. Past and Upcoming Events:

1. 2018 ADR Institute: December 7
 - i. The conference was provided in person at the State Bar of Georgia in Atlanta, at the State Bar offices in Savannah and Tifton, and via webstream. Total attendance was over 300 persons.
 - ii. Former Commission member and current training & Committee for DV Rules Implementation member Raye Rawls received the Harold G. Clarke award for her outstanding contributions to the field.
2. ABA Dispute Resolution Spring Conference: April 10-13
 - i. Ms. Johnson is a presenter, Ms. Sahs will attend
3. 2019 Southeast Conference on Conflict Management: May 16
 - i. Ms. Johnson is a presenter
4. AFCC Conference: May 29-June 1
 - i. Ms. Johnson will present on the new DV rules, along with Raye Rawls and Dr. Susan Raines

VI. Chairman's Report: Judge Auslander

a. FY2020 Budget Considerations

1. Judge Auslander noted that the Budget Committee is working on the budget for FY2020. Ms. Johnson recommended a position title change for Ms. Sahs in order to better align her responsibilities with her role. Ms. Primm, Ms. Heard, Mr. Hedeem, Ms. Johnson, and Stephanie Hines of the AOC will review the position and create a new job description that will be completed by the beginning of April and brought to the Budget Committee for consideration at the May 8 meeting.
2. The Office is working to develop a case management system for the ADR court programs. Cost is unknown at this time, but solutions are being explored and will be presented to the Commission at the May 8 meeting.
3. Other initiatives also require additional funding, including the work of the Committee for Domestic Violence Rules Implementation, additional continuing education events, and the annual ADR Program Directors' Conference. Judge Auslander noted the Commission's ongoing awareness of fund surplus and its role in planning projects. He also outlined a letter from Conference attendee John Paul Berlon, which explains how beneficial he finds the conference to the programs and

showcases the opportunity of the Commission to support the court programs. A copy of the letter was provided in the meeting materials.

VII. New Business

a. Amendment to FY2019 Special Projects Budget

1. The Committee for DV Rules Implementation will be working with UGA's J.W. Fanning Institute to develop best practices and new training curriculum for the 12-hour specialized domestic violence training, the 2-hour domestic violence portion of the domestic relations training, and a supplemental update to those who are already registered in those categories. This will be completed by September 1. The Commission will have ownership of all materials created, allowing for free training and materials to stakeholders. Ms. Rawls and Dr. Susan Raines will be contracted for the undertaking for \$15,000.
2. Ms. Johnson reported that, in light of the 2018 success, the Office wishes to offer additional continuing education to neutrals in 2019. One (1) event will be held prior to June 30. Considerations were shared regarding conflict with trainers, but support was granted to hold prior to the renewal period. Additional funds in the amount of \$1500 have been requested.
3. Additional travel funds were requested for the Office to attend conferences out of state. This travel aligns with research that will aid tier 1 projects.
4. The full amount requested to amend the FY2019 special projects budget was \$23,000. Motion was made by the Budget Committee, without a second needed. All Commission members present voted in favor. Justice Blackwell abstained.

b. Format for meeting materials

1. The Office noted that printing materials can be costly and logistically challenging. Judge Auslander presented options to the group to receive meeting materials in different formats: electronically via members' devices, printed for all members, or printed – by request only. Mr. Thorpe will create a survey that will be sent to members to mark their preference.

c. Conflict of Interest forms

1. The required 2019 Conflict of Interest form was provided to members in the meeting materials. They were asked to complete and submit to the Office.

VIII. Old Business

There was no old business to report.

IX. Recognition of Retiring Members Stefani Lacour and Vjollca Young: Judge Auslander

Ms. Lacour and Ms. Young were recognized for their service to the Commission. Ms. Lacour served the Commission since 2014, sitting on the Training & Credentials and ADR Court Program Liaison Committees. Ms. Young served the Commission since 2012, sitting on both the Ethics and ADR Court Program Liaison Committees. Ms. Young was present at the meeting, and Judge Auslander relayed commendation for her consistency and ongoing advocacy for fairness.

X. Swearing-In of New Commission Members: Justice Keith R. Blackwell

Justice Blackwell administered the oaths to Judge Jane C. Barwick as the Commission's new Chair and Nicole W. Hull, Esq; Judge Renata Turner; and Randall (Randy) Weiland as new Commission members.

XI. Upcoming Commission Dates: May 8, August 21, November 6

The next meeting is scheduled for May 8, at 2:00 p.m. in Room #1 at the State Bar of Georgia.

XII. Adjournment

Immediately following her swearing-in, and as her first order of business, new chair Judge Jane C. Barwick executed a tribute to Judge Auslander's service to close out the meeting. The meeting-ending tribute began at approximately 3:30 P.M., followed by a short reception.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email March 5, 2019]



New Commission members sworn in by Justice Keith R. Blackwell. From left to right: Justice Blackwell; Judge Renata Turner; Nicole W. Hull, Esq.; and Randall (Randy) Weiland.



The Commission Recognized Outgoing Member Vjollca Prioni Young, LL.M. for her service. Pictured (L-R): Judge Charles E. Auslander, III; Tracy B. Johnson; Vjollca Prioni Young, LL.M.; Judge Jane C. Barwick; and Justice Keith R. Blackwell



New Commission Chair sworn in by Justice Keith R. Blackwell. Pictured (L-R): Justice Blackwell and Judge C. Barwick.