



Georgia Commission on Dispute Resolution Meeting

Wednesday, January 31, 2018, 2-4 PM*

Open meeting begins 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.)
- III. Introductions
- IV. Swearing-In of New Commission Members Judge M. Cindy Morris and Herbert (Hal) Gray, III: Justice Britt C. Grant
- V. Meeting Minutes from November 8, 2017: Approved via email
- VI. 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.
- VII. Special Committee Report:
 - Joint Working Group on Mediation Legislation in Georgia: Ms. Mary Donovan, Esq.
 - Guidelines for mediating cases with domestic violence: Ms. Tracy B. Johnson
 - 25th Anniversary Ad-Hoc Committee: Ms. Edith B. Primm, Esq.
- VIII. Director's Report: Ms. Johnson
 - 2017 Program Directors' Conference
 - ADR Institute
 - Registration Renewal update
 - Juvenile Court ADR Programs
 - Registrar Update: New Trainer Component
 - 2016 Data Collection
- IX. Chairman's Report: Judge Auslander
 - Strategic Plan update
 - New Committee roster
 - Meeting reminders
- X. 2018 Commission Dates: May 9, August 22, November 13
- XI. Old Business
- XII. Adjournment

Next Meeting Date: May 9, 2018



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, January 31, 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; Justice Britt C. Grant; Herbert H. (Hal) Gray, III, Esq.; Timothy Hedeem, Ph.D.; Judge M. Cindy Morris; and Edith B. Primm, Esq. Stefani R. Lacour, Esq. participated by phone.

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

JC/AOC staff members present were: Cynthia Clanton, Esq., Executive Director; Jessica Farah, Esq., Assistant Director; Alison Lerner, Esq., Legal Compliance Officer; and Jeffrey Thorpe, Research Analyst

Guests present were: Patti Anderson, Cobb County Superior Court ADR Program; Stacey L. Mitchener, Esq.; and Jerry Wood, Fulton County ADR Program. Rita Carroll, Carroll County ADR Program; Constance (Connie) Hawkins, DeKalb County Juvenile Court Mediation Program; Linda McClellan, Tenth Judicial Administrative 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. The Commission immediately went into Executive Session.

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

III. Introductions

Judge Auslander welcomed and introduced new Commission members Herbert H. (Hal) Gray, III, Esq. and Judge M. Cindy Morris. He also announced Judge Jane C. Barwick as the Commission's new Chair Elect.

Members and guests introduced themselves.

IV. Swearing-In of New Commission Members: Justice Britt C. Grant

Justice Grant administered the oaths to Judge Jane C. Barwick as the Commission's as Chair-Elect and Judge M. Cindy Morris and Herbert (Hal) Gray, III, Esq. as new Commission members.

V. Minutes

The minutes of the November 8th Commission meeting were approved prior to the meeting via e-mail vote on November 30, 2017.

VI. Standing Committee Reports:

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

Budget and Personnel Committee matters were discussed during the Executive Session. Judge Fuller provided a brief overview of those items, first explaining any percentage outliers and then concluding that budget matters are in order.

b. Ethics Committee: Judge Jane C. Barwick

Judge Barwick is the new Committee chair. She reported the Office has two complaints against neutrals pending. One will be set for a hearing in late February or March, and the other is currently under preliminary review. The Office also has three pending registration/renewal issues at this time. One has been remanded by the Commission back to the Committee for further review, and the other two are under preliminary review.

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

On behalf of Ms. Heard, Dr. Timothy Hedeem reported that the Committee had one appeal which was denied.

Dr. Hedeem further briefed the Commission on the Committee's continued focus on reviewing and revising Appendix B. The Committee is currently working on proposed revisions to domestic relations and early neutral evaluation, and will address arbitration at their next meeting.

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

Mr. Chadwick reported there are no issues currently before the Committee. He also shared that three Commission members had agreed to join the committee: Ms. Stefani Lacour, Ms. Vjollca Prroni Young, and Mr. Hal Gray.

The Committee has been asked to review the 2017 survey of inactive and archived neutrals. As such, the Committee will be convening soon and will make any recommendations to the Commission at the May meeting.

VII. Special Committee Report:

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

Ms. Donovan reported on the joint working group studying the potential enactment of the Uniform Mediation Act (UMA) in Georgia, and how the act may compliment or contrast with Georgia's ADR rules. The group has met four times between August and the present, focusing on the following topics: mediation privilege, disclosure, adoption of United Nations Commission on International Trade Law (UNCITRAL) arbitration for foreign parties, and the scope of proceedings.

The group determined that the UMA compliments courts in states that have developed additional rules, meaning there has not been a conflict found. The group also believes it will help expand mediation practice in Georgia. They are still in the process of reaching out to stakeholders, and are planning an upcoming meeting with Commission Chairman Judge Auslander to share findings.

There was brief discussion among Commission members, and it was determined that, so far, nothing has been found that would conflict with Georgia rules. Any proposed legislation would first be approved by the Commission and Supreme Court and then submitted to the Judicial Council.

b. Guidelines for mediating cases with domestic violence: Tracy B. Johnson

Ms. Johnson updated the Commission on the joint effort with the Georgia Commission on Family Violence (GCFV) to revise the guidelines for mediating cases with domestic violence. The revised draft was presented to the program directors at the conference in November. The working group plans to meet in February to discuss the feedback received.

Judge Auslander noted both Commissions will receive the revised guidelines once the revisions have been fully vetted by the program directors.

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

The Committee (composed of Ms. Primm; Ms. Donovan; former GODR directors Ansley Barton and Shinji Morokuma; ADR program directors Larry Harton and Kathleen Sterne; Mediation Center director Jill Cheeks; and JCA Director of Operations Suzanne Poplin and Mediator/Trainer Elmer Goble) recently met via conference call in early January to discuss ways to celebrate the Commission's 25th Anniversary.

The goal was to find options that would have the greatest impact for Georgia's stakeholders.

Of the four options presented, the preferred two options were: (1) Free regional CE events sponsored by the Commission, and (2) Publication and dissemination of The History of ADR in Georgia.

Commission members discussed the Committee's initiatives and asked Ms. Johnson to prepare a proposed budget for the recommendations for the Budget and Personnel Committee's consideration.

Note: The Supreme Court Order adopting the ADR Rules, including the creation of CODR and GODR was filed on January 27, 1993.

Ms. Karlie Sahs designed a proposed anniversary seal, which was presented to Commission members.

VIII. Director's Report: Tracy B. Johnson

a. 2017 Program Directors' Conference:

1. Ms. Johnson reported that the 2017 Program Directors' Conference was well received. There were 29 attendees. The original dates were rescheduled due to the hurricane, which allowed for more members to attend.
2. The final cost of hosting the conference was \$16,961.32, approximately \$216 under budget.
3. The post-conference survey netted overall positive feedback. A copy of the survey results was provided in the meeting materials.
4. Ms. Johnson thanked program representatives and Commission members Judge Auslander, Mr. Chadwick, and Ms. Donovan for attending, as well as Dr. Heedeem for presenting and Ms. Sahs and Jeffrey Thorpe for planning support. The 2018 Program Directors' Conference is planned for September 19-21 in Athens.

b. ADR Institute:

1. The 2017 ADR Institute and Neutrals' Conference was held on December 8 at the State Bar of Georgia. In all, the event drew in a record breaking 288 attendees, including 47 at remote and web locations: Tifton (7), Savannah (11), and live web stream (29).
2. Mr. R. Wayne Thorpe, Esq., received the 4th Annual Harold G. Clarke Award for his outstanding contributions to the field.

c. Registration Renewal Update:

1. The recent registration renewal season opened for neutrals on October 13, 2017. Neutrals received a renewal notice at the time of opening, as well as six (6) subsequent reminders. In all, 2,054 neutrals registered on time (1,629 in 2016 and 1,561 in 2015). At the close of the calendar year, 307 neutrals were archived.
2. A total of 2,273 neutrals are now registered with the Office (1,833 total in 2016 and 1,561 total in 2015).
3. The enhanced Registrar system includes an integrated survey for registrants. Of the renewals thus far, 85% or more took less time to renew, found the process user-friendly, and were satisfied or highly satisfied with the renewal process. Of renewal registrants, 88% also noted they are satisfied or highly satisfied overall with GODR. Final results of the survey will be available at the next Commission meeting.

d. Juvenile Court ADR Programs:

1. Ms. Johnson has been working with Juvenile Courts to expand the use of mediation. On December 12, Ms. Johnson and Lynn Goldman met with Clayton County Juvenile Court Judge Teske, program director Dierdre Fluker, and court administrator Colin Slay. She has also had conversations with those Juvenile Court Programs in the Western and Rome Judicial Circuits.

e. Registrar Update: New Trainer Component:

1. The Registrar system is undergoing another enhancement to add a trainer component. This will allow trainers to electronically upload training materials and submit training fees. The enhancement will also allow the Office to process applications efficiently and monitor the training renewal process. The Office will begin the renewal process in the spring, starting with general civil trainings.

f. 2016 Data Collection:

1. From December 1, 2017 through January 31, 2018, the Office collected data from the 2016 calendar year from court programs through a new online portal. The portal allows court programs to electronically self-report their data. At the time of the meeting, 22 programs had reported their data. Data collection for the year 2017 will begin in April. Ms. Johnson thanked the programs for their patience and cooperation with the new process.

IX. Chairman's Report: Judge Auslander

a. Strategic Plan Update

1. Judge Auslander reported that he had asked Ms. Johnson to prepare a list of all current and potential projects for the Office. He suggested that the Commission review the strategy map and determine how to align these identified items as well as other potential projects with the plan's objectives and initiatives. As such, he asked Commission members to attend a strategic planning session prior to the regularly scheduled Commission meeting in May. Materials will go out prior to the meeting.

b. New Committee Roster

1. Judge Auslander briefly reviewed the new committee appointments. A revised list of committee members was provided in the meeting materials.

c. Meeting Reminders

1. Judge Auslander advised that the meeting set for November 13 is on a Tuesday, instead of the regular Wednesday dates. Members discussed calendar meeting reminders, which will be populated by Ms. Johnson.

X. 2018 Commission Dates: May 9, August 22, November 13

The next meeting is scheduled for May 9, at 2:00 p.m. in Room #1 at the State Bar of Georgia. The strategic planning meeting will begin at 9:30 a.m.

XI. Old Business

There was no old business to report.

XII. Adjournment

Judge Auslander moved to adjourn the meeting. Mr. Chadwick made the motion to adjourn, and Dr. Hedeem seconded his motion. All were in favor and the meeting ended at approximately 3:43 P.M.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email February 15, 2018]



New Commission members sworn in by Justice Britt C. Grant. From left to right: Chair Elect Judge Jane C. Barwick; Judge M. Cindy Morris; Justice Britt C. Grant; Herbert (Hal) Gray, III, Esq.